

1 AN ACT to revise the law by combining multiple enactments  
2 and making technical corrections.

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

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2002 General  
7 Revisory Act.

8 (b) This Act is not intended to make any substantive  
9 change in the law. It reconciles conflicts that have arisen  
10 from multiple amendments and enactments and makes technical  
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers  
13 certain Sections that have been added or amended by more than  
14 one Public Act. In certain cases in which a repealed Act or  
15 Section has been replaced with a successor law, this Act  
16 incorporates amendments to the repealed Act or Section into  
17 the successor law. This Act also corrects errors, revises  
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each  
20 amended Section indicates the sources in the Session Laws of  
21 Illinois that were used in the preparation of the text of  
22 that Section. The text of the Section included in this Act  
23 is intended to reconcile the different versions of the  
24 Section found in the Public Acts included in the list of  
25 sources, but may not include other versions of the Section to  
26 be found in Public Acts not included in the list of sources.  
27 The list of sources is not a part of the text of the Section.

28 (d) Public Acts 91-937 through 92-520 were considered in  
29 the preparation of the combining revisories included in this  
30 Act. Many of those combining revisories contain no striking  
31 or underscoring because no additional changes are being made  
32 in the material that is being combined.

1 Section 4. The Regulatory Sunset Act is amended by  
2 changing Sections 4.13 and 4.22 as follows:

3 (5 ILCS 80/4.13) (from Ch. 127, par. 1904.13)

4 Sec. 4.13. Acts repealed on December 31, 2002. The  
5 following Acts are repealed on December 31, 2002:

6 The Environmental Health Practitioner Licensing Act.

7 The Naprapathic Practice Act.

8 The Wholesale Drug Distribution Licensing Act.

9 The Dietetic and Nutrition Services Practice Act.

10 The Funeral Directors and Embalmers Licensing Code.

11 The Professional Counselor and Clinical Professional  
12 Counselor Licensing Act.

13 (Source: P.A. 88-45; 89-61, eff. 6-30-95; revised 8-22-01.)

14 (5 ILCS 80/4.22)

15 Sec. 4.22. Acts ~~Act~~ repealed on January 1, 2012. The  
16 following Acts are ~~Act-is~~ repealed on January 1, 2012:-

17 The Detection of Deception Examiners Act.

18 The Home Inspector License Act.

19 The Interior Design Title Act.

20 The Professional Boxing Act.

21 The Real Estate Appraiser ~~Appraisers~~ Licensing Act of  
22 2002.

23 The Water Well and Pump Installation Contractor's License  
24 Act.

25 (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;  
26 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff.  
27 1-1-02; 92-500, eff. 12-18-01; revised 12-26-01.)

28 (5 ILCS 80/4.12 rep.) (from Ch. 127, par. 1904.12)

29 Section. 5. The Regulatory Sunset Act is amended by  
30 repealing Section 4.12.

1           Section 6. The Illinois Administrative Procedure Act is  
2 amended by renumbering Section 90 (as added by P.A. 92-405)  
3 as follows:

4           (5 ILCS 100/1-90)

5           Sec. 1-90. ~~90~~. Rulemaking.

6           (a) "Rulemaking" means the process and required  
7 documentation for the adoption of Illinois Administrative  
8 Code text.

9           (b) Required documentation.

10           (1) At the time of original proposal, rulemaking  
11 documentation must consist of a notice page and new,  
12 amendatory, or repealed text. New, repealed, and  
13 amendatory text must be depicted in the manner required  
14 by Secretary of State rule. Amendatory rulemakings must  
15 indicate text deletion by striking through all text that  
16 is to be omitted and must indicate text addition by  
17 underlining all new text.

18           (2) At the time of adoption, documentation must  
19 also include pages indicating the text of the new rule,  
20 without striking and underlining, for inclusion in the  
21 official Secretary of State records, the certification  
22 required under Section 5-65(a), and any additional  
23 documentation required by Secretary of State rule.

24           (3) For a required rulemaking adopted under Section  
25 5-15, an emergency rulemaking under Section 5-45, or a  
26 peremptory rulemaking under Section 5-50, the  
27 documentation requirements of paragraphs (b)(1) and (2)  
28 of this Section apply at the time of adoption.

29           (c) "Background text" means existing text of the  
30 Illinois Administrative Code that is part of a rulemaking but  
31 is not being amended by the rulemaking. Background text in  
32 rulemaking documentation shall match the current text of the  
33 Illinois Administrative Code.

1 (d) No material that was originally proposed in one  
 2 rulemaking may be combined with another proposed rulemaking  
 3 that was initially published without that material. However,  
 4 this does not preclude separate rulemakings from being  
 5 combined for publication at the time of adoption as  
 6 authorized by Secretary of State rule.

7 (Source: P.A. 92-405, eff. 8-16-01; revised 8-21-01.)

8 Section 7. The Freedom of Information Act is amended by  
 9 changing Sections 2 and 7 as follows:

10 (5 ILCS 140/2) (from Ch. 116, par. 202)

11 Sec. 2. Definitions. As used in this Act:

12 (a) "Public body" means any legislative, executive,  
 13 administrative, or advisory bodies of the State, state  
 14 universities and colleges, counties, townships, cities,  
 15 villages, incorporated towns, school districts and all other  
 16 municipal corporations, boards, bureaus, committees, or  
 17 commissions of this State, and any subsidiary bodies of any  
 18 of the foregoing including but not limited to committees and  
 19 subcommittees which are supported in whole or in part by tax  
 20 revenue, or which expend tax revenue. "Public body" does not  
 21 include a child death review team or the Illinois Child Death  
 22 Review Teams Executive Council established under the Child  
 23 Death Review Team Act.

24 (b) "Person" means any individual, corporation,  
 25 partnership, firm, organization or association, acting  
 26 individually or as a group.

27 (c) "Public records" means all records, reports, forms,  
 28 writings, letters, memoranda, books, papers, maps,  
 29 photographs, microfilms, cards, tapes, recordings, electronic  
 30 data processing records, recorded information and all other  
 31 documentary materials, regardless of physical form or  
 32 characteristics, having been prepared, or having been or

1 being used, received, possessed or under the control of any  
2 public body. "Public records" includes, but is expressly not  
3 limited to: (i) administrative manuals, procedural rules,  
4 and instructions to staff, unless exempted by Section 7(p) of  
5 this Act; (ii) final opinions and orders made in the  
6 adjudication of cases, except an educational institution's  
7 adjudication of student or employee grievance or disciplinary  
8 cases; (iii) substantive rules; (iv) statements and  
9 interpretations of policy which have been adopted by a public  
10 body; (v) final planning policies, recommendations, and  
11 decisions; (vi) factual reports, inspection reports, and  
12 studies whether prepared by or for the public body; (vii) all  
13 information in any account, voucher, or contract dealing with  
14 the receipt or expenditure of public or other funds of public  
15 bodies; (viii) the names, salaries, titles, and dates of  
16 employment of all employees and officers of public bodies;  
17 (ix) materials containing opinions concerning the rights of  
18 the state, the public, a subdivision of state or a local  
19 government, or of any private persons; (x) the name of every  
20 official and the final records of voting in all proceedings  
21 of public bodies; (xi) applications for any contract, permit,  
22 grant, or agreement except as exempted from disclosure by  
23 subsection (g) of Section 7 of this Act; (xii) each report,  
24 document, study, or publication prepared by independent  
25 consultants or other independent contractors for the public  
26 body; (xiii) all other information required by law to be made  
27 available for public inspection or copying; (xiv) information  
28 relating to any grant or contract made by or between a public  
29 body and another public body or private organization; (xv)  
30 waiver documents filed with the State Superintendent of  
31 Education or the president of the University of Illinois  
32 under Section 30-12.5 of the School Code, concerning nominees  
33 for General Assembly scholarships under Sections 30-9, 30-10,  
34 and 30-11 of the School Code; (xvi) complaints, results of

1 complaints, and Department of Children and Family Services  
2 staff findings of licensing violations at day care  
3 facilities, provided that personal and identifying  
4 information is not released; and (xvii) records, reports,  
5 forms, writings, letters, memoranda, books, papers, and other  
6 documentary information, regardless of physical form or  
7 characteristics, having been prepared, or having been or  
8 being used, received, possessed, or under the control of the  
9 Illinois Sports Facilities Authority dealing with the receipt  
10 or expenditure of public funds or other funds of the  
11 Authority in connection with the reconstruction, renovation,  
12 remodeling, extension, or improvement of all or substantially  
13 all of an existing "facility" as that term is defined in the  
14 Illinois Sports Facilities Authority Act.

15 (d) "Copying" means the reproduction of any public  
16 record by means of any photographic, electronic, mechanical  
17 or other process, device or means.

18 (e) "Head of the public body" means the president,  
19 mayor, chairman, presiding officer, director, superintendent,  
20 manager, supervisor or individual otherwise holding primary  
21 executive and administrative authority for the public body,  
22 or such person's duly authorized designee.

23 (f) "News media" means a newspaper or other periodical  
24 issued at regular intervals whether in print or electronic  
25 format, a news service whether in print or electronic format,  
26 a radio station, a television station, a television network,  
27 a community antenna television service, or a person or  
28 corporation engaged in making news reels or other motion  
29 picture news for public showing.

30 (Source: P.A. 91-935, eff. 6-1-01; 92-335, eff. 8-10-01;  
31 92-468, eff. 8-22-01; revised 10-10-01.)

32 (5 ILCS 140/7) (from Ch. 116, par. 207)

33 Sec. 7. Exemptions.

1           (1) The following shall be exempt from inspection and  
2 copying:

3           (a) Information specifically prohibited from  
4 disclosure by federal or State law or rules and  
5 regulations adopted under federal or State law.

6           (b) Information that, if disclosed, would  
7 constitute a clearly unwarranted invasion of personal  
8 privacy, unless the disclosure is consented to in writing  
9 by the individual subjects of the information. The  
10 disclosure of information that bears on the public duties  
11 of public employees and officials shall not be considered  
12 an invasion of personal privacy. Information exempted  
13 under this subsection (b) shall include but is not  
14 limited to:

15           (i) files and personal information maintained  
16 with respect to clients, patients, residents,  
17 students or other individuals receiving social,  
18 medical, educational, vocational, financial,  
19 supervisory or custodial care or services directly  
20 or indirectly from federal agencies or public  
21 bodies;

22           (ii) personnel files and personal information  
23 maintained with respect to employees, appointees or  
24 elected officials of any public body or applicants  
25 for those positions;

26           (iii) files and personal information  
27 maintained with respect to any applicant, registrant  
28 or licensee by any public body cooperating with or  
29 engaged in professional or occupational  
30 registration, licensure or discipline;

31           (iv) information required of any taxpayer in  
32 connection with the assessment or collection of any  
33 tax unless disclosure is otherwise required by State  
34 statute; and

1           (v) information revealing the identity of  
2 persons who file complaints with or provide  
3 information to administrative, investigative, law  
4 enforcement or penal agencies; provided, however,  
5 that identification of witnesses to traffic  
6 accidents, traffic accident reports, and rescue  
7 reports may be provided by agencies of local  
8 government, except in a case for which a criminal  
9 investigation is ongoing, without constituting a  
10 clearly unwarranted per se invasion of personal  
11 privacy under this subsection.

12           (c) Records compiled by any public body for  
13 administrative enforcement proceedings and any law  
14 enforcement or correctional agency for law enforcement  
15 purposes or for internal matters of a public body, but  
16 only to the extent that disclosure would:

17           (i) interfere with pending or actually and  
18 reasonably contemplated law enforcement proceedings  
19 conducted by any law enforcement or correctional  
20 agency;

21           (ii) interfere with pending administrative  
22 enforcement proceedings conducted by any public  
23 body;

24           (iii) deprive a person of a fair trial or an  
25 impartial hearing;

26           (iv) unavoidably disclose the identity of a  
27 confidential source or confidential information  
28 furnished only by the confidential source;

29           (v) disclose unique or specialized  
30 investigative techniques other than those generally  
31 used and known or disclose internal documents of  
32 correctional agencies related to detection,  
33 observation or investigation of incidents of crime  
34 or misconduct;

1           (vi) constitute an invasion of personal  
2           privacy under subsection (b) of this Section;

3           (vii) endanger the life or physical safety of  
4           law enforcement personnel or any other person; or

5           (viii) obstruct an ongoing criminal  
6           investigation.

7           (d) Criminal history record information maintained  
8           by State or local criminal justice agencies, except the  
9           following which shall be open for public inspection and  
10          copying:

11           (i) chronologically maintained arrest  
12          information, such as traditional arrest logs or  
13          blotters;

14           (ii) the name of a person in the custody of a  
15          law enforcement agency and the charges for which  
16          that person is being held;

17           (iii) court records that are public;

18           (iv) records that are otherwise available  
19          under State or local law; or

20           (v) records in which the requesting party is  
21          the individual identified, except as provided under  
22          part (vii) of paragraph (c) of subsection (1) of  
23          this Section.

24          "Criminal history record information" means data  
25          identifiable to an individual and consisting of  
26          descriptions or notations of arrests, detentions,  
27          indictments, informations, pre-trial proceedings, trials,  
28          or other formal events in the criminal justice system or  
29          descriptions or notations of criminal charges (including  
30          criminal violations of local municipal ordinances) and  
31          the nature of any disposition arising therefrom,  
32          including sentencing, court or correctional supervision,  
33          rehabilitation and release. The term does not apply to  
34          statistical records and reports in which individuals are

1 not identified and from which their identities are not  
2 ascertainable, or to information that is for criminal  
3 investigative or intelligence purposes.

4 (e) Records that relate to or affect the security  
5 of correctional institutions and detention facilities.

6 (f) Preliminary drafts, notes, recommendations,  
7 memoranda and other records in which opinions are  
8 expressed, or policies or actions are formulated, except  
9 that a specific record or relevant portion of a record  
10 shall not be exempt when the record is publicly cited and  
11 identified by the head of the public body. The exemption  
12 provided in this paragraph (f) extends to all those  
13 records of officers and agencies of the General Assembly  
14 that pertain to the preparation of legislative documents.

15 (g) Trade secrets and commercial or financial  
16 information obtained from a person or business where the  
17 trade secrets or information are proprietary, privileged  
18 or confidential, or where disclosure of the trade secrets  
19 or information may cause competitive harm, including all  
20 information determined to be confidential under Section  
21 4002 of the Technology Advancement and Development Act.  
22 Nothing contained in this paragraph (g) shall be  
23 construed to prevent a person or business from consenting  
24 to disclosure.

25 (h) Proposals and bids for any contract, grant, or  
26 agreement, including information which if it were  
27 disclosed would frustrate procurement or give an  
28 advantage to any person proposing to enter into a  
29 contractor agreement with the body, until an award or  
30 final selection is made. Information prepared by or for  
31 the body in preparation of a bid solicitation shall be  
32 exempt until an award or final selection is made.

33 (i) Valuable formulae, computer graphic systems,  
34 designs, drawings and research data obtained or produced

1 by any public body when disclosure could reasonably be  
2 expected to produce private gain or public loss.

3 (j) Test questions, scoring keys and other  
4 examination data used to administer an academic  
5 examination or determined the qualifications of an  
6 applicant for a license or employment.

7 (k) Architects' plans and engineers' technical  
8 submissions for projects not constructed or developed in  
9 whole or in part with public funds and for projects  
10 constructed or developed with public funds, to the extent  
11 that disclosure would compromise security.

12 (l) Library circulation and order records  
13 identifying library users with specific materials.

14 (m) Minutes of meetings of public bodies closed to  
15 the public as provided in the Open Meetings Act until the  
16 public body makes the minutes available to the public  
17 under Section 2.06 of the Open Meetings Act.

18 (n) Communications between a public body and an  
19 attorney or auditor representing the public body that  
20 would not be subject to discovery in litigation, and  
21 materials prepared or compiled by or for a public body in  
22 anticipation of a criminal, civil or administrative  
23 proceeding upon the request of an attorney advising the  
24 public body, and materials prepared or compiled with  
25 respect to internal audits of public bodies.

26 (o) Information received by a primary or secondary  
27 school, college or university under its procedures for  
28 the evaluation of faculty members by their academic  
29 peers.

30 (p) Administrative or technical information  
31 associated with automated data processing operations,  
32 including but not limited to software, operating  
33 protocols, computer program abstracts, file layouts,  
34 source listings, object modules, load modules, user

1 guides, documentation pertaining to all logical and  
2 physical design of computerized systems, employee  
3 manuals, and any other information that, if disclosed,  
4 would jeopardize the security of the system or its data  
5 or the security of materials exempt under this Section.

6 (q) Documents or materials relating to collective  
7 negotiating matters between public bodies and their  
8 employees or representatives, except that any final  
9 contract or agreement shall be subject to inspection and  
10 copying.

11 (r) Drafts, notes, recommendations and memoranda  
12 pertaining to the financing and marketing transactions of  
13 the public body. The records of ownership, registration,  
14 transfer, and exchange of municipal debt obligations, and  
15 of persons to whom payment with respect to these  
16 obligations is made.

17 (s) The records, documents and information relating  
18 to real estate purchase negotiations until those  
19 negotiations have been completed or otherwise terminated.  
20 With regard to a parcel involved in a pending or actually  
21 and reasonably contemplated eminent domain proceeding  
22 under Article VII of the Code of Civil Procedure,  
23 records, documents and information relating to that  
24 parcel shall be exempt except as may be allowed under  
25 discovery rules adopted by the Illinois Supreme Court.  
26 The records, documents and information relating to a real  
27 estate sale shall be exempt until a sale is consummated.

28 (t) Any and all proprietary information and records  
29 related to the operation of an intergovernmental risk  
30 management association or self-insurance pool or jointly  
31 self-administered health and accident cooperative or  
32 pool.

33 (u) Information concerning a university's  
34 adjudication of student or employee grievance or

1 disciplinary cases, to the extent that disclosure would  
2 reveal the identity of the student or employee and  
3 information concerning any public body's adjudication of  
4 student or employee grievances or disciplinary cases,  
5 except for the final outcome of the cases.

6 (v) Course materials or research materials used by  
7 faculty members.

8 (w) Information related solely to the internal  
9 personnel rules and practices of a public body.

10 (x) Information contained in or related to  
11 examination, operating, or condition reports prepared by,  
12 on behalf of, or for the use of a public body responsible  
13 for the regulation or supervision of financial  
14 institutions or insurance companies, unless disclosure is  
15 otherwise required by State law.

16 (y) Information the disclosure of which is  
17 restricted under Section 5-108 of the Public Utilities  
18 Act.

19 (z) Manuals or instruction to staff that relate to  
20 establishment or collection of liability for any State  
21 tax or that relate to investigations by a public body to  
22 determine violation of any criminal law.

23 (aa) Applications, related documents, and medical  
24 records received by the Experimental Organ  
25 Transplantation Procedures Board and any and all  
26 documents or other records prepared by the Experimental  
27 Organ Transplantation Procedures Board or its staff  
28 relating to applications it has received.

29 (bb) Insurance or self insurance (including any  
30 intergovernmental risk management association or self  
31 insurance pool) claims, loss or risk management  
32 information, records, data, advice or communications.

33 (cc) Information and records held by the Department  
34 of Public Health and its authorized representatives

1 relating to known or suspected cases of sexually  
2 transmissible disease or any information the disclosure  
3 of which is restricted under the Illinois Sexually  
4 Transmissible Disease Control Act.

5 (dd) Information the disclosure of which is  
6 exempted under Section 30 of the Radon Industry Licensing  
7 Act.

8 (ee) Firm performance evaluations under Section 55  
9 of the Architectural, Engineering, and Land Surveying  
10 Qualifications Based Selection Act.

11 (ff) Security portions of system safety program  
12 plans, investigation reports, surveys, schedules, lists,  
13 data, or information compiled, collected, or prepared by  
14 or for the Regional Transportation Authority under  
15 Section 2.11 of the Regional Transportation Authority Act  
16 or the St. Clair County Transit District under the  
17 Bi-State Transit Safety Act.

18 (gg) Information the disclosure of which is  
19 restricted and exempted under Section 50 of the Illinois  
20 Prepaid Tuition Act.

21 (hh) Information the disclosure of which is  
22 exempted under Section 80 of the State Gift Ban Act.

23 (ii) Beginning July 1, 1999, information that would  
24 disclose or might lead to the disclosure of secret or  
25 confidential information, codes, algorithms, programs, or  
26 private keys intended to be used to create electronic or  
27 digital signatures under the Electronic Commerce Security  
28 Act.

29 (jj) Information contained in a local emergency  
30 energy plan submitted to a municipality in accordance  
31 with a local emergency energy plan ordinance that is  
32 adopted under Section 11-21.5-5 of the Illinois Municipal  
33 Code.

34 (kk) Information and data concerning the

1 distribution of surcharge moneys collected and remitted  
2 by wireless carriers under the Wireless Emergency  
3 Telephone Safety Act.

4 (2) This Section does not authorize withholding of  
5 information or limit the availability of records to the  
6 public, except as stated in this Section or otherwise  
7 provided in this Act.

8 (Source: P.A. 91-137, eff. 7-16-99; 91-357, eff. 7-29-99;  
9 91-660, eff. 12-22-99; 92-16, eff. 6-28-01; 92-241, eff.  
10 8-3-01; 92-281, eff. 8-7-01; revised 10-2-01.)

11 Section 8. The State Employees Group Insurance Act of  
12 1971 is amended by changing Section 3 as follows:

13 (5 ILCS 375/3) (from Ch. 127, par. 523)

14 Sec. 3. Definitions. Unless the context otherwise  
15 requires, the following words and phrases as used in this Act  
16 shall have the following meanings. The Department may define  
17 these and other words and phrases separately for the purpose  
18 of implementing specific programs providing benefits under  
19 this Act.

20 (a) "Administrative service organization" means any  
21 person, firm or corporation experienced in the handling of  
22 claims which is fully qualified, financially sound and  
23 capable of meeting the service requirements of a contract of  
24 administration executed with the Department.

25 (b) "Annuitant" means (1) an employee who retires, or  
26 has retired, on or after January 1, 1966 on an immediate  
27 annuity under the provisions of Articles 2, 14, 15 (including  
28 an employee who has retired under the optional retirement  
29 program established under Section 15-158.2), paragraphs (2),  
30 (3), or (5) of Section 16-106, or Article 18 of the Illinois  
31 Pension Code; (2) any person who was receiving group  
32 insurance coverage under this Act as of March 31, 1978 by

1 reason of his status as an annuitant, even though the annuity  
2 in relation to which such coverage was provided is a  
3 proportional annuity based on less than the minimum period of  
4 service required for a retirement annuity in the system  
5 involved; (3) any person not otherwise covered by this Act  
6 who has retired as a participating member under Article 2 of  
7 the Illinois Pension Code but is ineligible for the  
8 retirement annuity under Section 2-119 of the Illinois  
9 Pension Code; (4) the spouse of any person who is receiving a  
10 retirement annuity under Article 18 of the Illinois Pension  
11 Code and who is covered under a group health insurance  
12 program sponsored by a governmental employer other than the  
13 State of Illinois and who has irrevocably elected to waive  
14 his or her coverage under this Act and to have his or her  
15 spouse considered as the "annuitant" under this Act and not  
16 as a "dependent"; or (5) an employee who retires, or has  
17 retired, from a qualified position, as determined according  
18 to rules promulgated by the Director, under a qualified local  
19 government or a qualified rehabilitation facility or a  
20 qualified domestic violence shelter or service. (For  
21 definition of "retired employee", see (p) post).

22 (b-5) "New SERS annuitant" means a person who, on or  
23 after January 1, 1998, becomes an annuitant, as defined in  
24 subsection (b), by virtue of beginning to receive a  
25 retirement annuity under Article 14 of the Illinois Pension  
26 Code, and is eligible to participate in the basic program of  
27 group health benefits provided for annuitants under this Act.

28 (b-6) "New SURS annuitant" means a person who (1) on or  
29 after January 1, 1998, becomes an annuitant, as defined in  
30 subsection (b), by virtue of beginning to receive a  
31 retirement annuity under Article 15 of the Illinois Pension  
32 Code, (2) has not made the election authorized under Section  
33 15-135.1 of the Illinois Pension Code, and (3) is eligible to  
34 participate in the basic program of group health benefits

1 provided for annuitants under this Act.

2 (b-7) "New TRS State annuitant" means a person who, on  
3 or after July 1, 1998, becomes an annuitant, as defined in  
4 subsection (b), by virtue of beginning to receive a  
5 retirement annuity under Article 16 of the Illinois Pension  
6 Code based on service as a teacher as defined in paragraph  
7 (2), (3), or (5) of Section 16-106 of that Code, and is  
8 eligible to participate in the basic program of group health  
9 benefits provided for annuitants under this Act.

10 (c) "Carrier" means (1) an insurance company, a  
11 corporation organized under the Limited Health Service  
12 Organization Act or the Voluntary Health Services Plan Act, a  
13 partnership, or other nongovernmental organization, which is  
14 authorized to do group life or group health insurance  
15 business in Illinois, or (2) the State of Illinois as a  
16 self-insurer.

17 (d) "Compensation" means salary or wages payable on a  
18 regular payroll by the State Treasurer on a warrant of the  
19 State Comptroller out of any State, trust or federal fund, or  
20 by the Governor of the State through a disbursing officer of  
21 the State out of a trust or out of federal funds, or by any  
22 Department out of State, trust, federal or other funds held  
23 by the State Treasurer or the Department, to any person for  
24 personal services currently performed, and ordinary or  
25 accidental disability benefits under Articles 2, 14, 15  
26 (including ordinary or accidental disability benefits under  
27 the optional retirement program established under Section  
28 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or  
29 Article 18 of the Illinois Pension Code, for disability  
30 incurred after January 1, 1966, or benefits payable under the  
31 Workers' Compensation or Occupational Diseases Act or  
32 benefits payable under a sick pay plan established in  
33 accordance with Section 36 of the State Finance Act.  
34 "Compensation" also means salary or wages paid to an employee

1 of any qualified local government or qualified rehabilitation  
2 facility or a qualified domestic violence shelter or service.

3 (e) "Commission" means the State Employees Group  
4 Insurance Advisory Commission authorized by this Act.  
5 Commencing July 1, 1984, "Commission" as used in this Act  
6 means the Illinois Economic and Fiscal Commission as  
7 established by the Legislative Commission Reorganization Act  
8 of 1984.

9 (f) "Contributory", when referred to as contributory  
10 coverage, shall mean optional coverages or benefits elected  
11 by the member toward the cost of which such member makes  
12 contribution, or which are funded in whole or in part through  
13 the acceptance of a reduction in earnings or the foregoing of  
14 an increase in earnings by an employee, as distinguished from  
15 noncontributory coverage or benefits which are paid entirely  
16 by the State of Illinois without reduction of the member's  
17 salary.

18 (g) "Department" means any department, institution,  
19 board, commission, officer, court or any agency of the State  
20 government receiving appropriations and having power to  
21 certify payrolls to the Comptroller authorizing payments of  
22 salary and wages against such appropriations as are made by  
23 the General Assembly from any State fund, or against trust  
24 funds held by the State Treasurer and includes boards of  
25 trustees of the retirement systems created by Articles 2, 14,  
26 15, 16 and 18 of the Illinois Pension Code. "Department"  
27 also includes the Illinois Comprehensive Health Insurance  
28 Board, the Board of Examiners established under the Illinois  
29 Public Accounting Act, and the Illinois Rural Bond Bank.

30 (h) "Dependent", when the term is used in the context of  
31 the health and life plan, means a member's spouse and any  
32 unmarried child (1) from birth to age 19 including an adopted  
33 child, a child who lives with the member from the time of the  
34 filing of a petition for adoption until entry of an order of

1 adoption, a stepchild or recognized child who lives with the  
2 member in a parent-child relationship, or a child who lives  
3 with the member if such member is a court appointed guardian  
4 of the child, or (2) age 19 to 23 enrolled as a full-time  
5 student in any accredited school, financially dependent upon  
6 the member, and eligible to be claimed as a dependent for  
7 income tax purposes, or (3) age 19 or over who is mentally or  
8 physically handicapped. For the health plan only, the term  
9 "dependent" also includes any person enrolled prior to the  
10 effective date of this Section who is dependent upon the  
11 member to the extent that the member may claim such person as  
12 a dependent for income tax deduction purposes; no other such  
13 person may be enrolled. For the health plan only, the term  
14 "dependent" also includes any person who has received after  
15 June 30, 2000 an organ transplant and who is financially  
16 dependent upon the member and eligible to be claimed as a  
17 dependent for income tax purposes.

18 (i) "Director" means the Director of the Illinois  
19 Department of Central Management Services.

20 (j) "Eligibility period" means the period of time a  
21 member has to elect enrollment in programs or to select  
22 benefits without regard to age, sex or health.

23 (k) "Employee" means and includes each officer or  
24 employee in the service of a department who (1) receives his  
25 compensation for service rendered to the department on a  
26 warrant issued pursuant to a payroll certified by a  
27 department or on a warrant or check issued and drawn by a  
28 department upon a trust, federal or other fund or on a  
29 warrant issued pursuant to a payroll certified by an elected  
30 or duly appointed officer of the State or who receives  
31 payment of the performance of personal services on a warrant  
32 issued pursuant to a payroll certified by a Department and  
33 drawn by the Comptroller upon the State Treasurer against  
34 appropriations made by the General Assembly from any fund or

1 against trust funds held by the State Treasurer, and (2) is  
2 employed full-time or part-time in a position normally  
3 requiring actual performance of duty during not less than 1/2  
4 of a normal work period, as established by the Director in  
5 cooperation with each department, except that persons elected  
6 by popular vote will be considered employees during the  
7 entire term for which they are elected regardless of hours  
8 devoted to the service of the State, and (3) except that  
9 "employee" does not include any person who is not eligible by  
10 reason of such person's employment to participate in one of  
11 the State retirement systems under Articles 2, 14, 15 (either  
12 the regular Article 15 system or the optional retirement  
13 program established under Section 15-158.2) or 18, or under  
14 paragraph (2), (3), or (5) of Section 16-106, of the Illinois  
15 Pension Code, but such term does include persons who are  
16 employed during the 6 month qualifying period under Article  
17 14 of the Illinois Pension Code. Such term also includes any  
18 person who (1) after January 1, 1966, is receiving ordinary  
19 or accidental disability benefits under Articles 2, 14, 15  
20 (including ordinary or accidental disability benefits under  
21 the optional retirement program established under Section  
22 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or  
23 Article 18 of the Illinois Pension Code, for disability  
24 incurred after January 1, 1966, (2) receives total permanent  
25 or total temporary disability under the Workers' Compensation  
26 Act or Occupational Disease Act as a result of injuries  
27 sustained or illness contracted in the course of employment  
28 with the State of Illinois, or (3) is not otherwise covered  
29 under this Act and has retired as a participating member  
30 under Article 2 of the Illinois Pension Code but is  
31 ineligible for the retirement annuity under Section 2-119 of  
32 the Illinois Pension Code. However, a person who satisfies  
33 the criteria of the foregoing definition of "employee" except  
34 that such person is made ineligible to participate in the

1 State Universities Retirement System by clause (4) of  
2 subsection (a) of Section 15-107 of the Illinois Pension Code  
3 is also an "employee" for the purposes of this Act.  
4 "Employee" also includes any person receiving or eligible for  
5 benefits under a sick pay plan established in accordance with  
6 Section 36 of the State Finance Act. "Employee" also includes  
7 each officer or employee in the service of a qualified local  
8 government, including persons appointed as trustees of  
9 sanitary districts regardless of hours devoted to the service  
10 of the sanitary district, and each employee in the service of  
11 a qualified rehabilitation facility and each full-time  
12 employee in the service of a qualified domestic violence  
13 shelter or service, as determined according to rules  
14 promulgated by the Director.

15 (l) "Member" means an employee, annuitant, retired  
16 employee or survivor.

17 (m) "Optional coverages or benefits" means those  
18 coverages or benefits available to the member on his or her  
19 voluntary election, and at his or her own expense.

20 (n) "Program" means the group life insurance, health  
21 benefits and other employee benefits designed and contracted  
22 for by the Director under this Act.

23 (o) "Health plan" means a health benefits program  
24 offered by the State of Illinois for persons eligible for the  
25 plan.

26 (p) "Retired employee" means any person who would be an  
27 annuitant as that term is defined herein but for the fact  
28 that such person retired prior to January 1, 1966. Such term  
29 also includes any person formerly employed by the University  
30 of Illinois in the Cooperative Extension Service who would be  
31 an annuitant but for the fact that such person was made  
32 ineligible to participate in the State Universities  
33 Retirement System by clause (4) of subsection (a) of Section  
34 15-107 of the Illinois Pension Code.

1           (q) "Survivor" means a person receiving an annuity as a  
2 survivor of an employee or of an annuitant. "Survivor" also  
3 includes: (1) the surviving dependent of a person who  
4 satisfies the definition of "employee" except that such  
5 person is made ineligible to participate in the State  
6 Universities Retirement System by clause (4) of subsection  
7 (a) of Section 15-107 of the Illinois Pension Code; and (2)  
8 the surviving dependent of any person formerly employed by  
9 the University of Illinois in the Cooperative Extension  
10 Service who would be an annuitant except for the fact that  
11 such person was made ineligible to participate in the State  
12 Universities Retirement System by clause (4) of subsection  
13 (a) of Section 15-107 of the Illinois Pension Code.

14           (q-5) "New SERS survivor" means a survivor, as defined  
15 in subsection (q), whose annuity is paid under Article 14 of  
16 the Illinois Pension Code and is based on the death of (i) an  
17 employee whose death occurs on or after January 1, 1998, or  
18 (ii) a new SERS annuitant as defined in subsection (b-5).

19           (q-6) "New SURS survivor" means a survivor, as defined  
20 in subsection (q), whose annuity is paid under Article 15 of  
21 the Illinois Pension Code and is based on the death of (i) an  
22 employee whose death occurs on or after January 1, 1998, or  
23 (ii) a new SURS annuitant as defined in subsection (b-6).

24           (q-7) "New TRS State survivor" means a survivor, as  
25 defined in subsection (q), whose annuity is paid under  
26 Article 16 of the Illinois Pension Code and is based on the  
27 death of (i) an employee who is a teacher as defined in  
28 paragraph (2), (3), or (5) of Section 16-106 of that Code and  
29 whose death occurs on or after July 1, 1998, or (ii) a new  
30 TRS State annuitant as defined in subsection (b-7).

31           (r) "Medical services" means the services provided  
32 within the scope of their licenses by practitioners in all  
33 categories licensed under the Medical Practice Act of 1987.

34           (s) "Unit of local government" means any county,

1 municipality, township, school district (including a  
2 combination of school districts under the Intergovernmental  
3 Cooperation Act), special district or other unit, designated  
4 as a unit of local government by law, which exercises limited  
5 governmental powers or powers in respect to limited  
6 governmental subjects, any not-for-profit association with a  
7 membership that primarily includes townships and township  
8 officials, that has duties that include provision of research  
9 service, dissemination of information, and other acts for the  
10 purpose of improving township government, and that is funded  
11 wholly or partly in accordance with Section 85-15 of the  
12 Township Code; any not-for-profit corporation or association,  
13 with a membership consisting primarily of municipalities,  
14 that operates its own utility system, and provides research,  
15 training, dissemination of information, or other acts to  
16 promote cooperation between and among municipalities that  
17 provide utility services and for the advancement of the goals  
18 and purposes of its membership; the Southern Illinois  
19 Collegiate Common Market, which is a consortium of higher  
20 education institutions in Southern Illinois; and the Illinois  
21 Association of Park Districts. "Qualified local government"  
22 means a unit of local government approved by the Director and  
23 participating in a program created under subsection (i) of  
24 Section 10 of this Act.

25 (t) "Qualified rehabilitation facility" means any  
26 not-for-profit organization that is accredited by the  
27 Commission on Accreditation of Rehabilitation Facilities or  
28 certified by the Department of Human Services (as successor  
29 to the Department of Mental Health and Developmental  
30 Disabilities) to provide services to persons with  
31 disabilities and which receives funds from the State of  
32 Illinois for providing those services, approved by the  
33 Director and participating in a program created under  
34 subsection (j) of Section 10 of this Act.

1 (u) "Qualified domestic violence shelter or service"  
2 means any Illinois domestic violence shelter or service and  
3 its administrative offices funded by the Department of Human  
4 Services (as successor to the Illinois Department of Public  
5 Aid), approved by the Director and participating in a program  
6 created under subsection (k) of Section 10.

7 (v) "TRS benefit recipient" means a person who:

8 (1) is not a "member" as defined in this Section;  
9 and

10 (2) is receiving a monthly benefit or retirement  
11 annuity under Article 16 of the Illinois Pension Code;  
12 and

13 (3) either (i) has at least 8 years of creditable  
14 service under Article 16 of the Illinois Pension Code, or  
15 (ii) was enrolled in the health insurance program offered  
16 under that Article on January 1, 1996, or (iii) is the  
17 survivor of a benefit recipient who had at least 8 years  
18 of creditable service under Article 16 of the Illinois  
19 Pension Code or was enrolled in the health insurance  
20 program offered under that Article on the effective date  
21 of this amendatory Act of 1995, or (iv) is a recipient or  
22 survivor of a recipient of a disability benefit under  
23 Article 16 of the Illinois Pension Code.

24 (w) "TRS dependent beneficiary" means a person who:

25 (1) is not a "member" or "dependent" as defined in  
26 this Section; and

27 (2) is a TRS benefit recipient's: (A) spouse, (B)  
28 dependent parent who is receiving at least half of his or  
29 her support from the TRS benefit recipient, or (C)  
30 unmarried natural or adopted child who is (i) under age  
31 19, or (ii) enrolled as a full-time student in an  
32 accredited school, financially dependent upon the TRS  
33 benefit recipient, eligible to be claimed as a dependent  
34 for income tax purposes, and either is under age 24 or

1 was, on January 1, 1996, participating as a dependent  
2 beneficiary in the health insurance program offered under  
3 Article 16 of the Illinois Pension Code, or (iii) age 19  
4 or over who is mentally or physically handicapped.

5 (x) "Military leave with pay and benefits" refers to  
6 individuals in basic training for reserves, special/advanced  
7 training, annual training, emergency call up, or activation  
8 by the President of the United States with approved pay and  
9 benefits.

10 (y) "Military leave without pay and benefits" refers to  
11 individuals who enlist for active duty in a regular component  
12 of the U.S. Armed Forces or other duty not specified or  
13 authorized under military leave with pay and benefits.

14 (z) "Community college benefit recipient" means a person  
15 who:

16 (1) is not a "member" as defined in this Section;  
17 and

18 (2) is receiving a monthly survivor's annuity or  
19 retirement annuity under Article 15 of the Illinois  
20 Pension Code; and

21 (3) either (i) was a full-time employee of a  
22 community college district or an association of community  
23 college boards created under the Public Community College  
24 Act (other than an employee whose last employer under  
25 Article 15 of the Illinois Pension Code was a community  
26 college district subject to Article VII of the Public  
27 Community College Act) and was eligible to participate in  
28 a group health benefit plan as an employee during the  
29 time of employment with a community college district  
30 (other than a community college district subject to  
31 Article VII of the Public Community College Act) or an  
32 association of community college boards, or (ii) is the  
33 survivor of a person described in item (i).

34 (aa) "Community college dependent beneficiary" means a

1 person who:

2 (1) is not a "member" or "dependent" as defined in  
3 this Section; and

4 (2) is a community college benefit recipient's: (A)  
5 spouse, (B) dependent parent who is receiving at least  
6 half of his or her support from the community college  
7 benefit recipient, or (C) unmarried natural or adopted  
8 child who is (i) under age 19, or (ii) enrolled as a  
9 full-time student in an accredited school, financially  
10 dependent upon the community college benefit recipient,  
11 eligible to be claimed as a dependent for income tax  
12 purposes and under age 23, or (iii) age 19 or over and  
13 mentally or physically handicapped.

14 (Source: P.A. 91-390, eff. 7-30-99; 91-395, eff. 7-30-99;  
15 91-617, eff. 8-19-99; 92-16, eff. 6-28-01; 92-186, eff.  
16 1-1-02; 92-204, eff. 8-1-01; revised 9-19-01.)

17 Section 9. The Civil Administrative Code of Illinois is  
18 amended by changing Section 1-5 as follows:

19 (20 ILCS 5/1-5)

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

22 Article 1. General Provisions (20 ILCS 5/1-1 and  
23 following).

24 Article 5. Departments of State Government Law (20 ILCS  
25 5/5-1 and following).

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

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

28 Article 205. Department of Agriculture Law (20 ILCS  
29 205/).

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

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

1 Article 405. Department of Central Management Services  
2 Law (20 ILCS 405/).

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

5 Article 605. Department of Commerce and Community Affairs  
6 Law (20 ILCS 605/).

7 Article 805. Department of Natural Resources  
8 (Conservation) Law (20 ILCS 805/).

9 Article 1005. Department of Employment Security Law (20  
10 ILCS 1005/).

11 Article 1405. Department of Insurance Law (20 ILCS  
12 1405/).

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

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

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

18 Article 2005. Department of Nuclear Safety Law (20 ILCS  
19 2005/).

20 Article 2105. Department of Professional Regulation Law  
21 (20 ILCS 2105/).

22 Article 2205. Department of Public Aid Law (20 ILCS  
23 2205/).

24 Article 2310. Department of Public Health Powers and  
25 Duties Law (20 ILCS 2310/).

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

27 Article 2510. Certified Audit Program Law (20 ILCS  
28 2510/).

29 Article 2605. Department of State Police Law (20 ILCS  
30 2605/).

31 Article 2705. Department of Transportation Law (20 ILCS  
32 2705/).

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

1 (Source: P.A. 91-239, eff. 1-1-00; 92-16, eff. 6-28-01;  
2 revised 10-10-01.)

3 Section 10. The Illinois Act on the Aging is amended by  
4 changing Section 4.01 as follows:

5 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

6 Sec. 4.01. Additional powers and duties of the  
7 Department. In addition to powers and duties otherwise  
8 provided by law, the Department shall have the following  
9 powers and duties:

10 (1) To evaluate all programs, services, and facilities  
11 for the aged and for minority senior citizens within the  
12 State and determine the extent to which present public or  
13 private programs, services and facilities meet the needs of  
14 the aged.

15 (2) To coordinate and evaluate all programs, services,  
16 and facilities for the Aging and for minority senior citizens  
17 presently furnished by State agencies and make appropriate  
18 recommendations regarding such services, programs and  
19 facilities to the Governor and/or the General Assembly.

20 (3) To function as the sole State agency to develop a  
21 comprehensive plan to meet the needs of the State's senior  
22 citizens and the State's minority senior citizens.

23 (4) To receive and disburse State and federal funds made  
24 available directly to the Department including those funds  
25 made available under the Older Americans Act and the Senior  
26 Community Service Employment Program for providing services  
27 for senior citizens and minority senior citizens or for  
28 purposes related thereto, and shall develop and administer  
29 any State Plan for the Aging required by federal law.

30 (5) To solicit, accept, hold, and administer in behalf  
31 of the State any grants or legacies of money, securities, or  
32 property to the State of Illinois for services to senior

1 citizens and minority senior citizens or purposes related  
2 thereto.

3 (6) To provide consultation and assistance to  
4 communities, area agencies on aging, and groups developing  
5 local services for senior citizens and minority senior  
6 citizens.

7 (7) To promote community education regarding the  
8 problems of senior citizens and minority senior citizens  
9 through institutes, publications, radio, television and the  
10 local press.

11 (8) To cooperate with agencies of the federal government  
12 in studies and conferences designed to examine the needs of  
13 senior citizens and minority senior citizens and to prepare  
14 programs and facilities to meet those needs.

15 (9) To establish and maintain information and referral  
16 sources throughout the State when not provided by other  
17 agencies.

18 (10) To provide the staff support as may reasonably be  
19 required by the Council and the Coordinating Committee of  
20 State Agencies Serving Older Persons.

21 (11) To make and enforce rules and regulations necessary  
22 and proper to the performance of its duties.

23 (12) To establish and fund programs or projects or  
24 experimental facilities that are specially designed as  
25 alternatives to institutional care.

26 (13) To develop a training program to train the  
27 counselors presently employed by the Department's aging  
28 network to provide Medicare beneficiaries with counseling and  
29 advocacy in Medicare, private health insurance, and related  
30 health care coverage plans. The Department shall report to  
31 the General Assembly on the implementation of the training  
32 program on or before December 1, 1986.

33 (14) To make a grant to an institution of higher  
34 learning to study the feasibility of establishing and

1 implementing an affirmative action employment plan for the  
2 recruitment, hiring, training and retraining of persons 60 or  
3 more years old for jobs for which their employment would not  
4 be precluded by law.

5 (15) To present one award annually in each of the  
6 categories of community service, education, the performance  
7 and graphic arts, and the labor force to outstanding Illinois  
8 senior citizens and minority senior citizens in recognition  
9 of their individual contributions to either community  
10 service, education, the performance and graphic arts, or the  
11 labor force. The awards shall be presented to four senior  
12 citizens and minority senior citizens selected from a list of  
13 44 nominees compiled annually by the Department. Nominations  
14 shall be solicited from senior citizens' service providers,  
15 area agencies on aging, senior citizens' centers, and senior  
16 citizens' organizations. The Department shall consult with  
17 the Coordinating Committee of State Agencies Serving Older  
18 Persons to determine which of the nominees shall be the  
19 recipient in each category of community service. The  
20 Department shall establish a central location within the  
21 State to be designated as the Senior Illinoisans Hall of Fame  
22 for the public display of all the annual awards, or replicas  
23 thereof.

24 (16) To establish multipurpose senior centers through  
25 area agencies on aging and to fund those new and existing  
26 multipurpose senior centers through area agencies on aging,  
27 the establishment and funding to begin in such areas of the  
28 State as the Department shall designate by rule and as  
29 specifically appropriated funds become available.

30 (17) To develop the content and format of the  
31 acknowledgment regarding non-recourse reverse mortgage loans  
32 under Section 6.1 of the Illinois Banking Act; to provide  
33 independent consumer information on reverse mortgages and  
34 alternatives; and to refer consumers to independent

1 counseling services with expertise in reverse mortgages.

2 (18) To develop a pamphlet in English and Spanish which  
3 may be used by physicians licensed to practice medicine in  
4 all of its branches pursuant to the Medical Practice Act of  
5 1987, pharmacists licensed pursuant to the Pharmacy Practice  
6 Act of 1987, and Illinois residents 65 years of age or older  
7 for the purpose of assisting physicians, pharmacists, and  
8 patients in monitoring prescriptions provided by various  
9 physicians and to aid persons 65 years of age or older in  
10 complying with directions for proper use of pharmaceutical  
11 prescriptions. The pamphlet may provide space for recording  
12 information including but not limited to the following:

- 13 (a) name and telephone number of the patient;  
14 (b) name and telephone number of the prescribing  
15 physician;  
16 (c) date of prescription;  
17 (d) name of drug prescribed;  
18 (e) directions for patient compliance; and  
19 (f) name and telephone number of dispensing  
20 pharmacy.

21 In developing the pamphlet, the Department shall consult  
22 with the Illinois State Medical Society, the Center for  
23 Minority Health Services, the Illinois Pharmacists  
24 Association and senior citizens organizations. The  
25 Department shall distribute the pamphlets to physicians,  
26 pharmacists and persons 65 years of age or older or various  
27 senior citizen organizations throughout the State.

28 (19) To conduct a study by April 1, 1994 of the  
29 feasibility of implementing the Senior Companion Program  
30 throughout the State for the fiscal year beginning July 1,  
31 1994.

32 (20) With respect to contracts in effect on July 1,  
33 1994, the Department shall increase the grant amounts so that  
34 the reimbursement rates paid through the community care

1 program for chore housekeeping services and homemakers are at  
2 the same rate, which shall be the higher of the 2 rates  
3 currently paid. With respect to all contracts entered into,  
4 renewed, or extended on or after July 1, 1994, the  
5 reimbursement rates paid through the community care program  
6 for chore housekeeping services and homemakers shall be the  
7 same.

8 (21) From funds appropriated to the Department from the  
9 Meals on Wheels Fund, a special fund in the State treasury  
10 that is hereby created, and in accordance with State and  
11 federal guidelines and the intrastate funding formula, to  
12 make grants to area agencies on aging, designated by the  
13 Department, for the sole purpose of delivering meals to  
14 homebound persons 60 years of age and older.

15 (22) To distribute, through its area agencies on aging,  
16 information alerting seniors on safety issues regarding  
17 emergency weather conditions, including extreme heat and  
18 cold, flooding, tornadoes, electrical storms, and other  
19 severe storm weather. The information shall include all  
20 necessary instructions for safety and all emergency telephone  
21 numbers of organizations that will provide additional  
22 information and assistance.

23 (23) To develop guidelines for the organization and  
24 implementation of Volunteer Services Credit Programs to be  
25 administered by Area Agencies on Aging or community based  
26 senior service organizations. The Department shall hold  
27 public hearings on the proposed guidelines for public  
28 comment, suggestion, and determination of public interest.  
29 The guidelines shall be based on the findings of other states  
30 and of community organizations in Illinois that are currently  
31 operating volunteer services credit programs or demonstration  
32 volunteer services credit programs. The Department shall  
33 offer guidelines for all aspects of the programs including,  
34 but not limited to, the following:

- 1 (a) types of services to be offered by volunteers;
- 2 (b) types of services to be received upon the
- 3 redemption of service credits;
- 4 (c) issues of liability for the volunteers and the
- 5 administering organizations;
- 6 (d) methods of tracking service credits earned and
- 7 service credits redeemed;
- 8 (e) issues of time limits for redemption of service
- 9 credits;
- 10 (f) methods of recruitment of volunteers;
- 11 (g) utilization of community volunteers, community
- 12 service groups, and other resources for delivering
- 13 services to be received by service credit program
- 14 clients;
- 15 (h) accountability and assurance that services will
- 16 be available to individuals who have earned service
- 17 credits; and
- 18 (i) volunteer screening and qualifications.

19 The Department shall submit a written copy of the guidelines  
 20 to the General Assembly by July 1, 1998.

21 (Source: P.A. 89-249, eff. 8-4-95; 89-580, eff. 1-1-97;  
 22 90-251, eff. 1-1-98; revised 12-07-01.)

23 Section 11. The Children and Family Services Act is  
 24 amended by changing Section 7 and setting forth and  
 25 renumbering multiple versions of Section 5d as follows:

26 (20 ILCS 505/5d)

27 Sec. 5d. The Direct Child Welfare Service Employee  
 28 License Board.

29 (a) For purposes of this Section:

30 (1) "Board" means the Direct Child Welfare Service  
 31 Employee License Board.

32 (2) "Director" means the Director of Children and

1 Family Services.

2 (b) The Direct Child Welfare Service Employee License  
3 Board is created within the Department of Children and Family  
4 Services and shall consist of 9 members appointed by the  
5 Director. The Director shall annually designate a  
6 chairperson and vice-chairperson of the Board. The  
7 membership of the Board must be composed as follows: (i) 5  
8 licensed professionals from the field of human services with  
9 a human services degree or equivalent course work as required  
10 by rule of the Department and who are in good standing within  
11 their profession, at least 2 of which must be employed in the  
12 private not-for-profit sector and at least one of which in  
13 the public sector; (ii) 2 faculty members of an accredited  
14 university who have child welfare experience and are in good  
15 standing within their profession and (iii) 2 members of the  
16 general public who are not licensed under this Act or a  
17 similar rule and will represent consumer interests.

18 In making the first appointments, the Director shall  
19 appoint 3 members to serve for a term of one year, 3 members  
20 to serve for a term of 2 years, and 3 members to serve for a  
21 term of 3 years, or until their successors are appointed and  
22 qualified. Their successors shall be appointed to serve  
23 3-year terms, or until their successors are appointed and  
24 qualified. Appointments to fill unexpired vacancies shall be  
25 made in the same manner as original appointments. No member  
26 may be reappointed if a reappointment would cause that member  
27 to serve on the Board for longer than 6 consecutive years.  
28 Board membership must have reasonable representation from  
29 different geographic areas of Illinois, and all members must  
30 be residents of this State.

31 The Director may terminate the appointment of any member  
32 for good cause, including but not limited to (i) unjustified  
33 absences from Board meetings or other failure to meet Board  
34 responsibilities, (ii) failure to recuse himself or herself

1 when required by subsection (c) of this Section or Department  
2 rule, or (iii) failure to maintain the professional position  
3 required by Department rule. No member of the Board may have  
4 a pending or indicated report of child abuse or neglect or a  
5 pending complaint or criminal conviction of any of the  
6 offenses set forth in paragraph (b) of Section 4.2 of the  
7 Child Care Act of 1969.

8 The members of the Board shall receive no compensation  
9 for the performance of their duties as members, but each  
10 member shall be reimbursed for his or her reasonable and  
11 necessary expenses incurred in attending the meetings of the  
12 Board.

13 (c) The Board shall make recommendations to the Director  
14 regarding licensure rules. Board members must recuse  
15 themselves from sitting on any matter involving an employee  
16 of a child welfare agency at which the Board member is an  
17 employee or contractual employee. The Board shall make a  
18 final determination concerning revocation, suspension, or  
19 reinstatement of an employee's direct child welfare service  
20 license after a hearing conducted under the Department's  
21 rules. Upon notification of the manner of the vote to all the  
22 members, votes on a final determination may be cast in  
23 person, by telephonic or electronic means, or by mail at the  
24 discretion of the chairperson. A simple majority of the  
25 members appointed and serving is required when Board members  
26 vote by mail or by telephonic or electronic means. A  
27 majority of the currently appointed and serving Board members  
28 constitutes a quorum. A majority of a quorum is required  
29 when a recommendation is voted on during a Board meeting. A  
30 vacancy in the membership of the Board shall not impair the  
31 right of a quorum to perform all the duties of the Board.  
32 Board members are not personally liable in any action based  
33 upon a disciplinary proceeding or otherwise for any action  
34 taken in good faith as a member of the Board.

1 (d) The Director may assign Department employees to  
2 provide staffing services to the Board. The Department must  
3 promulgate any rules necessary to implement and administer  
4 the requirements of this Section.

5 (Source: P.A. 92-471, eff. 8-22-01.)

6 (20 ILCS 505/5e)

7 Sec. 5e. ~~5d.~~ Advocacy Office for Children and Families.  
8 The Department of Children and Family Services shall  
9 establish and maintain an Advocacy Office for Children and  
10 Families that shall, in addition to other duties assigned by  
11 the Director, receive and respond to complaints that may be  
12 filed by children, parents, caretakers, and relatives of  
13 children receiving child welfare services from the Department  
14 of Children and Family Services or its agents. The  
15 Department shall promulgate policies and procedures for  
16 filing, processing, investigating, and resolving the  
17 complaints. The Department shall make a final report to the  
18 complainant of its findings. If a final report is not  
19 completed, the Department shall report on its disposition  
20 every 30 days. The Advocacy Office shall include a statewide  
21 toll-free telephone number that may be used to file  
22 complaints, or to obtain information about the delivery of  
23 child welfare services by the Department or its agents. This  
24 telephone number shall be included in all appropriate notices  
25 and handbooks regarding services available through the  
26 Department.

27 (Source: P.A. 92-334, eff. 8-10-01; revised 10-17-01.)

28 (20 ILCS 505/7) (from Ch. 23, par. 5007)

29 Sec. 7. Placement of children; considerations.

30 (a) In placing any child under this Act, the Department  
31 shall place such child, as far as possible, in the care and  
32 custody of some individual holding the same religious belief

1 as the parents of the child, or with some child care facility  
2 which is operated by persons of like religious faith as the  
3 parents of such child.

4 (b) In placing a child under this Act, the Department  
5 may place a child with a relative if the Department has  
6 reason to believe that the relative will be able to  
7 adequately provide for the child's safety and welfare. The  
8 Department may not place a child with a relative, with the  
9 exception of certain circumstances which may be waived as  
10 defined by the Department in rules, if the results of a check  
11 of the Law Enforcement Agency Data System (LEADS) identifies  
12 a prior criminal conviction of the relative or any adult  
13 member of the relative's household for any of the following  
14 offenses under the Criminal Code of 1961:

- 15 (1) murder;
- 16 (1.1) solicitation of murder;
- 17 (1.2) solicitation of murder for hire;
- 18 (1.3) intentional homicide of an unborn child;
- 19 (1.4) voluntary manslaughter of an unborn child;
- 20 (1.5) involuntary manslaughter;
- 21 (1.6) reckless homicide;
- 22 (1.7) concealment of a homicidal death;
- 23 (1.8) involuntary manslaughter of an unborn child;
- 24 (1.9) reckless homicide of an unborn child;
- 25 (1.10) drug-induced homicide;
- 26 (2) a sex offense under Article 11, except offenses  
27 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 28 (3) kidnapping;
- 29 (3.1) aggravated unlawful restraint;
- 30 (3.2) forcible detention;
- 31 (3.3) aiding and abetting child abduction;
- 32 (4) aggravated kidnapping;
- 33 (5) child abduction;
- 34 (6) aggravated battery of a child;

- 1 (7) criminal sexual assault;
- 2 (8) aggravated criminal sexual assault;
- 3 (8.1) predatory criminal sexual assault of a child;
- 4 (9) criminal sexual abuse;
- 5 (10) aggravated sexual abuse;
- 6 (11) heinous battery;
- 7 (12) aggravated battery with a firearm;
- 8 (13) tampering with food, drugs, or cosmetics;
- 9 (14) drug-induced infliction of great bodily harm;
- 10 (15) aggravated stalking;
- 11 (16) home invasion;
- 12 (17) vehicular invasion;
- 13 (18) criminal transmission of HIV;
- 14 (19) criminal abuse or neglect of an elderly or
- 15 disabled person;
- 16 (20) child abandonment;
- 17 (21) endangering the life or health of a child;
- 18 (22) ritual mutilation;
- 19 (23) ritualized abuse of a child;
- 20 (24) an offense in any other state the elements of
- 21 which are similar and bear a substantial relationship to
- 22 any of the foregoing offenses.

23 For the purpose of this subsection, "relative" shall include  
24 any person, 21 years of age or over, other than the parent,  
25 who (i) is currently related to the child in any of the  
26 following ways by blood or adoption: grandparent, sibling,  
27 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
28 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
29 is the spouse of such a relative; or (iii) is the child's  
30 step-father, step-mother, or adult step-brother or  
31 step-sister; "relative" also includes a person related in any  
32 of the foregoing ways to a sibling of a child, even though  
33 the person is not related to the child, when the child and  
34 its sibling are placed together with that person. A relative

1 with whom a child is placed pursuant to this subsection may,  
2 but is not required to, apply for licensure as a foster  
3 family home pursuant to the Child Care Act of 1969; provided,  
4 however, that as of July 1, 1995, foster care payments shall  
5 be made only to licensed foster family homes pursuant to the  
6 terms of Section 5 of this Act.

7 (c) In placing a child under this Act, the Department  
8 shall ensure that the child's health, safety, and best  
9 interests are met in making a family foster care placement.  
10 The Department shall consider the individual needs of the  
11 child and the capacity of the prospective foster or adoptive  
12 parents to meet the needs of the child. When a child must be  
13 placed outside his or her home and cannot be immediately  
14 returned to his or her parents or guardian, a comprehensive,  
15 individualized assessment shall be performed of that child at  
16 which time the needs of the child shall be determined. Only  
17 if race, color, or national origin is identified as a  
18 legitimate factor in advancing the child's best interests  
19 shall it be considered. Race, color, or national origin  
20 shall not be routinely considered in making a placement  
21 decision. The Department shall make special efforts for the  
22 diligent recruitment of potential foster and adoptive  
23 families that reflect the ethnic and racial diversity of the  
24 children for whom foster and adoptive homes are needed.  
25 "Special efforts" shall include contacting and working with  
26 community organizations and religious organizations and may  
27 include contracting with those organizations, utilizing local  
28 media and other local resources, and conducting outreach  
29 activities.

30 (c-1) At the time of placement, the Department shall  
31 consider concurrent planning, as described in subsection  
32 (1-1) of Section 5, so that permanency may occur at the  
33 earliest opportunity. Consideration should be given so that  
34 if reunification fails or is delayed, the placement made is

1 the best available placement to provide permanency for the  
2 child.

3 (d) The Department may accept gifts, grants, offers of  
4 services, and other contributions to use in making special  
5 recruitment efforts.

6 (e) The Department in placing children in adoptive or  
7 foster care homes may not, in any policy or practice relating  
8 to the placement of children for adoption or foster care,  
9 discriminate against any child or prospective adoptive or  
10 foster parent on the basis of race.

11 (Source: P.A. 92-192, eff. 1-1-02; 92-328, eff. 1-1-02;  
12 92-334, eff. 8-10-01; revised 10-15-01.)

13 Section 12. The Department of Commerce and Community  
14 Affairs Law of the Civil Administrative Code of Illinois is  
15 amended by changing Sections 605-605 and 605-710 as follows:

16 (20 ILCS 605/605-605) (was 20 ILCS 605/46.57)

17 Sec. 605-605. Illinois Product and Services Exchange Law  
18 Act.

19 (a) This Section may be cited as the Illinois Product  
20 and Services Exchange Law Act.

21 (b) It is hereby found and declared that many large  
22 Illinois firms and government agencies are purchasing  
23 products and services from vendors in locations other than  
24 Illinois, and that there is a need to assist those large  
25 businesses and government agencies in locating Illinois  
26 vendors who can provide those products and services of equal  
27 quality and at comparable or lower costs; it is further found  
28 and declared that the purchase of needed products and  
29 services within the State by large firms and government  
30 agencies would aid the survival and expansion of small  
31 businesses in Illinois and help to strengthen the State's  
32 economy.

1 (c) As used in this Section, "Illinois Product and  
2 Services Exchange" means a program aimed at promoting the  
3 purchase of goods and services produced in Illinois by firms  
4 and government agencies within the State.

5 (d) The Department shall have the authority to establish  
6 and administer an Illinois Product and Services Exchange  
7 Program, which may include, but is not limited to, the  
8 following powers and duties:

9 (1) To accept grants, loans, or appropriations from  
10 the federal government or the State or any agency or  
11 instrumentality thereof, and to assess fees for any  
12 services performed under the Illinois Product and  
13 Services Exchange Program, to carry out the Program.

14 (2) To form an Illinois Product and Services  
15 Exchange Council, made up of Illinois large firms and  
16 small firms to provide advice and counsel in directing a  
17 statewide Product and Services Exchange Program.

18 (3) To publicize and advertise to Illinois firms  
19 and government agencies the importance and benefits of  
20 buying goods and services provided by vendors located  
21 within the State.

22 (4) To secure the cooperation of Illinois' large  
23 firms, federal, State, and local governments, non-profit  
24 agencies, and others to carry out this program.

25 (5) To match the needs for products and services of  
26 business firms and government agencies with the  
27 capabilities of small Illinois firms that can provide  
28 those needed goods and services.

29 (6) To hold purchasing agent seminars, fairs,  
30 conferences, and workshops to aid small Illinois  
31 businesses in obtaining contracts for goods and services  
32 from larger firms and government agencies within the  
33 State.

34 (7) To assist business firms and government

1 agencies to analyze their buying activities and to find  
2 ways to carry out those activities in an effective and  
3 economical manner, while promoting subcontract activity  
4 with small Illinois firms.

5 (8) To establish manual and electronic buying  
6 directories, including stand alone computer data bases  
7 that list qualified vendors and procurement  
8 opportunities.

9 (9) To promote through other means the use by  
10 government agencies and large businesses of products and  
11 services produced by small Illinois firms.

12 (10) To subcontract, grant funds, or otherwise  
13 participate with qualified private firms, existing  
14 procurement centers, or other organizations that have  
15 designed programs, approved in accordance with procedures  
16 determined by the Department, that are aimed at assisting  
17 small Illinois firms obtain contracts for products and  
18 services from local government agencies and large  
19 Illinois businesses.

20 (11) To develop and administer guidelines for  
21 projects that provide assistance to the Department in  
22 connection with the Illinois Product and Services  
23 Exchange Program.

24 (Source: P.A. 91-239, eff. 1-1-00; revised 1-25-02.)

25 (20 ILCS 605/605-710)

26 Sec. 605-710. Regional tourism development  
27 organizations.

28 (a) The Department may, subject to appropriation,  
29 provide grants from the Tourism Promotion Fund for the  
30 administrative costs of not-for-profit regional tourism  
31 development organizations that assist the Department in  
32 developing tourism throughout a multi-county geographical  
33 area designated by the Department. Regional tourism

1 development organizations receiving funds under this Section  
2 may be required by the Department to submit to audits of  
3 contracts awarded by the Department to determine whether the  
4 regional tourism development organization has performed all  
5 contractual obligations under those contracts.

6 Every employee of a regional tourism development  
7 organization receiving funds under this Section shall  
8 disclose to the organization's governing board and to the  
9 Department any economic interest that employee may have in  
10 any entity with which the regional tourism development  
11 organization has contracted or to which the regional tourism  
12 development organization has granted funds.

13 (b) The Department, from moneys transferred from the  
14 General Revenue Fund to the Tourism Promotion Fund and  
15 appropriated from the Tourism Promotion Fund, shall first  
16 provide funding of \$5,000,000 annually to a governmental  
17 entity with at least 2,000,000 square feet of exhibition  
18 space that has as part of its duties the promotion of  
19 cultural, scientific and trade exhibits and events within a  
20 county with a population of more than 3,000,000, to be used  
21 for any of the governmental entity's general corporate  
22 purposes.

23 (Source: P.A. 92-11, eff. 6-11-01; 92-38, eff. 6-28-01;  
24 revised 9-18-01.)

25 Section 13. The Interagency Wetland Policy Act of 1989  
26 is amended by changing Section 2-1 as follows:

27 (20 ILCS 830/2-1) (from Ch. 96 1/2, par. 9702-1)

28 Sec. 2-1. Interagency Wetlands Committee. An Interagency  
29 Wetlands Committee, chaired by the Director of Natural  
30 Resources or his or her representative, is established. The  
31 Directors of the following agencies, or their respective  
32 representatives representative, shall serve as members of the

1 Committee:

2 Capital ~~Capitol~~ Development Board,  
 3 Department of Agriculture,  
 4 Department of Commerce and Community Affairs,  
 5 Environmental Protection Agency,  
 6 Department of Transportation, and  
 7 Historic Preservation Agency.

8 The Interagency Wetlands Committee shall also include 2  
 9 additional persons with relevant expertise designated by the  
 10 Director of Natural Resources.

11 The Interagency Wetlands Committee shall advise the  
 12 Director in the administration of this Act. This will  
 13 include:

14 (a) Developing rules and regulations for the  
 15 implementation and administration of this Act.

16 (b) Establishing guidelines for developing  
 17 individual Agency Action Plans.

18 (c) Developing and adopting technical procedures  
 19 for the consistent identification, delineation and  
 20 evaluation of existing wetlands and quantification of  
 21 their functional values and the evaluation of wetland  
 22 restoration or creation projects.

23 (d) Developing a research program for wetland  
 24 function, restoration and creation.

25 (e) Preparing reports, including:

26 (1) A biennial report to the Governor and the  
 27 General Assembly on the impact of State supported  
 28 activities on wetlands.

29 (2) A comprehensive report on the status of  
 30 the State's wetland resources, including  
 31 recommendations for additional programs, by January  
 32 15, 1991.

33 (f) Development of educational materials to promote  
 34 the protection of wetlands.

1 (Source: P.A. 89-445, eff. 2-7-96; revised 12-2-01.)

2 Section 14. The Department of State Police Law of the  
3 Civil Administrative Code of Illinois is amended by changing  
4 Sections 2605-302 and 2605-555 as follows:

5 (20 ILCS 2605/2605-302) (was 20 ILCS 2605/55a in part)  
6 Sec. 2605-302. Arrest reports.

7 (a) When an individual is arrested, the following  
8 information must be made available to the news media for  
9 inspection and copying:

10 (1) Information that identifies the individual,  
11 including the name, age, address, and photograph, when  
12 and if available.

13 (2) Information detailing any charges relating to  
14 the arrest.

15 (3) The time and location of the arrest.

16 (4) The name of the investigating or arresting law  
17 enforcement agency.

18 (5) If the individual is incarcerated, the amount  
19 of any bail or bond.

20 (6) If the individual is incarcerated, the time and  
21 date that the individual was received, discharged, or  
22 transferred from the arresting agency's custody.

23 (b) The information required by this Section must be  
24 made available to the news media for inspection and copying  
25 as soon as practicable, but in no event shall the time period  
26 exceed 72 hours from the arrest. The information described  
27 in items (3), (4), (5), and (6) of subsection (a), however,  
28 may be withheld if it is determined that disclosure would (i)  
29 interfere with pending or actually and reasonably  
30 contemplated law enforcement proceedings conducted by any law  
31 enforcement or correctional agency; (ii) endanger the life or  
32 physical safety of law enforcement or correctional personnel

1 or any other person; or (iii) compromise the security of any  
2 correctional facility.

3 (c) For the purposes of this Section, the term "news  
4 media" means personnel of a newspaper or other periodical  
5 issued at regular intervals whether in print or electronic  
6 format, a news service whether in print or electronic format,  
7 a radio station, a television station, a television network,  
8 a community antenna television service, or a person or  
9 corporation engaged in making news reels or other motion  
10 picture news for public showing.

11 (d) Each law enforcement or correctional agency may  
12 charge fees for arrest records, but in no instance may the  
13 fee exceed the actual cost of copying and reproduction. The  
14 fees may not include the cost of the labor used to reproduce  
15 the arrest record.

16 (e) The provisions of this Section do not supersede the  
17 confidentiality provisions for arrest records of the Juvenile  
18 Court Act of 1987.

19 (Source: P.A. 91-309, eff. 7-29-99; 92-16, eff. 6-28-01;  
20 incorporates 92-335, eff. 8-10-01; revised 9-17-01.)

21 (20 ILCS 2605/2605-555)

22 Sec. 2605-555. Pilot program; Project Exile.

23 (a) The Department shall establish a Project Exile pilot  
24 program to combat gun violence.

25 (b) Through the pilot program, the Department, in  
26 coordination with local law enforcement agencies, State's  
27 Attorneys, and United States Attorneys, shall, to the extent  
28 possible, encourage the prosecution in federal court of all  
29 persons who illegally use, attempt to use, or threaten to use  
30 firearms against the person or property of another, of all  
31 persons who use or possess a firearm in connection with a  
32 violation of the Cannabis Control Act or the Illinois  
33 Controlled Substances Act, all persons who have been

1 convicted of a felony under the laws of this State or any  
2 other jurisdiction who possess any weapon prohibited under  
3 Section 24-1 of the Criminal Code of 1961 or any firearm or  
4 any firearm ammunition, and of all persons who use or possess  
5 a firearm in connection with a violation of an order of  
6 protection issued under the Illinois Domestic Violence Act of  
7 1986 or Article 112A of the Code of Criminal Procedure of  
8 1963 or in connection with the offense of domestic battery.  
9 The program shall also encourage public outreach by law  
10 enforcement agencies.

11 (c) There is created the Project Exile Fund, a special  
12 fund in the State treasury. Moneys appropriated for the  
13 purposes of Project Exile and moneys from any other private  
14 or public source, including without limitation grants from  
15 the Department of Commerce and Community Affairs, shall be  
16 deposited into the Fund. Moneys in the Fund, subject to  
17 appropriation, may be used by the Department of State Police  
18 to develop and administer the Project Exile pilot program.

19 (d) The Department shall report to the General Assembly  
20 by March 1, 2003 regarding the implementation and effects of  
21 the Project Exile pilot program and shall by that date make  
22 recommendations to the General Assembly for changes in the  
23 program that the Department deems appropriate.

24 The requirement for reporting to the General Assembly  
25 shall be satisfied by filing copies of the report with the  
26 Speaker, the Minority Leader, and the Clerk of the House of  
27 Representatives, and with the President, the Minority Leader,  
28 and the Secretary of the Senate, and with the Legislative  
29 Research Unit, as required by Section 3.1 of the General  
30 Assembly Organization Act, and filing such additional copies  
31 with the State Government Report Distribution Center for the  
32 General Assembly as is required under paragraph (t) of  
33 Section 7 of the State Library Act.

34 (Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01;

1 revised 10-15-01.)

2 Section 15. The Criminal Identification Act is amended  
3 by changing Section 5 as follows:

4 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

5 Sec. 5. Arrest reports; expungement.

6 (a) All policing bodies of this State shall furnish to  
7 the Department, daily, in the form and detail the Department  
8 requires, fingerprints and descriptions of all persons who  
9 are arrested on charges of violating any penal statute of  
10 this State for offenses that are classified as felonies and  
11 Class A or B misdemeanors and of all minors of the age of 10  
12 and over who have been arrested for an offense which would be  
13 a felony if committed by an adult, and may forward such  
14 fingerprints and descriptions for minors arrested for Class A  
15 or B misdemeanors. Moving or nonmoving traffic violations  
16 under the Illinois Vehicle Code shall not be reported except  
17 for violations of Chapter 4, Section 11-204.1, or Section  
18 11-501 of that Code. In addition, conservation offenses, as  
19 defined in the Supreme Court Rule 501(c), that are classified  
20 as Class B misdemeanors shall not be reported.

21 Whenever an adult or minor prosecuted as an adult, not  
22 having previously been convicted of any criminal offense or  
23 municipal ordinance violation, charged with a violation of a  
24 municipal ordinance or a felony or misdemeanor, is acquitted  
25 or released without being convicted, whether the acquittal or  
26 release occurred before, on, or after the effective date of  
27 this amendatory Act of 1991, the Chief Judge of the circuit  
28 wherein the charge was brought, any judge of that circuit  
29 designated by the Chief Judge, or in counties of less than  
30 3,000,000 inhabitants, the presiding trial judge at the  
31 defendant's trial may upon verified petition of the defendant  
32 order the record of arrest expunged from the official records

1 of the arresting authority and the Department and order that  
2 the records of the clerk of the circuit court be sealed until  
3 further order of the court upon good cause shown and the name  
4 of the defendant obliterated on the official index required  
5 to be kept by the circuit court clerk under Section 16 of the  
6 Clerks of Courts Act, but the order shall not affect any  
7 index issued by the circuit court clerk before the entry of  
8 the order. The Department may charge the petitioner a fee  
9 equivalent to the cost of processing any order to expunge or  
10 seal the records, and the fee shall be deposited into the  
11 State Police Services Fund. The records of those arrests,  
12 however, that result in a disposition of supervision for any  
13 offense shall not be expunged from the records of the  
14 arresting authority or the Department nor impounded by the  
15 court until 2 years after discharge and dismissal of  
16 supervision. Those records that result from a supervision  
17 for a violation of Section 3-707, 3-708, 3-710, 5-401.3, or  
18 11-503 of the Illinois Vehicle Code or a similar provision of  
19 a local ordinance, or for a violation of Section 12-3.2,  
20 12-15 or 16A-3 of the Criminal Code of 1961, or probation  
21 under Section 10 of the Cannabis Control Act, Section 410 of  
22 the Illinois Controlled Substances Act, Section 12-4.3(b)(1)  
23 and (2) of the Criminal Code of 1961 (as those provisions  
24 existed before their deletion by Public Act 89-313), Section  
25 10-102 of the Illinois Alcoholism and Other Drug Dependency  
26 Act when the judgment of conviction has been vacated, Section  
27 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
28 Act when the judgment of conviction has been vacated, or  
29 Section 10 of the Steroid Control Act shall not be expunged  
30 from the records of the arresting authority nor impounded by  
31 the court until 5 years after termination of probation or  
32 supervision. Those records that result from a supervision  
33 for a violation of Section 11-501 of the Illinois Vehicle  
34 Code or a similar provision of a local ordinance, shall not

1 be expunged. All records set out above may be ordered by the  
2 court to be expunged from the records of the arresting  
3 authority and impounded by the court after 5 years, but shall  
4 not be expunged by the Department, but shall, on court order  
5 be sealed by the Department and may be disseminated by the  
6 Department only as required by law or to the arresting  
7 authority, the State's Attorney, and the court upon a later  
8 arrest for the same or a similar offense or for the purpose  
9 of sentencing for any subsequent felony. Upon conviction for  
10 any offense, the Department of Corrections shall have access  
11 to all sealed records of the Department pertaining to that  
12 individual.

13 (a-5) Those records maintained by the Department for  
14 persons arrested prior to their 17th birthday shall be  
15 expunged as provided in Section 5-915 of the Juvenile Court  
16 Act of 1987.

17 (b) Whenever a person has been convicted of a crime or  
18 of the violation of a municipal ordinance, in the name of a  
19 person whose identity he has stolen or otherwise come into  
20 possession of, the aggrieved person from whom the identity  
21 was stolen or otherwise obtained without authorization, upon  
22 learning of the person having been arrested using his  
23 identity, may, upon verified petition to the chief judge of  
24 the circuit wherein the arrest was made, have a court order  
25 entered nunc pro tunc by the chief judge to correct the  
26 arrest record, conviction record, if any, and all official  
27 records of the arresting authority, the Department, other  
28 criminal justice agencies, the prosecutor, and the trial  
29 court concerning such arrest, if any, by removing his name  
30 from all such records in connection with the arrest and  
31 conviction, if any, and by inserting in the records the name  
32 of the offender, if known or ascertainable, in lieu of the  
33 aggrieved's has name. The records of the clerk of the  
34 circuit court clerk shall be sealed until further order of

1 the court upon good cause shown and the name of the aggrieved  
2 person obliterated on the official index required to be kept  
3 by the circuit court clerk under Section 16 of the Clerks of  
4 Courts Act, but the order shall not affect any index issued  
5 by the circuit court clerk before the entry of the order.  
6 Nothing in this Section shall limit the Department of State  
7 Police or other criminal justice agencies or prosecutors from  
8 listing under an offender's name the false names he or she  
9 has used. For purposes of this Section, convictions for  
10 moving and nonmoving traffic violations other than  
11 convictions for violations of Chapter 4, Section 11-204.1 or  
12 Section 11-501 of the Illinois Vehicle Code shall not be a  
13 bar to expunging the record of arrest and court records for  
14 violation of a misdemeanor or municipal ordinance.

15 (c) Whenever a person who has been convicted of an  
16 offense is granted a pardon by the Governor which  
17 specifically authorizes expungement, he may, upon verified  
18 petition to the chief judge of the circuit where the person  
19 had been convicted, any judge of the circuit designated by  
20 the Chief Judge, or in counties of less than 3,000,000  
21 inhabitants, the presiding trial judge at the defendant's  
22 trial, may have a court order entered expunging the record of  
23 arrest from the official records of the arresting authority  
24 and order that the records of the clerk of the circuit court  
25 and the Department be sealed until further order of the court  
26 upon good cause shown or as otherwise provided herein, and  
27 the name of the defendant obliterated from the official index  
28 requested to be kept by the circuit court clerk under Section  
29 16 of the Clerks of Courts Act in connection with the arrest  
30 and conviction for the offense for which he had been pardoned  
31 but the order shall not affect any index issued by the  
32 circuit court clerk before the entry of the order. All  
33 records sealed by the Department may be disseminated by the  
34 Department only as required by law or to the arresting

1 authority, the State's Attorney, and the court upon a later  
2 arrest for the same or similar offense or for the purpose of  
3 sentencing for any subsequent felony. Upon conviction for  
4 any subsequent offense, the Department of Corrections shall  
5 have access to all sealed records of the Department  
6 pertaining to that individual. Upon entry of the order of  
7 expungement, the clerk of the circuit court shall promptly  
8 mail a copy of the order to the person who was pardoned.

9 (c-5) Whenever a person has been convicted of criminal  
10 sexual assault, aggravated criminal sexual assault, predatory  
11 criminal sexual assault of a child, criminal sexual abuse, or  
12 aggravated criminal sexual abuse, the victim of that offense  
13 may request that the State's Attorney of the county in which  
14 the conviction occurred file a verified petition with the  
15 presiding trial judge at the defendant's trial to have a  
16 court order entered to seal the records of the clerk of the  
17 circuit court in connection with the proceedings of the trial  
18 court concerning that offense. However, the records of the  
19 arresting authority and the Department of State Police  
20 concerning the offense shall not be sealed. The court, upon  
21 good cause shown, shall make the records of the clerk of the  
22 circuit court in connection with the proceedings of the trial  
23 court concerning the offense available for public inspection.

24 (d) Notice of the petition for subsections (a), (b), and  
25 (c) shall be served upon the State's Attorney or prosecutor  
26 charged with the duty of prosecuting the offense, the  
27 Department of State Police, the arresting agency and the  
28 chief legal officer of the unit of local government affecting  
29 the arrest. Unless the State's Attorney or prosecutor, the  
30 Department of State Police, the arresting agency or such  
31 chief legal officer objects to the petition within 30 days  
32 from the date of the notice, the court shall enter an order  
33 granting or denying the petition. The clerk of the court  
34 shall promptly mail a copy of the order to the person, the

1 arresting agency, the prosecutor, the Department of State  
2 Police and such other criminal justice agencies as may be  
3 ordered by the judge.

4 (e) Nothing herein shall prevent the Department of State  
5 Police from maintaining all records of any person who is  
6 admitted to probation upon terms and conditions and who  
7 fulfills those terms and conditions pursuant to Section 10 of  
8 the Cannabis Control Act, Section 410 of the Illinois  
9 Controlled Substances Act, Section 12-4.3 of the Criminal  
10 Code of 1961, Section 10-102 of the Illinois Alcoholism and  
11 Other Drug Dependency Act, Section 40-10 of the Alcoholism  
12 and Other Drug Abuse and Dependency Act, or Section 10 of the  
13 Steroid Control Act.

14 (f) No court order issued pursuant to the expungement  
15 provisions of this Section shall become final for purposes of  
16 appeal until 30 days after notice is received by the  
17 Department. Any court order contrary to the provisions of  
18 this Section is void.

19 (g) Except as otherwise provided in subsection (c-5) of  
20 this Section, the court shall not order the sealing or  
21 expungement of the arrest records and records of the circuit  
22 court clerk of any person granted supervision for or  
23 convicted of any sexual offense committed against a minor  
24 under 18 years of age. For the purposes of this Section,  
25 "sexual offense committed against a minor" includes but is  
26 not limited to the offenses of indecent solicitation of a  
27 child or criminal sexual abuse when the victim of such  
28 offense is under 18 years of age.

29 (Source: P.A. 90-590, eff. 1-1-00; 91-295, eff. 1-1-00;  
30 91-357, eff. 7-29-99; revised 12-3-01.)

31 Section 16. The Department of Veterans Affairs Act is  
32 amended by changing Section 2 as follows:

1 (20 ILCS 2805/2) (from Ch. 126 1/2, par. 67)

2 Sec. 2. Powers and duties. The Department shall have  
3 the following powers and duties:

4 To perform such acts at the request of any veteran, or  
5 his or her spouse, surviving spouse or dependents as shall be  
6 reasonably necessary or reasonably incident to obtaining or  
7 endeavoring to obtain for the requester any advantage,  
8 benefit or emolument accruing or due to such person under any  
9 law of the United States, the State of Illinois or any other  
10 state or governmental agency by reason of the service of such  
11 veteran, and in pursuance thereof shall:

12 1. Contact veterans, their survivors and dependents  
13 and advise them of the benefits of state and federal laws  
14 and assist them in obtaining such benefits;

15 2. Establish field offices and direct the  
16 activities of the personnel assigned to such offices;

17 3. Create a volunteer field force of accredited  
18 representatives, representing educational institutions,  
19 labor organizations, veterans organizations, employers,  
20 churches, and farm organizations;

21 4. Conduct informational and training services;

22 5. Conduct educational programs through newspapers,  
23 periodicals and radio for the specific purpose of  
24 disseminating information affecting veterans and their  
25 dependents;

26 6. Coordinate the services and activities of all  
27 state departments having services and resources affecting  
28 veterans and their dependents;

29 7. Encourage and assist in the coordination of  
30 agencies within counties giving service to veterans and  
31 their dependents;

32 8. Cooperate with veterans organizations and other  
33 governmental agencies;

34 9. Make, alter, amend and promulgate reasonable

1 rules and procedures for the administration of this Act;  
2 and

3 10. Make and publish annual reports to the Governor  
4 regarding the administration and general operation of the  
5 Department; and-

6 11. Encourage the State to implement more programs  
7 to address the wide range of issues faced by Persian Gulf  
8 War Veterans, especially those who took part in combat,  
9 by creating an official commission to further study  
10 Persian Gulf War Diseases. The commission shall consist  
11 of 9 members appointed as follows: the Speaker and  
12 Minority Leader of the House of Representatives and the  
13 President and Minority Leader of the Senate shall each  
14 appoint one member from the General Assembly, the  
15 Governor shall appoint 4 members to represent veterans'  
16 organizations, and the Department shall appoint one  
17 member. The commission members shall serve without  
18 compensation.

19 The Department may accept and hold on behalf of the  
20 State, if for the public interest, a grant, gift, devise or  
21 bequest of money or property to the Department made for the  
22 general benefit of Illinois veterans, including the conduct  
23 of informational and training services by the Department and  
24 other authorized purposes of the Department. The Department  
25 shall cause each grant, gift, devise or bequest to be kept as  
26 a distinct fund and shall invest such funds in the manner  
27 provided by the Public Funds Investment Act, as now or  
28 hereafter amended, and shall make such reports as may be  
29 required by the Comptroller concerning what funds are so held  
30 and the manner in which such funds are invested. The  
31 Department may make grants from these funds for the general  
32 benefit of Illinois veterans. Grants from these funds,  
33 except for the funds established under Sections 2.01a and  
34 2.03, shall be subject to appropriation.

1           The Department has the power to make grants, from funds  
2 appropriated from the Korean War Veterans National Museum and  
3 Library Fund, to private organizations for the benefit of the  
4 Korean War Veterans National Museum and Library.

5 (Source: P.A. 92-198, eff. 8-1-01; revised 9-18-01.)

6           Section 17. The Illinois Development Finance Authority  
7 Act is amended by changing Section 5 as follows:

8           (20 ILCS 3505/5) (from Ch. 48, par. 850.05)

9           Sec. 5. All official acts of the Authority shall require  
10 the approval of at least 9 members. It shall be the duty of  
11 the Authority to promote employment within those areas of the  
12 State duly certified from time to time by the Department of  
13 Commerce and Community Affairs as areas of critical labor  
14 surplus. To this end the Authority shall utilize the powers  
15 herein conferred upon it to assist in the development and  
16 construction or acquisition of industrial projects within  
17 such areas of the State.

18           The Authority is hereby authorized to utilize its powers  
19 with respect to prospective industrial projects to be located  
20 at any given time within any general areas then currently  
21 certified by the Department of Commerce and Community Affairs  
22 as areas of critical labor surplus. In addition, upon being  
23 requested to utilize its powers with respect to a prospective  
24 industrial project to be located outside of any areas then  
25 currently certified as areas of critical labor surplus, the  
26 Authority may refer such request to the Department of  
27 Commerce and Community Affairs for its determination as to  
28 whether the proposed location is within any specific area of  
29 critical labor surplus not hitherto generally certified. If  
30 the proposed location is certified by the Department as being  
31 within an area of critical labor surplus, the Authority may  
32 similarly utilize its powers with respect to such prospective

1 industrial project.

2 In evaluating the eligibility of any prospective  
3 industrial project to be located within any area of critical  
4 labor surplus, the Authority shall consider, (1) the  
5 financial responsibility of the prospective applicant and  
6 user, and (2) the relationship between the amount of funds to  
7 be provided by exercise of powers of the Authority and the  
8 degree to which the project (A) will contribute to creation  
9 or retention of employment, including employment in the  
10 construction industry, (B) will contribute to the economic  
11 development of the area in which the industrial project is  
12 located and (C) will produce goods or services for which  
13 there is a need or demand.

14 (Source: P.A. 92-212, eff. 8-2-01; revised 12-3-01.)

15 Section 18. The State Finance Act is amended by setting  
16 forth and renumbering multiple versions of Sections 5.545,  
17 5.546, and 6z-51 as follows:

18 (30 ILCS 105/5.543)

19 Sec. 5.543. ~~5.545~~. The Energy Infrastructure Fund.

20 (Source: P.A. 92-12, eff. 7-1-01; revised 10-19-01.)

21 (30 ILCS 105/5.544)

22 Sec. 5.544. ~~5.546~~. The Energy Efficiency Investment Fund.

23 (Source: P.A. 92-12, eff. 6-30-01; revised 10-19-01.)

24 (30 ILCS 105/5.545)

25 Sec. 5.545. The Digital Divide Elimination Fund.

26 (Source: P.A. 92-22, eff. 6-30-01.)

27 (30 ILCS 105/5.546)

28 Sec. 5.546. The Digital Divide Elimination Infrastructure  
29 Fund.

1 (Source: P.A. 92-22, eff. 6-30-01.)

2 (30 ILCS 105/5.547)

3 Sec. 5.547. ~~5-545-~~ The Medical Special Purposes Trust  
4 Fund.

5 (Source: P.A. 92-37, eff. 7-1-01; revised 10-19-01.)

6 (30 ILCS 105/5.548)

7 Sec. 5.548. ~~5-545-~~ The Child Support Administrative  
8 Fund.

9 (Source: P.A. 92-44, eff. 7-1-01; revised 19-19-01.)

10 (30 ILCS 105/5.552)

11 Sec. 5.552. ~~5-545-~~ The ICCB Adult Education Fund.

12 (Source: P.A. 92-49, eff. 7-9-01; revised 10-19-01.)

13 (30 ILCS 105/5.553)

14 Sec. 5.553. ~~5-545-~~ The Medicaid Buy-In Program Revolving  
15 Fund.

16 (Source: P.A. 92-163, eff. 7-25-01; revised 10-19-01.)

17 (30 ILCS 105/5.554)

18 Sec. 5.554. ~~5-545-~~ The Korean War Veterans National  
19 Museum and Library Fund.

20 (Source: P.A. 92-198, eff. 8-1-01; revised 10-19-01.)

21 (30 ILCS 105/5.555)

22 Sec. 5.555. ~~5-545-~~ The Corporate Headquarters Relocation  
23 Assistance Fund.

24 (Source: P.A. 92-207, eff. 8-1-01; revised 10-19-01.)

25 (30 ILCS 105/5.556)

26 Sec. 5.556. ~~5-545-~~ The Statewide Economic Development  
27 Fund.

1 (Source: P.A. 92-208, eff. 8-2-01; revised 10-19-01.)

2 (30 ILCS 105/5.557)

3 Sec. 5.557. ~~5-545-~~ The Real Estate Audit Fund.

4 (Source: P.A. 92-217, eff. 8-2-01; revised 10-19-01.)

5 (30 ILCS 105/5.558)

6 Sec. 5.558. ~~5-545-~~ The Home Inspector Administration  
7 Fund.

8 (Source: P.A. 92-239, eff. 8-3-01; revised 10-19-01.)

9 (30 ILCS 105/5.559)

10 Sec. 5.559. ~~5-545-~~~~5-546-~~ The Project Exile Fund.

11 (Source: P.A. 92-332, eff. 8-10-01; 92-342, eff. 8-10-01;  
12 revised 10-19-01.)

13 (30 ILCS 105/5.560)

14 Sec. 5.560. ~~5-545-~~ The Illinois AgriFIRST Program Fund.

15 (Source: P.A. 92-346, eff. 8-14-01; revised 10-19-01.)

16 (30 ILCS 105/5.561)

17 Sec. 5.561. ~~5-545-~~ The Secretary of State DUI  
18 Administration Fund.

19 (Source: P.A. 92-418, eff. 8-17-01; revised 10-19-01.)

20 (30 ILCS 105/5.562)

21 Sec. 5.562. ~~5-545-~~ The Illinois Future Teacher Corps  
22 Scholarship Fund.

23 (Source: P.A. 92-445, eff. 8-17-01; revised 10-19-01.)

24 (30 ILCS 105/5.563)

25 Sec. 5.563. ~~5-545-~~ The Illinois Animal Abuse Fund.

26 (Source: P.A. 92-454, eff. 1-1-02; revised 10-19-01.)

1 (30 ILCS 105/5.564)

2 Sec. 5.564. ~~5-545-~~ The Marine Corps Scholarship Fund.

3 (Source: P.A. 92-467, eff. 1-1-02; revised 10-19-01.)

4 (30 ILCS 105/5.565)

5 Sec. 5.565. ~~5-545-~~ The Chicago and Northeast Illinois  
6 District Council of Carpenters Fund.

7 (Source: P.A. 92-477, eff. 1-1-02; revised 10-19-01.)

8 (30 ILCS 105/5.566)

9 Sec. 5.566. ~~5-545-~~ The Brownfields Site Restoration  
10 Program Fund. Subsections (b) and (c) of Section 5 of this  
11 Act do not apply to this Fund.

12 (Source: P.A. 92-486, eff. 1-1-02; revised 10-19-01.)

13 (30 ILCS 105/5.567)

14 Sec. 5.567. ~~5-545-~~ The Secretary of State Police Services  
15 Fund.

16 (Source: P.A. 92-501, eff. 12-19-01; revised 12-28-01.)

17 (30 ILCS 105/5.568)

18 (This Section may contain text from a Public Act with a  
19 delayed effective date)

20 Sec. 5.568. ~~5-545-~~ The Pet Overpopulation Control Fund.

21 (Source: P.A. 92-520, eff. 6-1-02; revised 1-16-02.)

22 (30 ILCS 105/6z-51)

23 Sec. 6z-51. Budget Stabilization Fund.

24 (a) The Budget Stabilization Fund, a special fund in the  
25 State Treasury, shall consist of moneys appropriated or  
26 transferred to that Fund, as provided in Section 6z-43 and as  
27 otherwise provided by law.

28 (b) The State Comptroller may direct the State Treasurer  
29 to transfer moneys from the Budget Stabilization Fund to the

1 General Revenue Fund in order to meet deficits resulting from  
2 timing variations between disbursements and the receipt of  
3 funds within a fiscal year. Any moneys so borrowed shall be  
4 repaid by June 30 of the fiscal year in which they were  
5 borrowed.

6 (Source: P.A. 92-11, eff. 6-11-01.)

7 (30 ILCS 105/6z-54)

8 Sec. 6z-54. ~~6z-51~~. The Energy Infrastructure Fund.

9 (a) The Energy Infrastructure Fund is created as a  
10 special fund in the State treasury.

11 (b) Money in the Energy Infrastructure Fund shall, if  
12 and when the State of Illinois issues any bonded indebtedness  
13 for financial assistance to new electric generating  
14 facilities, as provided in Section 605-332 of the Department  
15 of Commerce and Community Affairs Law of the Civil  
16 Administrative Code of Illinois, be set aside and used for  
17 the purpose of paying and discharging annually the principal  
18 and interest on that bonded indebtedness then due and  
19 payable, and for no other purpose.

20 In addition to other transfers to the General Obligation  
21 Bond Retirement and Interest Fund made pursuant to Section 15  
22 of the General Obligation Bond Act, upon each delivery of  
23 bonds issued for financial assistance to new electric  
24 generating facilities under Section 605-332 of the Department  
25 of Commerce and Community Affairs Law of the Civil  
26 Administrative Code of Illinois, the State Comptroller shall  
27 compute and certify to the State Treasurer the total amount  
28 of principal and interest, and premium, if any, on such bonds  
29 during the then current and each succeeding fiscal year. On  
30 or before the last day of each month, the State Treasurer and  
31 the State Comptroller shall transfer from the Energy  
32 Infrastructure Fund to the General Obligation Bond Retirement  
33 and Interest Fund an amount sufficient to pay the aggregate

1 of the principal of, interest on, and premium, if any, on the  
2 bonds payable on their next payment date, divided by the  
3 number of monthly transfers occurring between the last  
4 previous payment date (or the delivery date if no payment  
5 date has yet occurred) and the next succeeding payment date.

6 (c) To the extent that moneys in the Energy  
7 Infrastructure Fund, in the opinion of the Governor and the  
8 Director of the Bureau of the Budget, are in excess of 125%  
9 of the maximum debt service in any fiscal year, such surplus  
10 shall, subject to appropriation, be used by the Department of  
11 Commerce and Community Affairs for financial assistance under  
12 other coal development programs administered by the  
13 Department, in accordance with the rules of the Department or  
14 for other State purposes subject to appropriation.

15 (Source: P.A. 92-12, eff. 7-1-01; revised 10-17-01.)

16 (30 ILCS 105/6z-55)

17 Sec. ~~6z-51~~. 6z-55. Statewide Economic Development Fund.

18 (a) The Statewide Economic Development Fund is created as a  
19 special fund in the State treasury. Moneys in the Fund shall  
20 be used, subject to appropriation, for the purpose of  
21 statewide economic development activities.

22 (Source: P.A. 92-208, eff. 8-2-01; revised 10-17-01.)

23 Section 19. The State Real Property Leasing Act is  
24 amended by changing Section 1.5 as follows:

25 (30 ILCS 562/1.5)

26 Sec. 1.5. Leasing to tax delinquents prohibited. A  
27 State agency shall not lease any real property to a person  
28 who is delinquent in paying any real property taxes on a  
29 leasehold estate under Section 9-195 of the Property Tax  
30 Code. If a State agency receives notice ~~under Section 21-63~~  
31 ~~of the Property Tax Code~~ that a lessee of property under the

1 agency's control is delinquent in paying property taxes, the  
2 agency shall notify the lessee that the lessee has 60 days to  
3 pay the delinquent taxes, plus penalties and interest, if  
4 any, or the lease shall be terminated. If the lessee fails  
5 to submit proof to the agency that the lessee has paid the  
6 taxes, penalties, and interest, the agency shall terminate  
7 the lease. A person whose lease was terminated under this  
8 Section is not allowed to lease State-owned real property or  
9 bid on a lease for State-owned real property for a period of  
10 2 years after the termination of the lease.

11 ~~Within 60--days-after-the-effective-date-of-this-Act-and~~  
12 ~~within~~ 60 days after entering into an agreement to lease  
13 State-owned real property, the State agency leasing the  
14 State-owned real property shall notify the county clerk of  
15 the county in which the real property is located of the name  
16 and mailing address of the lessee.

17 (Source: P.A. 88-676, eff. 12-14-94; revised 12-13-01.)

18 Section 20. The State Property Control Act is amended by  
19 changing Section 1.02 as follows:

20 (30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

21 Sec. 1.02. "Property" means State owned property and  
22 includes all real estate, with the exception of rights of way  
23 for State water resource and highway improvements, traffic  
24 signs and traffic signals, and with the exception of common  
25 school property; and all tangible personal property with the  
26 exception of properties specifically exempted by the  
27 administrator, provided that any property originally  
28 classified as real property which has been detached from its  
29 structure shall be classified as personal property.

30 "Property" does not include property owned by the  
31 Illinois Medical District Commission and leased or occupied  
32 by others for purposes permitted under the Illinois Medical

1 District Act. "Property" also does not include property  
2 owned and held by the Illinois Medical District Commission  
3 for redevelopment.

4 "Property" does not include that property described under  
5 Section 5 of Public Act 92-371 ~~this--amendatory--Act--of--the~~  
6 ~~92nd--General--Assembly~~ with respect to depositing the net  
7 proceeds from the sale or exchange of the property as  
8 provided in Section 10 of that ~~this-amendatory Act of-the~~  
9 ~~92nd-General-Assembly~~.

10 (Source: P.A. 92-371, eff. 8-15-01; revised 10-9-01.)

11 Section 21. The Downstate Public Transportation Act is  
12 amended by changing Section 2-2.04 as follows:

13 (30 ILCS 740/2-2.04) (from Ch. 111 2/3, par. 662.04)

14 Sec. 2-2.04. "Eligible operating expenses" means all  
15 expenses required for public transportation, including  
16 employee wages and benefits, materials, fuels, supplies,  
17 rental of facilities, taxes other than income taxes, payment  
18 made for debt service (including principal and interest) on  
19 publicly owned equipment or facilities, and any other  
20 expenditure which is an operating expense according to  
21 standard accounting practices for the providing of public  
22 transportation. Eligible operating expenses shall not include  
23 allowances: (a) for depreciation whether funded or unfunded;  
24 (b) for amortization of any intangible costs; (c) for debt  
25 service on capital acquired with the assistance of capital  
26 grant funds provided by the State of Illinois; (d) for  
27 profits or return on investment; (e) for excessive payment to  
28 associated entities; (f) for Comprehensive Employment  
29 Training Act expenses; (g) for costs reimbursed under  
30 Sections 6 and 8 of the "Urban Mass Transportation Act of  
31 1964", as amended; (h) for entertainment expenses; (i) for  
32 charter expenses; (j) for fines and penalties; (k) for

1 charitable donations; (l) for interest expense on long term  
2 borrowing and debt retirement other than on publicly owned  
3 equipment or facilities; (m) for income taxes; or (n) for  
4 such other expenses as the Department may determine  
5 consistent with federal Department of Transportation  
6 regulations or requirements.

7 With respect to participants other than any Metro-East  
8 Transit District participant and those receiving federal  
9 research development and demonstration funds pursuant to  
10 Section 6 of the "Urban Mass Transportation Act of 1964", as  
11 amended, during the fiscal year ending June 30, 1979, the  
12 maximum eligible operating expenses for any such participant  
13 in any fiscal year after Fiscal Year 1980 shall be the amount  
14 appropriated for such participant for the fiscal year ending  
15 June 30, 1980, plus in each year a 10% increase over the  
16 maximum established for the preceding fiscal year. For  
17 Fiscal Year 1980 the maximum eligible operating expenses for  
18 any such participant shall be the amount of projected  
19 operating expenses upon which the appropriation for such  
20 participant for Fiscal Year 1980 is based.

21 With respect to participants receiving federal research  
22 development and demonstration operating assistance funds for  
23 operating assistance pursuant to Section 6 of the "Urban Mass  
24 Transportation Act of 1964", as amended, during the fiscal  
25 year ending June 30, 1979, the maximum eligible operating  
26 expenses for any such participant in any fiscal year after  
27 Fiscal Year 1980 shall not exceed such participant's eligible  
28 operating expenses for the fiscal year ending June 30, 1980,  
29 plus in each year a 10% increase over the maximum established  
30 for the preceding fiscal year. For Fiscal Year 1980, the  
31 maximum eligible operating expenses for any such participant  
32 shall be the eligible operating expenses incurred during such  
33 fiscal year, or projected operating expenses upon which the  
34 appropriation for such participant for the Fiscal Year 1980

1 is based; whichever is less.

2 With respect to all participants other than any  
3 Metro-East Transit District participant, the maximum eligible  
4 operating expenses for any such participant in any fiscal  
5 year after Fiscal Year 1985 shall be the amount appropriated  
6 for such participant for the fiscal year ending June 30,  
7 1985, plus in each year a 10% increase over the maximum  
8 established for the preceding year. For Fiscal Year 1985,  
9 the maximum eligible operating expenses for any such  
10 participant shall be the amount of projected operating  
11 expenses upon which the appropriation for such participant  
12 for Fiscal Year 1985 is based.

13 With respect to any mass transit district participant  
14 that has increased its district boundaries by annexing  
15 counties since 1998 and is maintaining a level of local  
16 financial support, including all income and revenues, equal  
17 to or greater than the level in the State fiscal year ending  
18 June 30, 2001, the maximum eligible operating expenses for  
19 any State fiscal year after 2002 shall be the amount  
20 appropriated for that participant for the State fiscal year  
21 ending June 30, 2002, plus, in each State fiscal year, a 10%  
22 increase over the preceding State fiscal year. For State  
23 fiscal year 2002, the maximum eligible operating expenses for  
24 any such participant shall be the amount of projected  
25 operating expenses upon which the appropriation for that  
26 participant for State fiscal year 2002 is based. For that  
27 participant, eligible operating expenses for State fiscal  
28 year 2002 in excess of the eligible operating expenses for  
29 the State fiscal year ending June 30, 2001, plus 10%, must  
30 be attributed to the provision of services in the newly  
31 annexed counties.

32 With respect to a participant that receives an initial  
33 appropriation in State fiscal year 2002, the maximum eligible  
34 operating expenses for any State fiscal year after 2003 shall

1 be the amount appropriated for that participant for the State  
 2 fiscal year ending June 30, 2003, plus, in each year, a 10%  
 3 increase over the preceding year. For State fiscal year  
 4 2003, the maximum eligible operating expenses for any such  
 5 participant shall be the amount of projected operating  
 6 expenses upon which the appropriation for that participant  
 7 for State fiscal year 2003 is based. ~~For Fiscal Year 2002~~  
 8 (Source: P.A. 92-258, eff. 8-7-01; 92-464, eff. 8-22-01;  
 9 revised 10-15-01.)

10 Section 22. The State Mandates Act is amended by  
 11 changing Sections 8.24 and 8.25 as follows:

12 (30 ILCS 805/8.24)

13 Sec. 8.24. ~~8-25.~~ Exempt mandate. Notwithstanding  
 14 Sections 6 and 8 of this Act, no reimbursement by the State  
 15 is required for the implementation of any mandate created by  
 16 Public Act 91-699, 91-722, 91-834, 91-852, 91-870, 91-885,  
 17 91-887, ~~or 91-897, 91-939, or 91-954.~~ ~~this-amendatory-Act-of~~  
 18 ~~the-91st-General-Assembly.~~  
 19 (Source: P.A. 91-699, eff. 1-1-01; 91-722, eff. 6-2-00;  
 20 91-834, eff. 1-1-01; 91-852, eff. 6-22-00; 91-870, eff.  
 21 6-22-00; 91-885, eff. 7-6-00; 91-887, eff. 7-6-00; 91-897,  
 22 eff. 7-6-00; 91-939, eff. 2-1-01; 91-954, eff. 1-1-02; 92-16,  
 23 eff. 6-28-01; revised 7-23-01.)

24 (30 ILCS 805/8.25)

25 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6  
 26 and 8 of this Act, no reimbursement by the State is required  
 27 for the implementation of any mandate created by Public Act  
 28 92-36, 92-50, 92-52, 92-53, 92-166, 92-281, 92-382, 92-388,  
 29 92-416, 92-424, or 92-465. ~~this-amendatory-Act-of-the-92nd~~  
 30 ~~General-Assembly.~~  
 31 (Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01;

1 92-52, eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff.  
2 1-1-02; 92-281, eff. 8-7-01; 92-382, eff. 8-16-01; 92-388,  
3 eff. 1-1-02; 92-416, eff. 8-17-01; 92-424, eff. 8-17-01;  
4 92-465, eff. 1-1-02; revised 10-17-01.)

5 Section 23. The Illinois Income Tax Act is amended by  
6 changing Sections 201, 203, 509, and 510 and setting forth  
7 and renumbering multiple versions of Section 507V as follows:

8 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

9 Sec. 201. Tax Imposed.

10 (a) In general. A tax measured by net income is hereby  
11 imposed on every individual, corporation, trust and estate  
12 for each taxable year ending after July 31, 1969 on the  
13 privilege of earning or receiving income in or as a resident  
14 of this State. Such tax shall be in addition to all other  
15 occupation or privilege taxes imposed by this State or by any  
16 municipal corporation or political subdivision thereof.

17 (b) Rates. The tax imposed by subsection (a) of this  
18 Section shall be determined as follows, except as adjusted by  
19 subsection (d-1):

20 (1) In the case of an individual, trust or estate,  
21 for taxable years ending prior to July 1, 1989, an amount  
22 equal to 2 1/2% of the taxpayer's net income for the  
23 taxable year.

24 (2) In the case of an individual, trust or estate,  
25 for taxable years beginning prior to July 1, 1989 and  
26 ending after June 30, 1989, an amount equal to the sum of  
27 (i) 2 1/2% of the taxpayer's net income for the period  
28 prior to July 1, 1989, as calculated under Section 202.3,  
29 and (ii) 3% of the taxpayer's net income for the period  
30 after June 30, 1989, as calculated under Section 202.3.

31 (3) In the case of an individual, trust or estate,  
32 for taxable years beginning after June 30, 1989, an

1 amount equal to 3% of the taxpayer's net income for the  
2 taxable year.

3 (4) (Blank).

4 (5) (Blank).

5 (6) In the case of a corporation, for taxable years  
6 ending prior to July 1, 1989, an amount equal to 4% of  
7 the taxpayer's net income for the taxable year.

8 (7) In the case of a corporation, for taxable years  
9 beginning prior to July 1, 1989 and ending after June 30,  
10 1989, an amount equal to the sum of (i) 4% of the  
11 taxpayer's net income for the period prior to July 1,  
12 1989, as calculated under Section 202.3, and (ii) 4.8% of  
13 the taxpayer's net income for the period after June 30,  
14 1989, as calculated under Section 202.3.

15 (8) In the case of a corporation, for taxable years  
16 beginning after June 30, 1989, an amount equal to 4.8% of  
17 the taxpayer's net income for the taxable year.

18 (c) Personal Property Tax Replacement Income Tax.

19 Beginning on July 1, 1979 and thereafter, in addition to such  
20 income tax, there is also hereby imposed the Personal  
21 Property Tax Replacement Income Tax measured by net income on  
22 every corporation (including Subchapter S corporations),  
23 partnership and trust, for each taxable year ending after  
24 June 30, 1979. Such taxes are imposed on the privilege of  
25 earning or receiving income in or as a resident of this  
26 State. The Personal Property Tax Replacement Income Tax  
27 shall be in addition to the income tax imposed by subsections  
28 (a) and (b) of this Section and in addition to all other  
29 occupation or privilege taxes imposed by this State or by any  
30 municipal corporation or political subdivision thereof.

31 (d) Additional Personal Property Tax Replacement Income  
32 Tax Rates. The personal property tax replacement income tax  
33 imposed by this subsection and subsection (c) of this Section  
34 in the case of a corporation, other than a Subchapter S

1 corporation and except as adjusted by subsection (d-1), shall  
2 be an additional amount equal to 2.85% of such taxpayer's net  
3 income for the taxable year, except that beginning on January  
4 1, 1981, and thereafter, the rate of 2.85% specified in this  
5 subsection shall be reduced to 2.5%, and in the case of a  
6 partnership, trust or a Subchapter S corporation shall be an  
7 additional amount equal to 1.5% of such taxpayer's net income  
8 for the taxable year.

9 (d-1) Rate reduction for certain foreign insurers. In  
10 the case of a foreign insurer, as defined by Section 35A-5 of  
11 the Illinois Insurance Code, whose state or country of  
12 domicile imposes on insurers domiciled in Illinois a  
13 retaliatory tax (excluding any insurer whose premiums from  
14 reinsurance assumed are 50% or more of its total insurance  
15 premiums as determined under paragraph (2) of subsection (b)  
16 of Section 304, except that for purposes of this  
17 determination premiums from reinsurance do not include  
18 premiums from inter-affiliate reinsurance arrangements),  
19 beginning with taxable years ending on or after December 31,  
20 1999, the sum of the rates of tax imposed by subsections (b)  
21 and (d) shall be reduced (but not increased) to the rate at  
22 which the total amount of tax imposed under this Act, net of  
23 all credits allowed under this Act, shall equal (i) the total  
24 amount of tax that would be imposed on the foreign insurer's  
25 net income allocable to Illinois for the taxable year by such  
26 foreign insurer's state or country of domicile if that net  
27 income were subject to all income taxes and taxes measured by  
28 net income imposed by such foreign insurer's state or country  
29 of domicile, net of all credits allowed or (ii) a rate of  
30 zero if no such tax is imposed on such income by the foreign  
31 insurer's state of domicile. For the purposes of this  
32 subsection (d-1), an inter-affiliate includes a mutual  
33 insurer under common management.

34 (1) For the purposes of subsection (d-1), in no

1 event shall the sum of the rates of tax imposed by  
2 subsections (b) and (d) be reduced below the rate at  
3 which the sum of:

4 (A) the total amount of tax imposed on such  
5 foreign insurer under this Act for a taxable year,  
6 net of all credits allowed under this Act, plus

7 (B) the privilege tax imposed by Section 409  
8 of the Illinois Insurance Code, the fire insurance  
9 company tax imposed by Section 12 of the Fire  
10 Investigation Act, and the fire department taxes  
11 imposed under Section 11-10-1 of the Illinois  
12 Municipal Code,

13 equals 1.25% of the net taxable premiums written for the  
14 taxable year, as described by subsection (1) of Section  
15 409 of the Illinois Insurance Code. This paragraph will  
16 in no event increase the rates imposed under subsections  
17 (b) and (d).

18 (2) Any reduction in the rates of tax imposed by  
19 this subsection shall be applied first against the rates  
20 imposed by subsection (b) and only after the tax imposed  
21 by subsection (a) net of all credits allowed under this  
22 Section other than the credit allowed under subsection  
23 (i) has been reduced to zero, against the rates imposed  
24 by subsection (d).

25 This subsection (d-1) is exempt from the provisions of  
26 Section 250.

27 (e) Investment credit. A taxpayer shall be allowed a  
28 credit against the Personal Property Tax Replacement Income  
29 Tax for investment in qualified property.

30 (1) A taxpayer shall be allowed a credit equal to  
31 .5% of the basis of qualified property placed in service  
32 during the taxable year, provided such property is placed  
33 in service on or after July 1, 1984. There shall be  
34 allowed an additional credit equal to .5% of the basis of

1 qualified property placed in service during the taxable  
2 year, provided such property is placed in service on or  
3 after July 1, 1986, and the taxpayer's base employment  
4 within Illinois has increased by 1% or more over the  
5 preceding year as determined by the taxpayer's employment  
6 records filed with the Illinois Department of Employment  
7 Security. Taxpayers who are new to Illinois shall be  
8 deemed to have met the 1% growth in base employment for  
9 the first year in which they file employment records with  
10 the Illinois Department of Employment Security. The  
11 provisions added to this Section by Public Act 85-1200  
12 (and restored by Public Act 87-895) shall be construed as  
13 declaratory of existing law and not as a new enactment.  
14 If, in any year, the increase in base employment within  
15 Illinois over the preceding year is less than 1%, the  
16 additional credit shall be limited to that percentage  
17 times a fraction, the numerator of which is .5% and the  
18 denominator of which is 1%, but shall not exceed .5%.  
19 The investment credit shall not be allowed to the extent  
20 that it would reduce a taxpayer's liability in any tax  
21 year below zero, nor may any credit for qualified  
22 property be allowed for any year other than the year in  
23 which the property was placed in service in Illinois. For  
24 tax years ending on or after December 31, 1987, and on or  
25 before December 31, 1988, the credit shall be allowed for  
26 the tax year in which the property is placed in service,  
27 or, if the amount of the credit exceeds the tax liability  
28 for that year, whether it exceeds the original liability  
29 or the liability as later amended, such excess may be  
30 carried forward and applied to the tax liability of the 5  
31 taxable years following the excess credit years if the  
32 taxpayer (i) makes investments which cause the creation  
33 of a minimum of 2,000 full-time equivalent jobs in  
34 Illinois, (ii) is located in an enterprise zone

1 established pursuant to the Illinois Enterprise Zone Act  
2 and (iii) is certified by the Department of Commerce and  
3 Community Affairs as complying with the requirements  
4 specified in clause (i) and (ii) by July 1, 1986. The  
5 Department of Commerce and Community Affairs shall notify  
6 the Department of Revenue of all such certifications  
7 immediately. For tax years ending after December 31,  
8 1988, the credit shall be allowed for the tax year in  
9 which the property is placed in service, or, if the  
10 amount of the credit exceeds the tax liability for that  
11 year, whether it exceeds the original liability or the  
12 liability as later amended, such excess may be carried  
13 forward and applied to the tax liability of the 5 taxable  
14 years following the excess credit years. The credit shall  
15 be applied to the earliest year for which there is a  
16 liability. If there is credit from more than one tax year  
17 that is available to offset a liability, earlier credit  
18 shall be applied first.

19 (2) The term "qualified property" means property  
20 which:

21 (A) is tangible, whether new or used,  
22 including buildings and structural components of  
23 buildings and signs that are real property, but not  
24 including land or improvements to real property that  
25 are not a structural component of a building such as  
26 landscaping, sewer lines, local access roads,  
27 fencing, parking lots, and other appurtenances;

28 (B) is depreciable pursuant to Section 167 of  
29 the Internal Revenue Code, except that "3-year  
30 property" as defined in Section 168(c)(2)(A) of that  
31 Code is not eligible for the credit provided by this  
32 subsection (e);

33 (C) is acquired by purchase as defined in  
34 Section 179(d) of the Internal Revenue Code;

1           (D) is used in Illinois by a taxpayer who is  
2           primarily engaged in manufacturing, or in mining  
3           coal or fluorite, or in retailing; and

4           (E) has not previously been used in Illinois  
5           in such a manner and by such a person as would  
6           qualify for the credit provided by this subsection  
7           (e) or subsection (f).

8           (3) For purposes of this subsection (e),  
9           "manufacturing" means the material staging and production  
10          of tangible personal property by procedures commonly  
11          regarded as manufacturing, processing, fabrication, or  
12          assembling which changes some existing material into new  
13          shapes, new qualities, or new combinations. For purposes  
14          of this subsection (e) the term "mining" shall have the  
15          same meaning as the term "mining" in Section 613(c) of  
16          the Internal Revenue Code. For purposes of this  
17          subsection (e), the term "retailing" means the sale of  
18          tangible personal property or services rendered in  
19          conjunction with the sale of tangible consumer goods or  
20          commodities.

21          (4) The basis of qualified property shall be the  
22          basis used to compute the depreciation deduction for  
23          federal income tax purposes.

24          (5) If the basis of the property for federal income  
25          tax depreciation purposes is increased after it has been  
26          placed in service in Illinois by the taxpayer, the amount  
27          of such increase shall be deemed property placed in  
28          service on the date of such increase in basis.

29          (6) The term "placed in service" shall have the  
30          same meaning as under Section 46 of the Internal Revenue  
31          Code.

32          (7) If during any taxable year, any property ceases  
33          to be qualified property in the hands of the taxpayer  
34          within 48 months after being placed in service, or the

1 situs of any qualified property is moved outside Illinois  
2 within 48 months after being placed in service, the  
3 Personal Property Tax Replacement Income Tax for such  
4 taxable year shall be increased. Such increase shall be  
5 determined by (i) recomputing the investment credit which  
6 would have been allowed for the year in which credit for  
7 such property was originally allowed by eliminating such  
8 property from such computation and, (ii) subtracting such  
9 recomputed credit from the amount of credit previously  
10 allowed. For the purposes of this paragraph (7), a  
11 reduction of the basis of qualified property resulting  
12 from a redetermination of the purchase price shall be  
13 deemed a disposition of qualified property to the extent  
14 of such reduction.

15 (8) Unless the investment credit is extended by  
16 law, the basis of qualified property shall not include  
17 costs incurred after December 31, 2003, except for costs  
18 incurred pursuant to a binding contract entered into on  
19 or before December 31, 2003.

20 (9) Each taxable year ending before December 31,  
21 2000, a partnership may elect to pass through to its  
22 partners the credits to which the partnership is entitled  
23 under this subsection (e) for the taxable year. A  
24 partner may use the credit allocated to him or her under  
25 this paragraph only against the tax imposed in  
26 subsections (c) and (d) of this Section. If the  
27 partnership makes that election, those credits shall be  
28 allocated among the partners in the partnership in  
29 accordance with the rules set forth in Section 704(b) of  
30 the Internal Revenue Code, and the rules promulgated  
31 under that Section, and the allocated amount of the  
32 credits shall be allowed to the partners for that taxable  
33 year. The partnership shall make this election on its  
34 Personal Property Tax Replacement Income Tax return for

1 that taxable year. The election to pass through the  
2 credits shall be irrevocable.

3 For taxable years ending on or after December 31,  
4 2000, a partner that qualifies its partnership for a  
5 subtraction under subparagraph (I) of paragraph (2) of  
6 subsection (d) of Section 203 or a shareholder that  
7 qualifies a Subchapter S corporation for a subtraction  
8 under subparagraph (S) of paragraph (2) of subsection (b)  
9 of Section 203 shall be allowed a credit under this  
10 subsection (e) equal to its share of the credit earned  
11 under this subsection (e) during the taxable year by the  
12 partnership or Subchapter S corporation, determined in  
13 accordance with the determination of income and  
14 distributive share of income under Sections 702 and 704  
15 and Subchapter S of the Internal Revenue Code. This  
16 paragraph is exempt from the provisions of Section 250.

17 (f) Investment credit; Enterprise Zone.

18 (1) A taxpayer shall be allowed a credit against  
19 the tax imposed by subsections (a) and (b) of this  
20 Section for investment in qualified property which is  
21 placed in service in an Enterprise Zone created pursuant  
22 to the Illinois Enterprise Zone Act. For partners,  
23 shareholders of Subchapter S corporations, and owners of  
24 limited liability companies, if the liability company is  
25 treated as a partnership for purposes of federal and  
26 State income taxation, there shall be allowed a credit  
27 under this subsection (f) to be determined in accordance  
28 with the determination of income and distributive share  
29 of income under Sections 702 and 704 and Subchapter S of  
30 the Internal Revenue Code. The credit shall be .5% of  
31 the basis for such property. The credit shall be  
32 available only in the taxable year in which the property  
33 is placed in service in the Enterprise Zone and shall not  
34 be allowed to the extent that it would reduce a

1 taxpayer's liability for the tax imposed by subsections  
2 (a) and (b) of this Section to below zero. For tax years  
3 ending on or after December 31, 1985, the credit shall be  
4 allowed for the tax year in which the property is placed  
5 in service, or, if the amount of the credit exceeds the  
6 tax liability for that year, whether it exceeds the  
7 original liability or the liability as later amended,  
8 such excess may be carried forward and applied to the tax  
9 liability of the 5 taxable years following the excess  
10 credit year. The credit shall be applied to the earliest  
11 year for which there is a liability. If there is credit  
12 from more than one tax year that is available to offset a  
13 liability, the credit accruing first in time shall be  
14 applied first.

15 (2) The term qualified property means property  
16 which:

17 (A) is tangible, whether new or used,  
18 including buildings and structural components of  
19 buildings;

20 (B) is depreciable pursuant to Section 167 of  
21 the Internal Revenue Code, except that "3-year  
22 property" as defined in Section 168(c)(2)(A) of that  
23 Code is not eligible for the credit provided by this  
24 subsection (f);

25 (C) is acquired by purchase as defined in  
26 Section 179(d) of the Internal Revenue Code;

27 (D) is used in the Enterprise Zone by the  
28 taxpayer; and

29 (E) has not been previously used in Illinois  
30 in such a manner and by such a person as would  
31 qualify for the credit provided by this subsection  
32 (f) or subsection (e).

33 (3) The basis of qualified property shall be the  
34 basis used to compute the depreciation deduction for

1 federal income tax purposes.

2 (4) If the basis of the property for federal income  
3 tax depreciation purposes is increased after it has been  
4 placed in service in the Enterprise Zone by the taxpayer,  
5 the amount of such increase shall be deemed property  
6 placed in service on the date of such increase in basis.

7 (5) The term "placed in service" shall have the  
8 same meaning as under Section 46 of the Internal Revenue  
9 Code.

10 (6) If during any taxable year, any property ceases  
11 to be qualified property in the hands of the taxpayer  
12 within 48 months after being placed in service, or the  
13 situs of any qualified property is moved outside the  
14 Enterprise Zone within 48 months after being placed in  
15 service, the tax imposed under subsections (a) and (b) of  
16 this Section for such taxable year shall be increased.  
17 Such increase shall be determined by (i) recomputing the  
18 investment credit which would have been allowed for the  
19 year in which credit for such property was originally  
20 allowed by eliminating such property from such  
21 computation, and (ii) subtracting such recomputed credit  
22 from the amount of credit previously allowed. For the  
23 purposes of this paragraph (6), a reduction of the basis  
24 of qualified property resulting from a redetermination of  
25 the purchase price shall be deemed a disposition of  
26 qualified property to the extent of such reduction.

27 (g) Jobs Tax Credit; Enterprise Zone and Foreign Trade  
28 Zone or Sub-Zone.

29 (1) A taxpayer conducting a trade or business in an  
30 enterprise zone or a High Impact Business designated by  
31 the Department of Commerce and Community Affairs  
32 conducting a trade or business in a federally designated  
33 Foreign Trade Zone or Sub-Zone shall be allowed a credit  
34 against the tax imposed by subsections (a) and (b) of

1 this Section in the amount of \$500 per eligible employee  
2 hired to work in the zone during the taxable year.

3 (2) To qualify for the credit:

4 (A) the taxpayer must hire 5 or more eligible  
5 employees to work in an enterprise zone or federally  
6 designated Foreign Trade Zone or Sub-Zone during the  
7 taxable year;

8 (B) the taxpayer's total employment within the  
9 enterprise zone or federally designated Foreign  
10 Trade Zone or Sub-Zone must increase by 5 or more  
11 full-time employees beyond the total employed in  
12 that zone at the end of the previous tax year for  
13 which a jobs tax credit under this Section was  
14 taken, or beyond the total employed by the taxpayer  
15 as of December 31, 1985, whichever is later; and

16 (C) the eligible employees must be employed  
17 180 consecutive days in order to be deemed hired for  
18 purposes of this subsection.

19 (3) An "eligible employee" means an employee who  
20 is:

21 (A) Certified by the Department of Commerce  
22 and Community Affairs as "eligible for services"  
23 pursuant to regulations promulgated in accordance  
24 with Title II of the Job Training Partnership Act,  
25 Training Services for the Disadvantaged or Title III  
26 of the Job Training Partnership Act, Employment and  
27 Training Assistance for Dislocated Workers Program.

28 (B) Hired after the enterprise zone or  
29 federally designated Foreign Trade Zone or Sub-Zone  
30 was designated or the trade or business was located  
31 in that zone, whichever is later.

32 (C) Employed in the enterprise zone or Foreign  
33 Trade Zone or Sub-Zone. An employee is employed in  
34 an enterprise zone or federally designated Foreign

1 Trade Zone or Sub-Zone if his services are rendered  
2 there or it is the base of operations for the  
3 services performed.

4 (D) A full-time employee working 30 or more  
5 hours per week.

6 (4) For tax years ending on or after December 31,  
7 1985 and prior to December 31, 1988, the credit shall be  
8 allowed for the tax year in which the eligible employees  
9 are hired. For tax years ending on or after December 31,  
10 1988, the credit shall be allowed for the tax year  
11 immediately following the tax year in which the eligible  
12 employees are hired. If the amount of the credit exceeds  
13 the tax liability for that year, whether it exceeds the  
14 original liability or the liability as later amended,  
15 such excess may be carried forward and applied to the tax  
16 liability of the 5 taxable years following the excess  
17 credit year. The credit shall be applied to the earliest  
18 year for which there is a liability. If there is credit  
19 from more than one tax year that is available to offset a  
20 liability, earlier credit shall be applied first.

21 (5) The Department of Revenue shall promulgate such  
22 rules and regulations as may be deemed necessary to carry  
23 out the purposes of this subsection (g).

24 (6) The credit shall be available for eligible  
25 employees hired on or after January 1, 1986.

26 (h) Investment credit; High Impact Business.

27 (1) Subject to subsections (b) and (b-5) of Section  
28 5.5 of the Illinois Enterprise Zone Act, a taxpayer shall  
29 be allowed a credit against the tax imposed by  
30 subsections (a) and (b) of this Section for investment in  
31 qualified property which is placed in service by a  
32 Department of Commerce and Community Affairs designated  
33 High Impact Business. The credit shall be .5% of the  
34 basis for such property. The credit shall not be

1 available (i) until the minimum investments in qualified  
2 property set forth in subdivision (a)(3)(A) of Section  
3 5.5 of the Illinois Enterprise Zone Act have been  
4 satisfied or (ii) until the time authorized in subsection  
5 (b-5) of the Illinois Enterprise Zone Act for entities  
6 designated as High Impact Businesses under subdivisions  
7 (a)(3)(B), (a)(3)(C), and (a)(3)(D) of Section 5.5 of the  
8 Illinois Enterprise Zone Act, and shall not be allowed to  
9 the extent that it would reduce a taxpayer's liability  
10 for the tax imposed by subsections (a) and (b) of this  
11 Section to below zero. The credit applicable to such  
12 investments shall be taken in the taxable year in which  
13 such investments have been completed. The credit for  
14 additional investments beyond the minimum investment by a  
15 designated high impact business authorized under  
16 subdivision (a)(3)(A) of Section 5.5 of the Illinois  
17 Enterprise Zone Act shall be available only in the  
18 taxable year in which the property is placed in service  
19 and shall not be allowed to the extent that it would  
20 reduce a taxpayer's liability for the tax imposed by  
21 subsections (a) and (b) of this Section to below zero.  
22 For tax years ending on or after December 31, 1987, the  
23 credit shall be allowed for the tax year in which the  
24 property is placed in service, or, if the amount of the  
25 credit exceeds the tax liability for that year, whether  
26 it exceeds the original liability or the liability as  
27 later amended, such excess may be carried forward and  
28 applied to the tax liability of the 5 taxable years  
29 following the excess credit year. The credit shall be  
30 applied to the earliest year for which there is a  
31 liability. If there is credit from more than one tax  
32 year that is available to offset a liability, the credit  
33 accruing first in time shall be applied first.

34 Changes made in this subdivision (h)(1) by Public

1 Act 88-670 restore changes made by Public Act 85-1182 and  
2 reflect existing law.

3 (2) The term qualified property means property  
4 which:

5 (A) is tangible, whether new or used,  
6 including buildings and structural components of  
7 buildings;

8 (B) is depreciable pursuant to Section 167 of  
9 the Internal Revenue Code, except that "3-year  
10 property" as defined in Section 168(c)(2)(A) of that  
11 Code is not eligible for the credit provided by this  
12 subsection (h);

13 (C) is acquired by purchase as defined in  
14 Section 179(d) of the Internal Revenue Code; and

15 (D) is not eligible for the Enterprise Zone  
16 Investment Credit provided by subsection (f) of this  
17 Section.

18 (3) The basis of qualified property shall be the  
19 basis used to compute the depreciation deduction for  
20 federal income tax purposes.

21 (4) If the basis of the property for federal income  
22 tax depreciation purposes is increased after it has been  
23 placed in service in a federally designated Foreign Trade  
24 Zone or Sub-Zone located in Illinois by the taxpayer, the  
25 amount of such increase shall be deemed property placed  
26 in service on the date of such increase in basis.

27 (5) The term "placed in service" shall have the  
28 same meaning as under Section 46 of the Internal Revenue  
29 Code.

30 (6) If during any taxable year ending on or before  
31 December 31, 1996, any property ceases to be qualified  
32 property in the hands of the taxpayer within 48 months  
33 after being placed in service, or the situs of any  
34 qualified property is moved outside Illinois within 48

1 months after being placed in service, the tax imposed  
2 under subsections (a) and (b) of this Section for such  
3 taxable year shall be increased. Such increase shall be  
4 determined by (i) recomputing the investment credit which  
5 would have been allowed for the year in which credit for  
6 such property was originally allowed by eliminating such  
7 property from such computation, and (ii) subtracting such  
8 recomputed credit from the amount of credit previously  
9 allowed. For the purposes of this paragraph (6), a  
10 reduction of the basis of qualified property resulting  
11 from a redetermination of the purchase price shall be  
12 deemed a disposition of qualified property to the extent  
13 of such reduction.

14 (7) Beginning with tax years ending after December  
15 31, 1996, if a taxpayer qualifies for the credit under  
16 this subsection (h) and thereby is granted a tax  
17 abatement and the taxpayer relocates its entire facility  
18 in violation of the explicit terms and length of the  
19 contract under Section 18-183 of the Property Tax Code,  
20 the tax imposed under subsections (a) and (b) of this  
21 Section shall be increased for the taxable year in which  
22 the taxpayer relocated its facility by an amount equal to  
23 the amount of credit received by the taxpayer under this  
24 subsection (h).

25 (i) Credit for Personal Property Tax Replacement Income  
26 Tax. A credit shall be allowed against the tax imposed by  
27 subsections (a) and (b) of this Section for the tax imposed  
28 by subsections (c) and (d) of this Section. This credit  
29 shall be computed by multiplying the tax imposed by  
30 subsections (c) and (d) of this Section by a fraction, the  
31 numerator of which is base income allocable to Illinois and  
32 the denominator of which is Illinois base income, and further  
33 multiplying the product by the tax rate imposed by  
34 subsections (a) and (b) of this Section.

1 Any credit earned on or after December 31, 1986 under  
2 this subsection which is unused in the year the credit is  
3 computed because it exceeds the tax liability imposed by  
4 subsections (a) and (b) for that year (whether it exceeds the  
5 original liability or the liability as later amended) may be  
6 carried forward and applied to the tax liability imposed by  
7 subsections (a) and (b) of the 5 taxable years following the  
8 excess credit year. This credit shall be applied first to  
9 the earliest year for which there is a liability. If there  
10 is a credit under this subsection from more than one tax year  
11 that is available to offset a liability the earliest credit  
12 arising under this subsection shall be applied first.

13 If, during any taxable year ending on or after December  
14 31, 1986, the tax imposed by subsections (c) and (d) of this  
15 Section for which a taxpayer has claimed a credit under this  
16 subsection (i) is reduced, the amount of credit for such tax  
17 shall also be reduced. Such reduction shall be determined by  
18 recomputing the credit to take into account the reduced tax  
19 imposed by subsections ~~subsectien~~ (c) and (d). If any  
20 portion of the reduced amount of credit has been carried to a  
21 different taxable year, an amended return shall be filed for  
22 such taxable year to reduce the amount of credit claimed.

23 (j) Training expense credit. Beginning with tax years  
24 ending on or after December 31, 1986, a taxpayer shall be  
25 allowed a credit against the tax imposed by subsections  
26 ~~subsectien~~ (a) and (b) under this Section for all amounts  
27 paid or accrued, on behalf of all persons employed by the  
28 taxpayer in Illinois or Illinois residents employed outside  
29 of Illinois by a taxpayer, for educational or vocational  
30 training in semi-technical or technical fields or  
31 semi-skilled or skilled fields, which were deducted from  
32 gross income in the computation of taxable income. The  
33 credit against the tax imposed by subsections (a) and (b)  
34 shall be 1.6% of such training expenses. For partners,

1 shareholders of subchapter S corporations, and owners of  
2 limited liability companies, if the liability company is  
3 treated as a partnership for purposes of federal and State  
4 income taxation, there shall be allowed a credit under this  
5 subsection (j) to be determined in accordance with the  
6 determination of income and distributive share of income  
7 under Sections 702 and 704 and subchapter S of the Internal  
8 Revenue Code.

9 Any credit allowed under this subsection which is unused  
10 in the year the credit is earned may be carried forward to  
11 each of the 5 taxable years following the year for which the  
12 credit is first computed until it is used. This credit shall  
13 be applied first to the earliest year for which there is a  
14 liability. If there is a credit under this subsection from  
15 more than one tax year that is available to offset a  
16 liability the earliest credit arising under this subsection  
17 shall be applied first.

18 (k) Research and development credit.

19 Beginning with tax years ending after July 1, 1990, a  
20 taxpayer shall be allowed a credit against the tax imposed by  
21 subsections (a) and (b) of this Section for increasing  
22 research activities in this State. The credit allowed  
23 against the tax imposed by subsections (a) and (b) shall be  
24 equal to 6 1/2% of the qualifying expenditures for increasing  
25 research activities in this State. For partners,  
26 shareholders of subchapter S corporations, and owners of  
27 limited liability companies, if the liability company is  
28 treated as a partnership for purposes of federal and State  
29 income taxation, there shall be allowed a credit under this  
30 subsection to be determined in accordance with the  
31 determination of income and distributive share of income  
32 under Sections 702 and 704 and subchapter S of the Internal  
33 Revenue Code.

34 For purposes of this subsection, "qualifying

1 expenditures" means the qualifying expenditures as defined  
2 for the federal credit for increasing research activities  
3 which would be allowable under Section 41 of the Internal  
4 Revenue Code and which are conducted in this State,  
5 "qualifying expenditures for increasing research activities  
6 in this State" means the excess of qualifying expenditures  
7 for the taxable year in which incurred over qualifying  
8 expenditures for the base period, "qualifying expenditures  
9 for the base period" means the average of the qualifying  
10 expenditures for each year in the base period, and "base  
11 period" means the 3 taxable years immediately preceding the  
12 taxable year for which the determination is being made.

13 Any credit in excess of the tax liability for the taxable  
14 year may be carried forward. A taxpayer may elect to have the  
15 unused credit shown on its final completed return carried  
16 over as a credit against the tax liability for the following  
17 5 taxable years or until it has been fully used, whichever  
18 occurs first.

19 If an unused credit is carried forward to a given year  
20 from 2 or more earlier years, that credit arising in the  
21 earliest year will be applied first against the tax liability  
22 for the given year. If a tax liability for the given year  
23 still remains, the credit from the next earliest year will  
24 then be applied, and so on, until all credits have been used  
25 or no tax liability for the given year remains. Any  
26 remaining unused credit or credits then will be carried  
27 forward to the next following year in which a tax liability  
28 is incurred, except that no credit can be carried forward to  
29 a year which is more than 5 years after the year in which the  
30 expense for which the credit is given was incurred.

31 Unless extended by law, the credit shall not include  
32 costs incurred after December 31, 2004, except for costs  
33 incurred pursuant to a binding contract entered into on or  
34 before December 31, 2004.

1 No inference shall be drawn from this amendatory Act of  
2 the 91st General Assembly in construing this Section for  
3 taxable years beginning before January 1, 1999.

4 (1) Environmental Remediation Tax Credit.

5 (i) For tax years ending after December 31, 1997  
6 and on or before December 31, 2001, a taxpayer shall be  
7 allowed a credit against the tax imposed by subsections  
8 (a) and (b) of this Section for certain amounts paid for  
9 unreimbursed eligible remediation costs, as specified in  
10 this subsection. For purposes of this Section,  
11 "unreimbursed eligible remediation costs" means costs  
12 approved by the Illinois Environmental Protection Agency  
13 ("Agency") under Section 58.14 of the Environmental  
14 Protection Act that were paid in performing environmental  
15 remediation at a site for which a No Further Remediation  
16 Letter was issued by the Agency and recorded under  
17 Section 58.10 of the Environmental Protection Act. The  
18 credit must be claimed for the taxable year in which  
19 Agency approval of the eligible remediation costs is  
20 granted. The credit is not available to any taxpayer if  
21 the taxpayer or any related party caused or contributed  
22 to, in any material respect, a release of regulated  
23 substances on, in, or under the site that was identified  
24 and addressed by the remedial action pursuant to the Site  
25 Remediation Program of the Environmental Protection Act.  
26 After the Pollution Control Board rules are adopted  
27 pursuant to the Illinois Administrative Procedure Act for  
28 the administration and enforcement of Section 58.9 of the  
29 Environmental Protection Act, determinations as to credit  
30 availability for purposes of this Section shall be made  
31 consistent with those rules. For purposes of this  
32 Section, "taxpayer" includes a person whose tax  
33 attributes the taxpayer has succeeded to under Section  
34 381 of the Internal Revenue Code and "related party"

1 includes the persons disallowed a deduction for losses by  
2 paragraphs (b), (c), and (f)(1) of Section 267 of the  
3 Internal Revenue Code by virtue of being a related  
4 taxpayer, as well as any of its partners. The credit  
5 allowed against the tax imposed by subsections (a) and  
6 (b) shall be equal to 25% of the unreimbursed eligible  
7 remediation costs in excess of \$100,000 per site, except  
8 that the \$100,000 threshold shall not apply to any site  
9 contained in an enterprise zone as determined by the  
10 Department of Commerce and Community Affairs. The total  
11 credit allowed shall not exceed \$40,000 per year with a  
12 maximum total of \$150,000 per site. For partners and  
13 shareholders of subchapter S corporations, there shall be  
14 allowed a credit under this subsection to be determined  
15 in accordance with the determination of income and  
16 distributive share of income under Sections 702 and 704  
17 and subchapter S of the Internal Revenue Code.

18 (ii) A credit allowed under this subsection that is  
19 unused in the year the credit is earned may be carried  
20 forward to each of the 5 taxable years following the year  
21 for which the credit is first earned until it is used.  
22 The term "unused credit" does not include any amounts of  
23 unreimbursed eligible remediation costs in excess of the  
24 maximum credit per site authorized under paragraph (i).  
25 This credit shall be applied first to the earliest year  
26 for which there is a liability. If there is a credit  
27 under this subsection from more than one tax year that is  
28 available to offset a liability, the earliest credit  
29 arising under this subsection shall be applied first. A  
30 credit allowed under this subsection may be sold to a  
31 buyer as part of a sale of all or part of the remediation  
32 site for which the credit was granted. The purchaser of  
33 a remediation site and the tax credit shall succeed to  
34 the unused credit and remaining carry-forward period of

1 the seller. To perfect the transfer, the assignor shall  
2 record the transfer in the chain of title for the site  
3 and provide written notice to the Director of the  
4 Illinois Department of Revenue of the assignor's intent  
5 to sell the remediation site and the amount of the tax  
6 credit to be transferred as a portion of the sale. In no  
7 event may a credit be transferred to any taxpayer if the  
8 taxpayer or a related party would not be eligible under  
9 the provisions of subsection (i).

10 (iii) For purposes of this Section, the term "site"  
11 shall have the same meaning as under Section 58.2 of the  
12 Environmental Protection Act.

13 (m) Education expense credit.

14 Beginning with tax years ending after December 31, 1999,  
15 a taxpayer who is the custodian of one or more qualifying  
16 pupils shall be allowed a credit against the tax imposed by  
17 subsections (a) and (b) of this Section for qualified  
18 education expenses incurred on behalf of the qualifying  
19 pupils. The credit shall be equal to 25% of qualified  
20 education expenses, but in no event may the total credit  
21 under this Section claimed by a family that is the custodian  
22 of qualifying pupils exceed \$500. In no event shall a credit  
23 under this subsection reduce the taxpayer's liability under  
24 this Act to less than zero. This subsection is exempt from  
25 the provisions of Section 250 of this Act.

26 For purposes of this subsection:†

27 "Qualifying pupils" means individuals who (i) are  
28 residents of the State of Illinois, (ii) are under the age of  
29 21 at the close of the school year for which a credit is  
30 sought, and (iii) during the school year for which a credit  
31 is sought were full-time pupils enrolled in a kindergarten  
32 through twelfth grade education program at any school, as  
33 defined in this subsection.

34 "Qualified education expense" means the amount incurred

1 on behalf of a qualifying pupil in excess of \$250 for  
2 tuition, book fees, and lab fees at the school in which the  
3 pupil is enrolled during the regular school year.

4 "School" means any public or nonpublic elementary or  
5 secondary school in Illinois that is in compliance with Title  
6 VI of the Civil Rights Act of 1964 and attendance at which  
7 satisfies the requirements of Section 26-1 of the School  
8 Code, except that nothing shall be construed to require a  
9 child to attend any particular public or nonpublic school to  
10 qualify for the credit under this Section.

11 "Custodian" means, with respect to qualifying pupils, an  
12 Illinois resident who is a parent, the parents, a legal  
13 guardian, or the legal guardians of the qualifying pupils.

14 (Source: P.A. 91-9, eff. 1-1-00; 91-357, eff. 7-29-99;  
15 91-643, eff. 8-20-99; 91-644, eff. 8-20-99; 91-860, eff.  
16 6-22-00; 91-913, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.  
17 6-28-01; revised 12-3-01.)

18 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

19 Sec. 203. Base income defined.

20 (a) Individuals.

21 (1) In general. In the case of an individual, base  
22 income means an amount equal to the taxpayer's adjusted  
23 gross income for the taxable year as modified by  
24 paragraph (2).

25 (2) Modifications. The adjusted gross income  
26 referred to in paragraph (1) shall be modified by adding  
27 thereto the sum of the following amounts:

28 (A) An amount equal to all amounts paid or  
29 accrued to the taxpayer as interest or dividends  
30 during the taxable year to the extent excluded from  
31 gross income in the computation of adjusted gross  
32 income, except stock dividends of qualified public  
33 utilities described in Section 305(e) of the

1 Internal Revenue Code;

2 (B) An amount equal to the amount of tax  
3 imposed by this Act to the extent deducted from  
4 gross income in the computation of adjusted gross  
5 income for the taxable year;

6 (C) An amount equal to the amount received  
7 during the taxable year as a recovery or refund of  
8 real property taxes paid with respect to the  
9 taxpayer's principal residence under the Revenue Act  
10 of 1939 and for which a deduction was previously  
11 taken under subparagraph (L) of this paragraph (2)  
12 prior to July 1, 1991, the retrospective application  
13 date of Article 4 of Public Act 87-17. In the case  
14 of multi-unit or multi-use structures and farm  
15 dwellings, the taxes on the taxpayer's principal  
16 residence shall be that portion of the total taxes  
17 for the entire property which is attributable to  
18 such principal residence;

19 (D) An amount equal to the amount of the  
20 capital gain deduction allowable under the Internal  
21 Revenue Code, to the extent deducted from gross  
22 income in the computation of adjusted gross income;

23 (D-5) An amount, to the extent not included in  
24 adjusted gross income, equal to the amount of money  
25 withdrawn by the taxpayer in the taxable year from a  
26 medical care savings account and the interest earned  
27 on the account in the taxable year of a withdrawal  
28 pursuant to subsection (b) of Section 20 of the  
29 Medical Care Savings Account Act or subsection (b)  
30 of Section 20 of the Medical Care Savings Account  
31 Act of 2000; and

32 (D-10) For taxable years ending after December  
33 31, 1997, an amount equal to any eligible  
34 remediation costs that the individual deducted in

1           computing adjusted gross income and for which the  
2           individual claims a credit under subsection (1) of  
3           Section 201;

4           and by deducting from the total so obtained the sum of  
5           the following amounts:

6                   (E) For taxable years ending before December  
7                   31, 2001, any amount included in such total in  
8                   respect of any compensation (including but not  
9                   limited to any compensation paid or accrued to a  
10                  serviceman while a prisoner of war or missing in  
11                  action) paid to a resident by reason of being on  
12                  active duty in the Armed Forces of the United States  
13                  and in respect of any compensation paid or accrued  
14                  to a resident who as a governmental employee was a  
15                  prisoner of war or missing in action, and in respect  
16                  of any compensation paid to a resident in 1971 or  
17                  thereafter for annual training performed pursuant to  
18                  Sections 502 and 503, Title 32, United States Code  
19                  as a member of the Illinois National Guard. For  
20                  taxable years ending on or after December 31, 2001,  
21                  any amount included in such total in respect of any  
22                  compensation (including but not limited to any  
23                  compensation paid or accrued to a serviceman while a  
24                  prisoner of war or missing in action) paid to a  
25                  resident by reason of being a member of any  
26                  component of the Armed Forces of the United States  
27                  and in respect of any compensation paid or accrued  
28                  to a resident who as a governmental employee was a  
29                  prisoner of war or missing in action, and in respect  
30                  of any compensation paid to a resident in 2001 or  
31                  thereafter by reason of being a member of the  
32                  Illinois National Guard. The provisions of this  
33                  amendatory Act of the 92nd General Assembly are  
34                  exempt from the provisions of Section 250;

1           (F) An amount equal to all amounts included in  
2 such total pursuant to the provisions of Sections  
3 402(a), 402(c), 403(a), 403(b), 406(a), 407(a), and  
4 408 of the Internal Revenue Code, or included in  
5 such total as distributions under the provisions of  
6 any retirement or disability plan for employees of  
7 any governmental agency or unit, or retirement  
8 payments to retired partners, which payments are  
9 excluded in computing net earnings from self  
10 employment by Section 1402 of the Internal Revenue  
11 Code and regulations adopted pursuant thereto;

12           (G) The valuation limitation amount;

13           (H) An amount equal to the amount of any tax  
14 imposed by this Act which was refunded to the  
15 taxpayer and included in such total for the taxable  
16 year;

17           (I) An amount equal to all amounts included in  
18 such total pursuant to the provisions of Section 111  
19 of the Internal Revenue Code as a recovery of items  
20 previously deducted from adjusted gross income in  
21 the computation of taxable income;

22           (J) An amount equal to those dividends  
23 included in such total which were paid by a  
24 corporation which conducts business operations in an  
25 Enterprise Zone or zones created under the Illinois  
26 Enterprise Zone Act, and conducts substantially all  
27 of its operations in an Enterprise Zone or zones;

28           (K) An amount equal to those dividends  
29 included in such total that were paid by a  
30 corporation that conducts business operations in a  
31 federally designated Foreign Trade Zone or Sub-Zone  
32 and that is designated a High Impact Business  
33 located in Illinois; provided that dividends  
34 eligible for the deduction provided in subparagraph

1 (J) of paragraph (2) of this subsection shall not be  
2 eligible for the deduction provided under this  
3 subparagraph (K);

4 (L) For taxable years ending after December  
5 31, 1983, an amount equal to all social security  
6 benefits and railroad retirement benefits included  
7 in such total pursuant to Sections 72(r) and 86 of  
8 the Internal Revenue Code;

9 (M) With the exception of any amounts  
10 subtracted under subparagraph (N), an amount equal  
11 to the sum of all amounts disallowed as deductions  
12 by (i) Sections 171(a) (2), and 265(2) of the  
13 Internal Revenue Code of 1954, as now or hereafter  
14 amended, and all amounts of expenses allocable to  
15 interest and disallowed as deductions by Section  
16 265(1) of the Internal Revenue Code of 1954, as now  
17 or hereafter amended; and (ii) for taxable years  
18 ending on or after August 13, 1999, Sections  
19 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the  
20 Internal Revenue Code; the provisions of this  
21 subparagraph are exempt from the provisions of  
22 Section 250;

23 (N) An amount equal to all amounts included in  
24 such total which are exempt from taxation by this  
25 State either by reason of its statutes or  
26 Constitution or by reason of the Constitution,  
27 treaties or statutes of the United States; provided  
28 that, in the case of any statute of this State that  
29 exempts income derived from bonds or other  
30 obligations from the tax imposed under this Act, the  
31 amount exempted shall be the interest net of bond  
32 premium amortization;

33 (O) An amount equal to any contribution made  
34 to a job training project established pursuant to

1 the Tax Increment Allocation Redevelopment Act;

2 (P) An amount equal to the amount of the  
3 deduction used to compute the federal income tax  
4 credit for restoration of substantial amounts held  
5 under claim of right for the taxable year pursuant  
6 to Section 1341 of the Internal Revenue Code of  
7 1986;

8 (Q) An amount equal to any amounts included in  
9 such total, received by the taxpayer as an  
10 acceleration in the payment of life, endowment or  
11 annuity benefits in advance of the time they would  
12 otherwise be payable as an indemnity for a terminal  
13 illness;

14 (R) An amount equal to the amount of any  
15 federal or State bonus paid to veterans of the  
16 Persian Gulf War;

17 (S) An amount, to the extent included in  
18 adjusted gross income, equal to the amount of a  
19 contribution made in the taxable year on behalf of  
20 the taxpayer to a medical care savings account  
21 established under the Medical Care Savings Account  
22 Act or the Medical Care Savings Account Act of 2000  
23 to the extent the contribution is accepted by the  
24 account administrator as provided in that Act;

25 (T) An amount, to the extent included in  
26 adjusted gross income, equal to the amount of  
27 interest earned in the taxable year on a medical  
28 care savings account established under the Medical  
29 Care Savings Account Act or the Medical Care Savings  
30 Account Act of 2000 on behalf of the taxpayer, other  
31 than interest added pursuant to item (D-5) of this  
32 paragraph (2);

33 (U) For one taxable year beginning on or after  
34 January 1, 1994, an amount equal to the total amount

1 of tax imposed and paid under subsections (a) and  
2 (b) of Section 201 of this Act on grant amounts  
3 received by the taxpayer under the Nursing Home  
4 Grant Assistance Act during the taxpayer's taxable  
5 years 1992 and 1993;

6 (V) Beginning with tax years ending on or  
7 after December 31, 1995 and ending with tax years  
8 ending on or before December 31, 2004, an amount  
9 equal to the amount paid by a taxpayer who is a  
10 self-employed taxpayer, a partner of a partnership,  
11 or a shareholder in a Subchapter S corporation for  
12 health insurance or long-term care insurance for  
13 that taxpayer or that taxpayer's spouse or  
14 dependents, to the extent that the amount paid for  
15 that health insurance or long-term care insurance  
16 may be deducted under Section 213 of the Internal  
17 Revenue Code of 1986, has not been deducted on the  
18 federal income tax return of the taxpayer, and does  
19 not exceed the taxable income attributable to that  
20 taxpayer's income, self-employment income, or  
21 Subchapter S corporation income; except that no  
22 deduction shall be allowed under this item (V) if  
23 the taxpayer is eligible to participate in any  
24 health insurance or long-term care insurance plan of  
25 an employer of the taxpayer or the taxpayer's  
26 spouse. The amount of the health insurance and  
27 long-term care insurance subtracted under this item  
28 (V) shall be determined by multiplying total health  
29 insurance and long-term care insurance premiums paid  
30 by the taxpayer times a number that represents the  
31 fractional percentage of eligible medical expenses  
32 under Section 213 of the Internal Revenue Code of  
33 1986 not actually deducted on the taxpayer's federal  
34 income tax return;

1           (W) For taxable years beginning on or after  
2           January 1, 1998, all amounts included in the  
3           taxpayer's federal gross income in the taxable year  
4           from amounts converted from a regular IRA to a Roth  
5           IRA. This paragraph is exempt from the provisions of  
6           Section 250;

7           (X) For taxable year 1999 and thereafter, an  
8           amount equal to the amount of any (i) distributions,  
9           to the extent includible in gross income for federal  
10          income tax purposes, made to the taxpayer because of  
11          his or her status as a victim of persecution for  
12          racial or religious reasons by Nazi Germany or any  
13          other Axis regime or as an heir of the victim and  
14          (ii) items of income, to the extent includible in  
15          gross income for federal income tax purposes,  
16          attributable to, derived from or in any way related  
17          to assets stolen from, hidden from, or otherwise  
18          lost to a victim of persecution for racial or  
19          religious reasons by Nazi Germany or any other Axis  
20          regime immediately prior to, during, and immediately  
21          after World War II, including, but not limited to,  
22          interest on the proceeds receivable as insurance  
23          under policies issued to a victim of persecution for  
24          racial or religious reasons by Nazi Germany or any  
25          other Axis regime by European insurance companies  
26          immediately prior to and during World War II;  
27          provided, however, this subtraction from federal  
28          adjusted gross income does not apply to assets  
29          acquired with such assets or with the proceeds from  
30          the sale of such assets; provided, further, this  
31          paragraph shall only apply to a taxpayer who was the  
32          first recipient of such assets after their recovery  
33          and who is a victim of persecution for racial or  
34          religious reasons by Nazi Germany or any other Axis

1 regime or as an heir of the victim. The amount of  
2 and the eligibility for any public assistance,  
3 benefit, or similar entitlement is not affected by  
4 the inclusion of items (i) and (ii) of this  
5 paragraph in gross income for federal income tax  
6 purposes. This paragraph is exempt from the  
7 provisions of Section 250; and

8 (Y) For taxable years beginning on or after  
9 January 1, 2002, moneys contributed in the taxable  
10 year to a College Savings Pool account under Section  
11 16.5 of the State Treasurer Act. This subparagraph  
12 (Y) is exempt from the provisions of Section 250.

13 (b) Corporations.

14 (1) In general. In the case of a corporation, base  
15 income means an amount equal to the taxpayer's taxable  
16 income for the taxable year as modified by paragraph (2).

17 (2) Modifications. The taxable income referred to  
18 in paragraph (1) shall be modified by adding thereto the  
19 sum of the following amounts:

20 (A) An amount equal to all amounts paid or  
21 accrued to the taxpayer as interest and all  
22 distributions received from regulated investment  
23 companies during the taxable year to the extent  
24 excluded from gross income in the computation of  
25 taxable income;

26 (B) An amount equal to the amount of tax  
27 imposed by this Act to the extent deducted from  
28 gross income in the computation of taxable income  
29 for the taxable year;

30 (C) In the case of a regulated investment  
31 company, an amount equal to the excess of (i) the  
32 net long-term capital gain for the taxable year,  
33 over (ii) the amount of the capital gain dividends  
34 designated as such in accordance with Section

1 852(b)(3)(C) of the Internal Revenue Code and any  
2 amount designated under Section 852(b)(3)(D) of the  
3 Internal Revenue Code, attributable to the taxable  
4 year (this amendatory Act of 1995 (Public Act 89-89)  
5 is declarative of existing law and is not a new  
6 enactment);

7 (D) The amount of any net operating loss  
8 deduction taken in arriving at taxable income, other  
9 than a net operating loss carried forward from a  
10 taxable year ending prior to December 31, 1986;

11 (E) For taxable years in which a net operating  
12 loss carryback or carryforward from a taxable year  
13 ending prior to December 31, 1986 is an element of  
14 taxable income under paragraph (1) of subsection (e)  
15 or subparagraph (E) of paragraph (2) of subsection  
16 (e), the amount by which addition modifications  
17 other than those provided by this subparagraph (E)  
18 exceeded subtraction modifications in such earlier  
19 taxable year, with the following limitations applied  
20 in the order that they are listed:

21 (i) the addition modification relating to  
22 the net operating loss carried back or forward  
23 to the taxable year from any taxable year  
24 ending prior to December 31, 1986 shall be  
25 reduced by the amount of addition modification  
26 under this subparagraph (E) which related to  
27 that net operating loss and which was taken  
28 into account in calculating the base income of  
29 an earlier taxable year, and

30 (ii) the addition modification relating  
31 to the net operating loss carried back or  
32 forward to the taxable year from any taxable  
33 year ending prior to December 31, 1986 shall  
34 not exceed the amount of such carryback or

1 carryforward;

2 For taxable years in which there is a net  
3 operating loss carryback or carryforward from more  
4 than one other taxable year ending prior to December  
5 31, 1986, the addition modification provided in this  
6 subparagraph (E) shall be the sum of the amounts  
7 computed independently under the preceding  
8 provisions of this subparagraph (E) for each such  
9 taxable year; and

10 (E-5) For taxable years ending after December  
11 31, 1997, an amount equal to any eligible  
12 remediation costs that the corporation deducted in  
13 computing adjusted gross income and for which the  
14 corporation claims a credit under subsection (1) of  
15 Section 201;

16 and by deducting from the total so obtained the sum of  
17 the following amounts:

18 (F) An amount equal to the amount of any tax  
19 imposed by this Act which was refunded to the  
20 taxpayer and included in such total for the taxable  
21 year;

22 (G) An amount equal to any amount included in  
23 such total under Section 78 of the Internal Revenue  
24 Code;

25 (H) In the case of a regulated investment  
26 company, an amount equal to the amount of exempt  
27 interest dividends as defined in subsection (b) (5)  
28 of Section 852 of the Internal Revenue Code, paid to  
29 shareholders for the taxable year;

30 (I) With the exception of any amounts  
31 subtracted under subparagraph (J), an amount equal  
32 to the sum of all amounts disallowed as deductions  
33 by (i) Sections 171(a) (2), and 265(a)(2) and  
34 amounts disallowed as interest expense by Section

1           291(a)(3) of the Internal Revenue Code, as now or  
2           hereafter amended, and all amounts of expenses  
3           allocable to interest and disallowed as deductions  
4           by Section 265(a)(1) of the Internal Revenue Code,  
5           as now or hereafter amended; and (ii) for taxable  
6           years ending on or after August 13, 1999, Sections  
7           171(a)(2), 265, 280C, 291(a)(3), and 832(b)(5)(B)(i)  
8           of the Internal Revenue Code; the provisions of this  
9           subparagraph are exempt from the provisions of  
10          Section 250;

11           (J) An amount equal to all amounts included in  
12          such total which are exempt from taxation by this  
13          State either by reason of its statutes or  
14          Constitution or by reason of the Constitution,  
15          treaties or statutes of the United States; provided  
16          that, in the case of any statute of this State that  
17          exempts income derived from bonds or other  
18          obligations from the tax imposed under this Act, the  
19          amount exempted shall be the interest net of bond  
20          premium amortization;

21           (K) An amount equal to those dividends  
22          included in such total which were paid by a  
23          corporation which conducts business operations in an  
24          Enterprise Zone or zones created under the Illinois  
25          Enterprise Zone Act and conducts substantially all  
26          of its operations in an Enterprise Zone or zones;

27           (L) An amount equal to those dividends  
28          included in such total that were paid by a  
29          corporation that conducts business operations in a  
30          federally designated Foreign Trade Zone or Sub-Zone  
31          and that is designated a High Impact Business  
32          located in Illinois; provided that dividends  
33          eligible for the deduction provided in subparagraph  
34          (K) of paragraph 2 of this subsection shall not be

1 eligible for the deduction provided under this  
2 subparagraph (L);

3 (M) For any taxpayer that is a financial  
4 organization within the meaning of Section 304(c) of  
5 this Act, an amount included in such total as  
6 interest income from a loan or loans made by such  
7 taxpayer to a borrower, to the extent that such a  
8 loan is secured by property which is eligible for  
9 the Enterprise Zone Investment Credit. To determine  
10 the portion of a loan or loans that is secured by  
11 property eligible for a Section 201(f) investment  
12 credit to the borrower, the entire principal amount  
13 of the loan or loans between the taxpayer and the  
14 borrower should be divided into the basis of the  
15 Section 201(f) investment credit property which  
16 secures the loan or loans, using for this purpose  
17 the original basis of such property on the date that  
18 it was placed in service in the Enterprise Zone.  
19 The subtraction modification available to taxpayer  
20 in any year under this subsection shall be that  
21 portion of the total interest paid by the borrower  
22 with respect to such loan attributable to the  
23 eligible property as calculated under the previous  
24 sentence;

25 (M-1) For any taxpayer that is a financial  
26 organization within the meaning of Section 304(c) of  
27 this Act, an amount included in such total as  
28 interest income from a loan or loans made by such  
29 taxpayer to a borrower, to the extent that such a  
30 loan is secured by property which is eligible for  
31 the High Impact Business Investment Credit. To  
32 determine the portion of a loan or loans that is  
33 secured by property eligible for a Section 201(h)  
34 investment credit to the borrower, the entire

1 principal amount of the loan or loans between the  
2 taxpayer and the borrower should be divided into the  
3 basis of the Section 201(h) investment credit  
4 property which secures the loan or loans, using for  
5 this purpose the original basis of such property on  
6 the date that it was placed in service in a  
7 federally designated Foreign Trade Zone or Sub-Zone  
8 located in Illinois. No taxpayer that is eligible  
9 for the deduction provided in subparagraph (M) of  
10 paragraph (2) of this subsection shall be eligible  
11 for the deduction provided under this subparagraph  
12 (M-1). The subtraction modification available to  
13 taxpayers in any year under this subsection shall be  
14 that portion of the total interest paid by the  
15 borrower with respect to such loan attributable to  
16 the eligible property as calculated under the  
17 previous sentence;

18 (N) Two times any contribution made during the  
19 taxable year to a designated zone organization to  
20 the extent that the contribution (i) qualifies as a  
21 charitable contribution under subsection (c) of  
22 Section 170 of the Internal Revenue Code and (ii)  
23 must, by its terms, be used for a project approved  
24 by the Department of Commerce and Community Affairs  
25 under Section 11 of the Illinois Enterprise Zone  
26 Act;

27 (O) An amount equal to: (i) 85% for taxable  
28 years ending on or before December 31, 1992, or, a  
29 percentage equal to the percentage allowable under  
30 Section 243(a)(1) of the Internal Revenue Code of  
31 1986 for taxable years ending after December 31,  
32 1992, of the amount by which dividends included in  
33 taxable income and received from a corporation that  
34 is not created or organized under the laws of the

1 United States or any state or political subdivision  
2 thereof, including, for taxable years ending on or  
3 after December 31, 1988, dividends received or  
4 deemed received or paid or deemed paid under  
5 Sections 951 through 964 of the Internal Revenue  
6 Code, exceed the amount of the modification provided  
7 under subparagraph (G) of paragraph (2) of this  
8 subsection (b) which is related to such dividends;  
9 plus (ii) 100% of the amount by which dividends,  
10 included in taxable income and received, including,  
11 for taxable years ending on or after December 31,  
12 1988, dividends received or deemed received or paid  
13 or deemed paid under Sections 951 through 964 of the  
14 Internal Revenue Code, from any such corporation  
15 specified in clause (i) that would but for the  
16 provisions of Section 1504 (b) (3) of the Internal  
17 Revenue Code be treated as a member of the  
18 affiliated group which includes the dividend  
19 recipient, exceed the amount of the modification  
20 provided under subparagraph (G) of paragraph (2) of  
21 this subsection (b) which is related to such  
22 dividends;

23 (P) An amount equal to any contribution made  
24 to a job training project established pursuant to  
25 the Tax Increment Allocation Redevelopment Act;

26 (Q) An amount equal to the amount of the  
27 deduction used to compute the federal income tax  
28 credit for restoration of substantial amounts held  
29 under claim of right for the taxable year pursuant  
30 to Section 1341 of the Internal Revenue Code of  
31 1986;

32 (R) In the case of an attorney-in-fact with  
33 respect to whom an interinsurer or a reciprocal  
34 insurer has made the election under Section 835 of

1 the Internal Revenue Code, 26 U.S.C. 835, an amount  
2 equal to the excess, if any, of the amounts paid or  
3 incurred by that interinsurer or reciprocal insurer  
4 in the taxable year to the attorney-in-fact over the  
5 deduction allowed to that interinsurer or reciprocal  
6 insurer with respect to the attorney-in-fact under  
7 Section 835(b) of the Internal Revenue Code for the  
8 taxable year; and

9 (S) For taxable years ending on or after  
10 December 31, 1997, in the case of a Subchapter S  
11 corporation, an amount equal to all amounts of  
12 income allocable to a shareholder subject to the  
13 Personal Property Tax Replacement Income Tax imposed  
14 by subsections (c) and (d) of Section 201 of this  
15 Act, including amounts allocable to organizations  
16 exempt from federal income tax by reason of Section  
17 501(a) of the Internal Revenue Code. This  
18 subparagraph (S) is exempt from the provisions of  
19 Section 250.

20 (3) Special rule. For purposes of paragraph (2)  
21 (A), "gross income" in the case of a life insurance  
22 company, for tax years ending on and after December 31,  
23 1994, shall mean the gross investment income for the  
24 taxable year.

25 (c) Trusts and estates.

26 (1) In general. In the case of a trust or estate,  
27 base income means an amount equal to the taxpayer's  
28 taxable income for the taxable year as modified by  
29 paragraph (2).

30 (2) Modifications. Subject to the provisions of  
31 paragraph (3), the taxable income referred to in  
32 paragraph (1) shall be modified by adding thereto the sum  
33 of the following amounts:

34 (A) An amount equal to all amounts paid or

1 accrued to the taxpayer as interest or dividends  
2 during the taxable year to the extent excluded from  
3 gross income in the computation of taxable income;

4 (B) In the case of (i) an estate, \$600; (ii) a  
5 trust which, under its governing instrument, is  
6 required to distribute all of its income currently,  
7 \$300; and (iii) any other trust, \$100, but in each  
8 such case, only to the extent such amount was  
9 deducted in the computation of taxable income;

10 (C) An amount equal to the amount of tax  
11 imposed by this Act to the extent deducted from  
12 gross income in the computation of taxable income  
13 for the taxable year;

14 (D) The amount of any net operating loss  
15 deduction taken in arriving at taxable income, other  
16 than a net operating loss carried forward from a  
17 taxable year ending prior to December 31, 1986;

18 (E) For taxable years in which a net operating  
19 loss carryback or carryforward from a taxable year  
20 ending prior to December 31, 1986 is an element of  
21 taxable income under paragraph (1) of subsection (e)  
22 or subparagraph (E) of paragraph (2) of subsection  
23 (e), the amount by which addition modifications  
24 other than those provided by this subparagraph (E)  
25 exceeded subtraction modifications in such taxable  
26 year, with the following limitations applied in the  
27 order that they are listed:

28 (i) the addition modification relating to  
29 the net operating loss carried back or forward  
30 to the taxable year from any taxable year  
31 ending prior to December 31, 1986 shall be  
32 reduced by the amount of addition modification  
33 under this subparagraph (E) which related to  
34 that net operating loss and which was taken

1           into account in calculating the base income of  
2           an earlier taxable year, and

3                   (ii) the addition modification relating  
4           to the net operating loss carried back or  
5           forward to the taxable year from any taxable  
6           year ending prior to December 31, 1986 shall  
7           not exceed the amount of such carryback or  
8           carryforward;

9           For taxable years in which there is a net  
10          operating loss carryback or carryforward from more  
11          than one other taxable year ending prior to December  
12          31, 1986, the addition modification provided in this  
13          subparagraph (E) shall be the sum of the amounts  
14          computed independently under the preceding  
15          provisions of this subparagraph (E) for each such  
16          taxable year;

17                   (F) For taxable years ending on or after  
18          January 1, 1989, an amount equal to the tax deducted  
19          pursuant to Section 164 of the Internal Revenue Code  
20          if the trust or estate is claiming the same tax for  
21          purposes of the Illinois foreign tax credit under  
22          Section 601 of this Act;

23                   (G) An amount equal to the amount of the  
24          capital gain deduction allowable under the Internal  
25          Revenue Code, to the extent deducted from gross  
26          income in the computation of taxable income; and

27                   (G-5) For taxable years ending after December  
28          31, 1997, an amount equal to any eligible  
29          remediation costs that the trust or estate deducted  
30          in computing adjusted gross income and for which the  
31          trust or estate claims a credit under subsection (1)  
32          of Section 201;

33          and by deducting from the total so obtained the sum of  
34          the following amounts:

1           (H) An amount equal to all amounts included in  
2 such total pursuant to the provisions of Sections  
3 402(a), 402(c), 403(a), 403(b), 406(a), 407(a) and  
4 408 of the Internal Revenue Code or included in such  
5 total as distributions under the provisions of any  
6 retirement or disability plan for employees of any  
7 governmental agency or unit, or retirement payments  
8 to retired partners, which payments are excluded in  
9 computing net earnings from self employment by  
10 Section 1402 of the Internal Revenue Code and  
11 regulations adopted pursuant thereto;

12           (I) The valuation limitation amount;

13           (J) An amount equal to the amount of any tax  
14 imposed by this Act which was refunded to the  
15 taxpayer and included in such total for the taxable  
16 year;

17           (K) An amount equal to all amounts included in  
18 taxable income as modified by subparagraphs (A),  
19 (B), (C), (D), (E), (F) and (G) which are exempt  
20 from taxation by this State either by reason of its  
21 statutes or Constitution or by reason of the  
22 Constitution, treaties or statutes of the United  
23 States; provided that, in the case of any statute of  
24 this State that exempts income derived from bonds or  
25 other obligations from the tax imposed under this  
26 Act, the amount exempted shall be the interest net  
27 of bond premium amortization;

28           (L) With the exception of any amounts  
29 subtracted under subparagraph (K), an amount equal  
30 to the sum of all amounts disallowed as deductions  
31 by (i) Sections 171(a) (2) and 265(a)(2) of the  
32 Internal Revenue Code, as now or hereafter amended,  
33 and all amounts of expenses allocable to interest  
34 and disallowed as deductions by Section 265(1) of

1 the Internal Revenue Code of 1954, as now or  
2 hereafter amended; and (ii) for taxable years ending  
3 on or after August 13, 1999, Sections 171(a)(2),  
4 265, 280C, and 832(b)(5)(B)(i) of the Internal  
5 Revenue Code; the provisions of this subparagraph  
6 are exempt from the provisions of Section 250;

7 (M) An amount equal to those dividends  
8 included in such total which were paid by a  
9 corporation which conducts business operations in an  
10 Enterprise Zone or zones created under the Illinois  
11 Enterprise Zone Act and conducts substantially all  
12 of its operations in an Enterprise Zone or Zones;

13 (N) An amount equal to any contribution made  
14 to a job training project established pursuant to  
15 the Tax Increment Allocation Redevelopment Act;

16 (O) An amount equal to those dividends  
17 included in such total that were paid by a  
18 corporation that conducts business operations in a  
19 federally designated Foreign Trade Zone or Sub-Zone  
20 and that is designated a High Impact Business  
21 located in Illinois; provided that dividends  
22 eligible for the deduction provided in subparagraph  
23 (M) of paragraph (2) of this subsection shall not be  
24 eligible for the deduction provided under this  
25 subparagraph (O);

26 (P) An amount equal to the amount of the  
27 deduction used to compute the federal income tax  
28 credit for restoration of substantial amounts held  
29 under claim of right for the taxable year pursuant  
30 to Section 1341 of the Internal Revenue Code of  
31 1986; and

32 (Q) For taxable year 1999 and thereafter, an  
33 amount equal to the amount of any (i) distributions,  
34 to the extent includible in gross income for federal

1 income tax purposes, made to the taxpayer because of  
2 his or her status as a victim of persecution for  
3 racial or religious reasons by Nazi Germany or any  
4 other Axis regime or as an heir of the victim and  
5 (ii) items of income, to the extent includible in  
6 gross income for federal income tax purposes,  
7 attributable to, derived from or in any way related  
8 to assets stolen from, hidden from, or otherwise  
9 lost to a victim of persecution for racial or  
10 religious reasons by Nazi Germany or any other Axis  
11 regime immediately prior to, during, and immediately  
12 after World War II, including, but not limited to,  
13 interest on the proceeds receivable as insurance  
14 under policies issued to a victim of persecution for  
15 racial or religious reasons by Nazi Germany or any  
16 other Axis regime by European insurance companies  
17 immediately prior to and during World War II;  
18 provided, however, this subtraction from federal  
19 adjusted gross income does not apply to assets  
20 acquired with such assets or with the proceeds from  
21 the sale of such assets; provided, further, this  
22 paragraph shall only apply to a taxpayer who was the  
23 first recipient of such assets after their recovery  
24 and who is a victim of persecution for racial or  
25 religious reasons by Nazi Germany or any other Axis  
26 regime or as an heir of the victim. The amount of  
27 and the eligibility for any public assistance,  
28 benefit, or similar entitlement is not affected by  
29 the inclusion of items (i) and (ii) of this  
30 paragraph in gross income for federal income tax  
31 purposes. This paragraph is exempt from the  
32 provisions of Section 250.

33 (3) Limitation. The amount of any modification  
34 otherwise required under this subsection shall, under

1 regulations prescribed by the Department, be adjusted by  
2 any amounts included therein which were properly paid,  
3 credited, or required to be distributed, or permanently  
4 set aside for charitable purposes pursuant to Internal  
5 Revenue Code Section 642(c) during the taxable year.

6 (d) Partnerships.

7 (1) In general. In the case of a partnership, base  
8 income means an amount equal to the taxpayer's taxable  
9 income for the taxable year as modified by paragraph (2).

10 (2) Modifications. The taxable income referred to  
11 in paragraph (1) shall be modified by adding thereto the  
12 sum of the following amounts:

13 (A) An amount equal to all amounts paid or  
14 accrued to the taxpayer as interest or dividends  
15 during the taxable year to the extent excluded from  
16 gross income in the computation of taxable income;

17 (B) An amount equal to the amount of tax  
18 imposed by this Act to the extent deducted from  
19 gross income for the taxable year;

20 (C) The amount of deductions allowed to the  
21 partnership pursuant to Section 707 (c) of the  
22 Internal Revenue Code in calculating its taxable  
23 income; and

24 (D) An amount equal to the amount of the  
25 capital gain deduction allowable under the Internal  
26 Revenue Code, to the extent deducted from gross  
27 income in the computation of taxable income;

28 and by deducting from the total so obtained the following  
29 amounts:

30 (E) The valuation limitation amount;

31 (F) An amount equal to the amount of any tax  
32 imposed by this Act which was refunded to the  
33 taxpayer and included in such total for the taxable  
34 year;

1           (G) An amount equal to all amounts included in  
2 taxable income as modified by subparagraphs (A),  
3 (B), (C) and (D) which are exempt from taxation by  
4 this State either by reason of its statutes or  
5 Constitution or by reason of the Constitution,  
6 treaties or statutes of the United States; provided  
7 that, in the case of any statute of this State that  
8 exempts income derived from bonds or other  
9 obligations from the tax imposed under this Act, the  
10 amount exempted shall be the interest net of bond  
11 premium amortization;

12           (H) Any income of the partnership which  
13 constitutes personal service income as defined in  
14 Section 1348 (b) (1) of the Internal Revenue Code  
15 (as in effect December 31, 1981) or a reasonable  
16 allowance for compensation paid or accrued for  
17 services rendered by partners to the partnership,  
18 whichever is greater;

19           (I) An amount equal to all amounts of income  
20 distributable to an entity subject to the Personal  
21 Property Tax Replacement Income Tax imposed by  
22 subsections (c) and (d) of Section 201 of this Act  
23 including amounts distributable to organizations  
24 exempt from federal income tax by reason of Section  
25 501(a) of the Internal Revenue Code;

26           (J) With the exception of any amounts  
27 subtracted under subparagraph (G), an amount equal  
28 to the sum of all amounts disallowed as deductions  
29 by (i) Sections 171(a) (2), and 265(2) of the  
30 Internal Revenue Code of 1954, as now or hereafter  
31 amended, and all amounts of expenses allocable to  
32 interest and disallowed as deductions by Section  
33 265(1) of the Internal Revenue Code, as now or  
34 hereafter amended; and (ii) for taxable years ending

1           on or after August 13, 1999, Sections 171(a)(2),  
 2           265, 280C, and 832(b)(5)(B)(i) of the Internal  
 3           Revenue Code; the provisions of this subparagraph  
 4           are exempt from the provisions of Section 250;

5           (K) An amount equal to those dividends  
 6           included in such total which were paid by a  
 7           corporation which conducts business operations in an  
 8           Enterprise Zone or zones created under the Illinois  
 9           Enterprise Zone Act, enacted by the 82nd General  
 10          Assembly, and which does not conduct such operations  
 11          other than in an Enterprise Zone or Zones;

12          (L) An amount equal to any contribution made  
 13          to a job training project established pursuant to  
 14          the Real Property Tax Increment Allocation  
 15          Redevelopment Act;

16          (M) An amount equal to those dividends  
 17          included in such total that were paid by a  
 18          corporation that conducts business operations in a  
 19          federally designated Foreign Trade Zone or Sub-Zone  
 20          and that is designated a High Impact Business  
 21          located in Illinois; provided that dividends  
 22          eligible for the deduction provided in subparagraph  
 23          (K) of paragraph (2) of this subsection shall not be  
 24          eligible for the deduction provided under this  
 25          subparagraph (M); and

26          (N) An amount equal to the amount of the  
 27          deduction used to compute the federal income tax  
 28          credit for restoration of substantial amounts held  
 29          under claim of right for the taxable year pursuant  
 30          to Section 1341 of the Internal Revenue Code of  
 31          1986.

32          (e) Gross income; adjusted gross income; taxable income.

33          (1) In general. Subject to the provisions of  
 34          paragraph (2) and subsection (b) (3), for purposes of

1           this Section and Section 803(e), a taxpayer's gross  
2           income, adjusted gross income, or taxable income for the  
3           taxable year shall mean the amount of gross income,  
4           adjusted gross income or taxable income properly  
5           reportable for federal income tax purposes for the  
6           taxable year under the provisions of the Internal Revenue  
7           Code. Taxable income may be less than zero. However, for  
8           taxable years ending on or after December 31, 1986, net  
9           operating loss carryforwards from taxable years ending  
10          prior to December 31, 1986, may not exceed the sum of  
11          federal taxable income for the taxable year before net  
12          operating loss deduction, plus the excess of addition  
13          modifications over subtraction modifications for the  
14          taxable year. For taxable years ending prior to December  
15          31, 1986, taxable income may never be an amount in excess  
16          of the net operating loss for the taxable year as defined  
17          in subsections (c) and (d) of Section 172 of the Internal  
18          Revenue Code, provided that when taxable income of a  
19          corporation (other than a Subchapter S corporation),  
20          trust, or estate is less than zero and addition  
21          modifications, other than those provided by subparagraph  
22          (E) of paragraph (2) of subsection (b) for corporations  
23          or subparagraph (E) of paragraph (2) of subsection (c)  
24          for trusts and estates, exceed subtraction modifications,  
25          an addition modification must be made under those  
26          subparagraphs for any other taxable year to which the  
27          taxable income less than zero (net operating loss) is  
28          applied under Section 172 of the Internal Revenue Code or  
29          under subparagraph (E) of paragraph (2) of this  
30          subsection (e) applied in conjunction with Section 172 of  
31          the Internal Revenue Code.

32                 (2) Special rule. For purposes of paragraph (1) of  
33                 this subsection, the taxable income properly reportable  
34                 for federal income tax purposes shall mean:

1           (A) Certain life insurance companies. In the  
2 case of a life insurance company subject to the tax  
3 imposed by Section 801 of the Internal Revenue Code,  
4 life insurance company taxable income, plus the  
5 amount of distribution from pre-1984 policyholder  
6 surplus accounts as calculated under Section 815a of  
7 the Internal Revenue Code;

8           (B) Certain other insurance companies. In the  
9 case of mutual insurance companies subject to the  
10 tax imposed by Section 831 of the Internal Revenue  
11 Code, insurance company taxable income;

12           (C) Regulated investment companies. In the  
13 case of a regulated investment company subject to  
14 the tax imposed by Section 852 of the Internal  
15 Revenue Code, investment company taxable income;

16           (D) Real estate investment trusts. In the  
17 case of a real estate investment trust subject to  
18 the tax imposed by Section 857 of the Internal  
19 Revenue Code, real estate investment trust taxable  
20 income;

21           (E) Consolidated corporations. In the case of  
22 a corporation which is a member of an affiliated  
23 group of corporations filing a consolidated income  
24 tax return for the taxable year for federal income  
25 tax purposes, taxable income determined as if such  
26 corporation had filed a separate return for federal  
27 income tax purposes for the taxable year and each  
28 preceding taxable year for which it was a member of  
29 an affiliated group. For purposes of this  
30 subparagraph, the taxpayer's separate taxable income  
31 shall be determined as if the election provided by  
32 Section 243(b) (2) of the Internal Revenue Code had  
33 been in effect for all such years;

34           (F) Cooperatives. In the case of a

1 cooperative corporation or association, the taxable  
2 income of such organization determined in accordance  
3 with the provisions of Section 1381 through 1388 of  
4 the Internal Revenue Code;

5 (G) Subchapter S corporations. In the case  
6 of: (i) a Subchapter S corporation for which there  
7 is in effect an election for the taxable year under  
8 Section 1362 of the Internal Revenue Code, the  
9 taxable income of such corporation determined in  
10 accordance with Section 1363(b) of the Internal  
11 Revenue Code, except that taxable income shall take  
12 into account those items which are required by  
13 Section 1363(b)(1) of the Internal Revenue Code to  
14 be separately stated; and (ii) a Subchapter S  
15 corporation for which there is in effect a federal  
16 election to opt out of the provisions of the  
17 Subchapter S Revision Act of 1982 and have applied  
18 instead the prior federal Subchapter S rules as in  
19 effect on July 1, 1982, the taxable income of such  
20 corporation determined in accordance with the  
21 federal Subchapter S rules as in effect on July 1,  
22 1982; and

23 (H) Partnerships. In the case of a  
24 partnership, taxable income determined in accordance  
25 with Section 703 of the Internal Revenue Code,  
26 except that taxable income shall take into account  
27 those items which are required by Section 703(a)(1)  
28 to be separately stated but which would be taken  
29 into account by an individual in calculating his  
30 taxable income.

31 (f) Valuation limitation amount.

32 (1) In general. The valuation limitation amount  
33 referred to in subsections (a) (2) (G), (c) (2) (I) and  
34 (d)(2) (E) is an amount equal to:

1           (A) The sum of the pre-August 1, 1969  
2 appreciation amounts (to the extent consisting of  
3 gain reportable under the provisions of Section 1245  
4 or 1250 of the Internal Revenue Code) for all  
5 property in respect of which such gain was reported  
6 for the taxable year; plus

7           (B) The lesser of (i) the sum of the  
8 pre-August 1, 1969 appreciation amounts (to the  
9 extent consisting of capital gain) for all property  
10 in respect of which such gain was reported for  
11 federal income tax purposes for the taxable year, or  
12 (ii) the net capital gain for the taxable year,  
13 reduced in either case by any amount of such gain  
14 included in the amount determined under subsection  
15 (a) (2) (F) or (c) (2) (H).

16           (2) Pre-August 1, 1969 appreciation amount.

17           (A) If the fair market value of property  
18 referred to in paragraph (1) was readily  
19 ascertainable on August 1, 1969, the pre-August 1,  
20 1969 appreciation amount for such property is the  
21 lesser of (i) the excess of such fair market value  
22 over the taxpayer's basis (for determining gain) for  
23 such property on that date (determined under the  
24 Internal Revenue Code as in effect on that date), or  
25 (ii) the total gain realized and reportable for  
26 federal income tax purposes in respect of the sale,  
27 exchange or other disposition of such property.

28           (B) If the fair market value of property  
29 referred to in paragraph (1) was not readily  
30 ascertainable on August 1, 1969, the pre-August 1,  
31 1969 appreciation amount for such property is that  
32 amount which bears the same ratio to the total gain  
33 reported in respect of the property for federal  
34 income tax purposes for the taxable year, as the

1 number of full calendar months in that part of the  
2 taxpayer's holding period for the property ending  
3 July 31, 1969 bears to the number of full calendar  
4 months in the taxpayer's entire holding period for  
5 the property.

6 (C) The Department shall prescribe such  
7 regulations as may be necessary to carry out the  
8 purposes of this paragraph.

9 (g) Double deductions. Unless specifically provided  
10 otherwise, nothing in this Section shall permit the same item  
11 to be deducted more than once.

12 (h) Legislative intention. Except as expressly provided  
13 by this Section there shall be no modifications or  
14 limitations on the amounts of income, gain, loss or deduction  
15 taken into account in determining gross income, adjusted  
16 gross income or taxable income for federal income tax  
17 purposes for the taxable year, or in the amount of such items  
18 entering into the computation of base income and net income  
19 under this Act for such taxable year, whether in respect of  
20 property values as of August 1, 1969 or otherwise.

21 (Source: P.A. 91-192, eff. 7-20-99; 91-205, eff. 7-20-99;  
22 91-357, eff. 7-29-99; 91-541, eff. 8-13-99; 91-676, eff.  
23 12-23-99; 91-845, eff. 6-22-00; 91-913, eff. 1-1-01; 92-16,  
24 eff. 6-28-01; 92-244, eff. 8-3-01; 92-439, eff. 8-17-01;  
25 revised 9-21-01.)

26 (35 ILCS 5/507V)

27 Sec. 507V. National World War II Memorial Fund checkoff.  
28 The Department must print on its standard individual income  
29 tax form a provision indicating that if the taxpayer wishes  
30 to contribute to the National World War II Memorial Fund, as  
31 authorized by this amendatory Act of the 91st General  
32 Assembly, he or she may do so by stating the amount of the

1 contribution (not less than \$1) on the return and that the  
2 contribution will reduce the taxpayer's refund or increase  
3 the amount of payment to accompany the return. Failure to  
4 remit any amount of increased payment reduces the  
5 contribution accordingly. This Section does not apply to any  
6 amended return.

7 (Source: P.A. 91-833, eff. 1-1-01; 91-836, eff. 1-1-01.)

8 (35 ILCS 5/507W)

9 Sec. 507W. ~~507V~~. Korean War Veterans National Museum and  
10 Library Fund checkoff. Beginning with taxable years ending  
11 on or after December 31, 2001, the Department shall print on  
12 its standard individual income tax form a provision  
13 indicating that if the taxpayer wishes to contribute to the  
14 Korean War Veterans National Museum and Library Fund, as  
15 authorized by this amendatory Act of the 92nd General  
16 Assembly, he or she may do so by stating the amount of the  
17 contribution (not less than \$1) on the return and that the  
18 contribution will reduce the taxpayer's refund or increase  
19 the amount of payment to accompany the return. Failure to  
20 remit any amount of increased payment shall reduce the  
21 contribution accordingly. This Section shall not apply to  
22 any amended return.

23 (Source: P.A. 92-198, eff. 8-1-01; revised 10-17-01.)

24 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

25 (Text of Section before amendment by P.A. 92-84)

26 Sec. 509. Tax checkoff explanations. All individual  
27 income tax return forms shall contain appropriate  
28 explanations and spaces to enable the taxpayers to designate  
29 contributions to the Child Abuse Prevention Fund, to the  
30 Community Health Center Care Fund, to the Illinois Wildlife  
31 Preservation Fund as required by the Illinois Non-Game  
32 Wildlife Protection Act, to the Alzheimer's Disease Research

1 Fund as required by the Alzheimer's Disease Research Act, to  
2 the Assistance to the Homeless Fund as required by this Act,  
3 to the Heritage Preservation Fund as required by the Heritage  
4 Preservation Act, to the Child Care Expansion Program Fund as  
5 required by the Child Care Expansion Program Act, to the Ryan  
6 White AIDS Victims Assistance Fund, to the Assistive  
7 Technology for Persons with Disabilities Fund, to the  
8 Domestic Violence Shelter and Service Fund, to the United  
9 States Olympians Assistance Fund, to the Youth Drug Abuse  
10 Prevention Fund, to the Persian Gulf Conflict Veterans Fund,  
11 to the Literacy Advancement Fund, to the Ryan White Pediatric  
12 and Adult AIDS Fund, to the Illinois Special Olympics  
13 Checkoff Fund, to the Penny Severns Breast and Cervical  
14 Cancer Research Fund, to the Korean War Memorial Fund, to the  
15 Heart Disease Treatment and Prevention Fund, to the  
16 Hemophilia Treatment Fund, to the Mental Health Research  
17 Fund, to the Children's Cancer Fund, to the American Diabetes  
18 Association Fund, to the National World War II Memorial Fund,  
19 to the Prostate Cancer Research Fund, to the Korean War  
20 Veterans National Museum and Library Fund, and to the Meals  
21 on Wheels Fund. Each form shall contain a statement that the  
22 contributions will reduce the taxpayer's refund or increase  
23 the amount of payment to accompany the return. Failure to  
24 remit any amount of increased payment shall reduce the  
25 contribution accordingly.

26 If, on October 1 of any year, the total contributions to  
27 any one of the funds made under this Section do not equal  
28 \$100,000 or more, the explanations and spaces for designating  
29 contributions to the fund shall be removed from the  
30 individual income tax return forms for the following and all  
31 subsequent years and all subsequent contributions to the fund  
32 shall be refunded to the taxpayer.

33 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
34 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff.

1 1-1-01; 92-198, eff. 8-1-01.)

2 (Text of Section after amendment by P.A. 92-84)

3 Sec. 509. Tax checkoff explanations. All individual  
4 income tax return forms shall contain appropriate  
5 explanations and spaces to enable the taxpayers to designate  
6 contributions to the Child Abuse Prevention Fund, to the  
7 Illinois Wildlife Preservation Fund as required by the  
8 Illinois Non-Game Wildlife Protection Act, to the Alzheimer's  
9 Disease Research Fund as required by the Alzheimer's Disease  
10 Research Act, to the Assistance to the Homeless Fund as  
11 required by this Act, to the Penny Severns Breast and  
12 Cervical Cancer Research Fund, to the National World War II  
13 Memorial Fund, and to the Prostate Cancer Research Fund, and  
14 to the Korean War Veterans National Museum and Library Fund<sup>7</sup>.  
15 Each form shall contain a statement that the contributions  
16 will reduce the taxpayer's refund or increase the amount of  
17 payment to accompany the return. Failure to remit any amount  
18 of increased payment shall reduce the contribution  
19 accordingly.

20 If, on October 1 of any year, the total contributions to  
21 any one of the funds made under this Section do not equal  
22 \$100,000 or more, the explanations and spaces for designating  
23 contributions to the fund shall be removed from the  
24 individual income tax return forms for the following and all  
25 subsequent years and all subsequent contributions to the fund  
26 shall be refunded to the taxpayer.

27 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
28 91-357, eff. 7-29-99; 91-833, eff. 1-1-01; 91-836, eff.  
29 1-1-01; 92-84, eff. 7-1-02; 92-198, eff. 8-1-01; revised  
30 9-12-01.)

31 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

32 (Text of Section before amendment by P.A. 92-84)

33 Sec. 510. Determination of amounts contributed. The

1 Department shall determine the total amount contributed to  
2 each of the following: the Child Abuse Prevention Fund, the  
3 Illinois Wildlife Preservation Fund, the Community Health  
4 Center Care Fund, the Assistance to the Homeless Fund, the  
5 Alzheimer's Disease Research Fund, the Heritage Preservation  
6 Fund, the Child Care Expansion Program Fund, the Ryan White  
7 AIDS Victims Assistance Fund, the Assistive Technology for  
8 Persons with Disabilities Fund, the Domestic Violence Shelter  
9 and Service Fund, the United States Olympians Assistance  
10 Fund, the Youth Drug Abuse Prevention Fund, the Persian Gulf  
11 Conflict Veterans Fund, the Literacy Advancement Fund, the  
12 Ryan White Pediatric and Adult AIDS Fund, the Illinois  
13 Special Olympics Checkoff Fund, the Penny Severns Breast and  
14 Cervical Cancer Research Fund, the Korean War Memorial Fund,  
15 the Heart Disease Treatment and Prevention Fund, the  
16 Hemophilia Treatment Fund, the Mental Health Research Fund,  
17 the Children's Cancer Fund, the American Diabetes  
18 Association Fund, the National World War II Memorial Fund,  
19 the Prostate Cancer Research Fund, the Korean War Veterans  
20 National Museum and Library Fund, and the Meals on Wheels  
21 Fund; and shall notify the State Comptroller and the State  
22 Treasurer of the amounts to be transferred from the General  
23 Revenue Fund to each fund, and upon receipt of such  
24 notification the State Treasurer and Comptroller shall  
25 transfer the amounts.

26 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
27 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-198, eff.  
28 8-1-01.)

29 (Text of Section after amendment by P.A. 92-84)

30 Sec. 510. Determination of amounts contributed. The  
31 Department shall determine the total amount contributed to  
32 each of the following: the Child Abuse Prevention Fund, the  
33 Illinois Wildlife Preservation Fund, the Assistance to the

1 Homeless Fund, the Alzheimer's Disease Research Fund, the  
2 Penny Severns Breast and Cervical Cancer Research Fund, the  
3 National World War II Memorial Fund, and the Prostate Cancer  
4 Research Fund, and the Korean War Veterans National Museum  
5 and Library Fund; and shall notify the State Comptroller and  
6 the State Treasurer of the amounts to be transferred from the  
7 General Revenue Fund to each fund, and upon receipt of such  
8 notification the State Treasurer and Comptroller shall  
9 transfer the amounts.

10 (Source: P.A. 91-104, eff. 7-13-99; 91-107, eff. 7-13-99;  
11 91-833, eff. 1-1-01; 91-836, eff. 1-1-01; 92-84, eff. 7-1-02;  
12 92-198, eff. 8-1-01; revised 9-12-01.)

13 Section 24. The Economic Development for a Growing  
14 Economy Tax Credit Act is amended by changing Section 5-5 as  
15 follows:

16 (35 ILCS 10/5-5)

17 Sec. 5-5. Definitions. As used in this Act:

18 "Agreement" means the Agreement between a Taxpayer and  
19 the Department under the provisions of Section 5-50 of this  
20 Act.

21 "Applicant" means a Taxpayer that is operating a business  
22 located or that the Taxpayer plans to locate within the State  
23 of Illinois and that is engaged in interstate or intrastate  
24 commerce for the purpose of manufacturing, processing,  
25 assembling, warehousing, or distributing products, conducting  
26 research and development, providing tourism services, or  
27 providing services in interstate commerce, office industries,  
28 or agricultural processing, but excluding retail, retail  
29 food, health, or professional services. "Applicant" does not  
30 include a Taxpayer who closes or substantially reduces an  
31 operation at one location in the State and relocates  
32 substantially the same operation to another location in the

1 State. This does not prohibit a Taxpayer from expanding its  
2 operations at another location in the State, provided that  
3 existing operations of a similar nature located within the  
4 State are not closed or substantially reduced. This also  
5 does not prohibit a Taxpayer from moving its operations from  
6 one location in the State to another location in the State  
7 for the purpose of expanding the operation provided that the  
8 Department determines that expansion cannot reasonably be  
9 accommodated within the municipality in which the business is  
10 located, or in the case of a business located in an  
11 incorporated area of the county, within the county in which  
12 the business is located, after conferring with the chief  
13 elected official of the municipality or county and taking  
14 into consideration any evidence offered by the municipality  
15 or county regarding the ability to accommodate expansion  
16 within the municipality or county.

17 "Committee" means the Illinois Business Investment  
18 Committee created under Section 5-25 of this Act within the  
19 Illinois Economic Development Board.

20 "Credit" means the amount agreed to between the  
21 Department and Applicant under this Act, but not to exceed  
22 the Incremental Income Tax attributable to the Applicant's  
23 project.

24 "Department" means the Department of Commerce and  
25 Community Affairs.

26 "Director" means the Director of Commerce and Community  
27 Affairs.

28 "Full-time Employee" means an individual who is employed  
29 for consideration for at least 35 hours each week or who  
30 renders any other standard of service generally accepted by  
31 industry custom or practice as full-time employment.

32 "Incremental Income Tax" means the total amount withheld  
33 during the taxable year from the compensation of New  
34 Employees under Article 7 of the Illinois Income Tax Act

1 arising from employment at a project that is the subject of  
2 an Agreement.

3 "New Employee" means:

4 (a) A Full-time Employee first employed by a  
5 Taxpayer in the project that is the subject of an  
6 Agreement and who is hired after the Taxpayer enters into  
7 the tax credit Agreement.

8 (b) The term "New Employee" does not include:

9 (1) an employee of the Taxpayer who performs a  
10 job that was previously performed by another  
11 employee, if that job existed for at least 6 months  
12 before hiring the employee;

13 (2) an employee of the Taxpayer who was  
14 previously employed in Illinois by a Related Member  
15 of the Taxpayer and whose employment was shifted to  
16 the Taxpayer after the Taxpayer entered into the tax  
17 credit Agreement; or

18 (3) a child, grandchild, parent, or spouse,  
19 other than a spouse who is legally separated from  
20 the individual, of any individual who has a direct  
21 or an indirect ownership interest of at least 5% in  
22 the profits, capital, or value of the Taxpayer.

23 (c) Notwithstanding paragraph (1) of subsection  
24 (b), an employee may be considered a New Employee under  
25 the Agreement if the employee performs a job that was  
26 previously performed by an employee who was:

27 (1) treated under the Agreement as a New  
28 Employee; and

29 (2) promoted by the Taxpayer to another job.

30 (d) Notwithstanding subsection (a), the Department  
31 may award Credit to an Applicant with respect to an  
32 employee hired prior to the date of the Agreement if:

33 (1) the Applicant is in receipt of a letter  
34 from the Department stating an intent to enter into

1 a credit Agreement;

2 (2) the letter described in paragraph (1) is  
3 issued by the Department not later than 15 days  
4 after the effective date of this Act; and

5 (3) the employee was hired after the date the  
6 letter described in paragraph (1) was issued.

7 "Noncompliance Date" means, in the case of a Taxpayer  
8 that is not complying with the requirements of the Agreement  
9 or the provisions of this Act, the day following the last  
10 date upon which the Taxpayer was in compliance with the  
11 requirements of the Agreement and the provisions of this Act,  
12 as determined by the Director, pursuant to Section 5-65.

13 "Pass Through Entity" means an entity that is exempt from  
14 the tax under subsection (b) or (c) of Section 205 of the  
15 Illinois Income Tax Act.

16 "Related Member" means a person that, with respect to the  
17 Taxpayer during any portion of the taxable year, is any one  
18 of the following:

19 (1) An individual stockholder, if the stockholder  
20 and the members of the stockholder's family (as defined  
21 in Section 318 of the Internal Revenue Code) own  
22 directly, indirectly, beneficially, or constructively, in  
23 the aggregate, at least 50% of the value of the  
24 Taxpayer's outstanding stock.

25 (2) A partnership, estate, or trust and any partner  
26 or beneficiary, if the partnership, estate, or trust, and  
27 its partners or beneficiaries own directly, indirectly,  
28 beneficially, or constructively, in the aggregate, at  
29 least 50% of the profits, capital capital, stock, or  
30 value of the Taxpayer.

31 (3) A corporation, and any party related to the  
32 corporation in a manner that would require an attribution  
33 of stock from the corporation to the party or from the  
34 party to the corporation under the attribution rules of

1 Section 318 of the Internal Revenue Code, if the Taxpayer  
 2 owns directly, indirectly, beneficially, or  
 3 constructively at least 50% of the value of the  
 4 corporation's outstanding stock.

5 (4) A corporation and any party related to that  
 6 corporation in a manner that would require an attribution  
 7 of stock from the corporation to the party or from the  
 8 party to the corporation under the attribution rules of  
 9 Section 318 of the Internal Revenue Code, if the  
 10 corporation and all such related parties own in the  
 11 aggregate at least 50% of the profits, capital, stock, or  
 12 value of the Taxpayer.

13 (5) A person to or from whom there is attribution  
 14 of stock ownership in accordance with Section 1563(e) of  
 15 the Internal Revenue Code, except, for purposes of  
 16 determining whether a person is a Related Member under  
 17 this paragraph, 20% shall be substituted for 5% wherever  
 18 5% appears in Section 1563(e) of the Internal Revenue  
 19 Code.

20 "Taxpayer" means an individual, corporation, partnership,  
 21 or other entity that has any Illinois Income Tax liability.  
 22 (Source: P.A. 91-476, eff. 8-11-99; revised 12-04-01.)

23 Section 25. The Use Tax Act is amended by changing  
 24 Sections 3-5 and 9 as follows:

25 (35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

26 Sec. 3-5. Exemptions. Use of the following tangible  
 27 personal property is exempt from the tax imposed by this Act:

28 (1) Personal property purchased from a corporation,  
 29 society, association, foundation, institution, or  
 30 organization, other than a limited liability company, that is  
 31 organized and operated as a not-for-profit service enterprise  
 32 for the benefit of persons 65 years of age or older if the

1 personal property was not purchased by the enterprise for the  
2 purpose of resale by the enterprise.

3 (2) Personal property purchased by a not-for-profit  
4 Illinois county fair association for use in conducting,  
5 operating, or promoting the county fair.

6 (3) Personal property purchased by a not-for-profit arts  
7 or cultural organization that establishes, by proof required  
8 by the Department by rule, that it has received an exemption  
9 under Section 501(c)(3) of the Internal Revenue Code and that  
10 is organized and operated primarily for the presentation or  
11 support of arts or cultural programming, activities, or  
12 services. These organizations include, but are not limited  
13 to, music and dramatic arts organizations such as symphony  
14 orchestras and theatrical groups, arts and cultural service  
15 organizations, local arts councils, visual arts  
16 organizations, and media arts organizations. On and after the  
17 effective date of this amendatory Act of the 92nd General  
18 Assembly, however, an entity otherwise eligible for this  
19 exemption shall not make tax-free purchases unless it has an  
20 active identification number issued by the Department.

21 (4) Personal property purchased by a governmental body,  
22 by a corporation, society, association, foundation, or  
23 institution organized and operated exclusively for  
24 charitable, religious, or educational purposes, or by a  
25 not-for-profit corporation, society, association, foundation,  
26 institution, or organization that has no compensated officers  
27 or employees and that is organized and operated primarily for  
28 the recreation of persons 55 years of age or older. A limited  
29 liability company may qualify for the exemption under this  
30 paragraph only if the limited liability company is organized  
31 and operated exclusively for educational purposes. On and  
32 after July 1, 1987, however, no entity otherwise eligible for  
33 this exemption shall make tax-free purchases unless it has an  
34 active exemption identification number issued by the

1 Department.

2 (5) A passenger car that is a replacement vehicle to the  
3 extent that the purchase price of the car is subject to the  
4 Replacement Vehicle Tax.

5 (6) Graphic arts machinery and equipment, including  
6 repair and replacement parts, both new and used, and  
7 including that manufactured on special order, certified by  
8 the purchaser to be used primarily for graphic arts  
9 production, and including machinery and equipment purchased  
10 for lease. Equipment includes chemicals or chemicals acting  
11 as catalysts but only if the chemicals or chemicals acting as  
12 catalysts effect a direct and immediate change upon a graphic  
13 arts product.

14 (7) Farm chemicals.

15 (8) Legal tender, currency, medallions, or gold or  
16 silver coinage issued by the State of Illinois, the  
17 government of the United States of America, or the government  
18 of any foreign country, and bullion.

19 (9) Personal property purchased from a teacher-sponsored  
20 student organization affiliated with an elementary or  
21 secondary school located in Illinois.

22 (10) A motor vehicle of the first division, a motor  
23 vehicle of the second division that is a self-contained motor  
24 vehicle designed or permanently converted to provide living  
25 quarters for recreational, camping, or travel use, with  
26 direct walk through to the living quarters from the driver's  
27 seat, or a motor vehicle of the second division that is of  
28 the van configuration designed for the transportation of not  
29 less than 7 nor more than 16 passengers, as defined in  
30 Section 1-146 of the Illinois Vehicle Code, that is used for  
31 automobile renting, as defined in the Automobile Renting  
32 Occupation and Use Tax Act.

33 (11) Farm machinery and equipment, both new and used,  
34 including that manufactured on special order, certified by

1 the purchaser to be used primarily for production agriculture  
2 or State or federal agricultural programs, including  
3 individual replacement parts for the machinery and equipment,  
4 including machinery and equipment purchased for lease, and  
5 including implements of husbandry defined in Section 1-130 of  
6 the Illinois Vehicle Code, farm machinery and agricultural  
7 chemical and fertilizer spreaders, and nurse wagons required  
8 to be registered under Section 3-809 of the Illinois Vehicle  
9 Code, but excluding other motor vehicles required to be  
10 registered under the Illinois Vehicle Code. Horticultural  
11 polyhouses or hoop houses used for propagating, growing, or  
12 overwintering plants shall be considered farm machinery and  
13 equipment under this item (11). Agricultural chemical tender  
14 tanks and dry boxes shall include units sold separately from  
15 a motor vehicle required to be licensed and units sold  
16 mounted on a motor vehicle required to be licensed if the  
17 selling price of the tender is separately stated.

18 Farm machinery and equipment shall include precision  
19 farming equipment that is installed or purchased to be  
20 installed on farm machinery and equipment including, but not  
21 limited to, tractors, harvesters, sprayers, planters,  
22 seeders, or spreaders. Precision farming equipment includes,  
23 but is not limited to, soil testing sensors, computers,  
24 monitors, software, global positioning and mapping systems,  
25 and other such equipment.

26 Farm machinery and equipment also includes computers,  
27 sensors, software, and related equipment used primarily in  
28 the computer-assisted operation of production agriculture  
29 facilities, equipment, and activities such as, but not  
30 limited to, the collection, monitoring, and correlation of  
31 animal and crop data for the purpose of formulating animal  
32 diets and agricultural chemicals. This item (11) is exempt  
33 from the provisions of Section 3-90.

34 (12) Fuel and petroleum products sold to or used by an

1 air common carrier, certified by the carrier to be used for  
2 consumption, shipment, or storage in the conduct of its  
3 business as an air common carrier, for a flight destined for  
4 or returning from a location or locations outside the United  
5 States without regard to previous or subsequent domestic  
6 stopovers.

7 (13) Proceeds of mandatory service charges separately  
8 stated on customers' bills for the purchase and consumption  
9 of food and beverages purchased at retail from a retailer, to  
10 the extent that the proceeds of the service charge are in  
11 fact turned over as tips or as a substitute for tips to the  
12 employees who participate directly in preparing, serving,  
13 hosting or cleaning up the food or beverage function with  
14 respect to which the service charge is imposed.

15 (14) Oil field exploration, drilling, and production  
16 equipment, including (i) rigs and parts of rigs, rotary rigs,  
17 cable tool rigs, and workover rigs, (ii) pipe and tubular  
18 goods, including casing and drill strings, (iii) pumps and  
19 pump-jack units, (iv) storage tanks and flow lines, (v) any  
20 individual replacement part for oil field exploration,  
21 drilling, and production equipment, and (vi) machinery and  
22 equipment purchased for lease; but excluding motor vehicles  
23 required to be registered under the Illinois Vehicle Code.

24 (15) Photoprocessing machinery and equipment, including  
25 repair and replacement parts, both new and used, including  
26 that manufactured on special order, certified by the  
27 purchaser to be used primarily for photoprocessing, and  
28 including photoprocessing machinery and equipment purchased  
29 for lease.

30 (16) Coal exploration, mining, offhighway hauling,  
31 processing, maintenance, and reclamation equipment, including  
32 replacement parts and equipment, and including equipment  
33 purchased for lease, but excluding motor vehicles required to  
34 be registered under the Illinois Vehicle Code.

1           (17) Distillation machinery and equipment, sold as a  
2 unit or kit, assembled or installed by the retailer,  
3 certified by the user to be used only for the production of  
4 ethyl alcohol that will be used for consumption as motor fuel  
5 or as a component of motor fuel for the personal use of the  
6 user, and not subject to sale or resale.

7           (18) Manufacturing and assembling machinery and  
8 equipment used primarily in the process of manufacturing or  
9 assembling tangible personal property for wholesale or retail  
10 sale or lease, whether that sale or lease is made directly by  
11 the manufacturer or by some other person, whether the  
12 materials used in the process are owned by the manufacturer  
13 or some other person, or whether that sale or lease is made  
14 apart from or as an incident to the seller's engaging in the  
15 service occupation of producing machines, tools, dies, jigs,  
16 patterns, gauges, or other similar items of no commercial  
17 value on special order for a particular purchaser.

18           (19) Personal property delivered to a purchaser or  
19 purchaser's donee inside Illinois when the purchase order for  
20 that personal property was received by a florist located  
21 outside Illinois who has a florist located inside Illinois  
22 deliver the personal property.

23           (20) Semen used for artificial insemination of livestock  
24 for direct agricultural production.

25           (21) Horses, or interests in horses, registered with and  
26 meeting the requirements of any of the Arabian Horse Club  
27 Registry of America, Appaloosa Horse Club, American Quarter  
28 Horse Association, United States Trotting Association, or  
29 Jockey Club, as appropriate, used for purposes of breeding or  
30 racing for prizes.

31           (22) Computers and communications equipment utilized for  
32 any hospital purpose and equipment used in the diagnosis,  
33 analysis, or treatment of hospital patients purchased by a  
34 lessor who leases the equipment, under a lease of one year or

1 longer executed or in effect at the time the lessor would  
2 otherwise be subject to the tax imposed by this Act, to a  
3 hospital that has been issued an active tax exemption  
4 identification number by the Department under Section 1g of  
5 the Retailers' Occupation Tax Act. If the equipment is  
6 leased in a manner that does not qualify for this exemption  
7 or is used in any other non-exempt manner, the lessor shall  
8 be liable for the tax imposed under this Act or the Service  
9 Use Tax Act, as the case may be, based on the fair market  
10 value of the property at the time the non-qualifying use  
11 occurs. No lessor shall collect or attempt to collect an  
12 amount (however designated) that purports to reimburse that  
13 lessor for the tax imposed by this Act or the Service Use Tax  
14 Act, as the case may be, if the tax has not been paid by the  
15 lessor. If a lessor improperly collects any such amount from  
16 the lessee, the lessee shall have a legal right to claim a  
17 refund of that amount from the lessor. If, however, that  
18 amount is not refunded to the lessee for any reason, the  
19 lessor is liable to pay that amount to the Department.

20 (23) Personal property purchased by a lessor who leases  
21 the property, under a lease of one year or longer executed  
22 or in effect at the time the lessor would otherwise be  
23 subject to the tax imposed by this Act, to a governmental  
24 body that has been issued an active sales tax exemption  
25 identification number by the Department under Section 1g of  
26 the Retailers' Occupation Tax Act. If the property is leased  
27 in a manner that does not qualify for this exemption or used  
28 in any other non-exempt manner, the lessor shall be liable  
29 for the tax imposed under this Act or the Service Use Tax  
30 Act, as the case may be, based on the fair market value of  
31 the property at the time the non-qualifying use occurs. No  
32 lessor shall collect or attempt to collect an amount (however  
33 designated) that purports to reimburse that lessor for the  
34 tax imposed by this Act or the Service Use Tax Act, as the

1 case may be, if the tax has not been paid by the lessor. If  
2 a lessor improperly collects any such amount from the lessee,  
3 the lessee shall have a legal right to claim a refund of that  
4 amount from the lessor. If, however, that amount is not  
5 refunded to the lessee for any reason, the lessor is liable  
6 to pay that amount to the Department.

7 (24) Beginning with taxable years ending on or after  
8 December 31, 1995 and ending with taxable years ending on or  
9 before December 31, 2004, personal property that is donated  
10 for disaster relief to be used in a State or federally  
11 declared disaster area in Illinois or bordering Illinois by a  
12 manufacturer or retailer that is registered in this State to  
13 a corporation, society, association, foundation, or  
14 institution that has been issued a sales tax exemption  
15 identification number by the Department that assists victims  
16 of the disaster who reside within the declared disaster area.

17 (25) Beginning with taxable years ending on or after  
18 December 31, 1995 and ending with taxable years ending on or  
19 before December 31, 2004, personal property that is used in  
20 the performance of infrastructure repairs in this State,  
21 including but not limited to municipal roads and streets,  
22 access roads, bridges, sidewalks, waste disposal systems,  
23 water and sewer line extensions, water distribution and  
24 purification facilities, storm water drainage and retention  
25 facilities, and sewage treatment facilities, resulting from a  
26 State or federally declared disaster in Illinois or bordering  
27 Illinois when such repairs are initiated on facilities  
28 located in the declared disaster area within 6 months after  
29 the disaster.

30 (26) Beginning July 1, 1999, game or game birds  
31 purchased at a "game breeding and hunting preserve area" or  
32 an "exotic game hunting area" as those terms are used in the  
33 Wildlife Code or at a hunting enclosure approved through  
34 rules adopted by the Department of Natural Resources. This

1 paragraph is exempt from the provisions of Section 3-90.

2 (27) A motor vehicle, as that term is defined in Section  
3 1-146 of the Illinois Vehicle Code, that is donated to a  
4 corporation, limited liability company, society, association,  
5 foundation, or institution that is determined by the  
6 Department to be organized and operated exclusively for  
7 educational purposes. For purposes of this exemption, "a  
8 corporation, limited liability company, society, association,  
9 foundation, or institution organized and operated exclusively  
10 for educational purposes" means all tax-supported public  
11 schools, private schools that offer systematic instruction in  
12 useful branches of learning by methods common to public  
13 schools and that compare favorably in their scope and  
14 intensity with the course of study presented in tax-supported  
15 schools, and vocational or technical schools or institutes  
16 organized and operated exclusively to provide a course of  
17 study of not less than 6 weeks duration and designed to  
18 prepare individuals to follow a trade or to pursue a manual,  
19 technical, mechanical, industrial, business, or commercial  
20 occupation.

21 (28) Beginning January 1, 2000, personal property,  
22 including food, purchased through fundraising events for the  
23 benefit of a public or private elementary or secondary  
24 school, a group of those schools, or one or more school  
25 districts if the events are sponsored by an entity recognized  
26 by the school district that consists primarily of volunteers  
27 and includes parents and teachers of the school children.  
28 This paragraph does not apply to fundraising events (i) for  
29 the benefit of private home instruction or (ii) for which the  
30 fundraising entity purchases the personal property sold at  
31 the events from another individual or entity that sold the  
32 property for the purpose of resale by the fundraising entity  
33 and that profits from the sale to the fundraising entity.  
34 This paragraph is exempt from the provisions of Section 3-90.

1           (29) Beginning January 1, 2000 and through December 31,  
2           2001, new or used automatic vending machines that prepare and  
3           serve hot food and beverages, including coffee, soup, and  
4           other items, and replacement parts for these machines.  
5           Beginning January 1, 2002, machines and parts for machines  
6           used in commercial, coin-operated amusement and vending  
7           business if a use or occupation tax is paid on the gross  
8           receipts derived from the use of the commercial,  
9           coin-operated amusement and vending machines. This paragraph  
10          is exempt from the provisions of Section 3-90.

11          (30) Food for human consumption that is to be consumed  
12          off the premises where it is sold (other than alcoholic  
13          beverages, soft drinks, and food that has been prepared for  
14          immediate consumption) and prescription and nonprescription  
15          medicines, drugs, medical appliances, and insulin, urine  
16          testing materials, syringes, and needles used by diabetics,  
17          for human use, when purchased for use by a person receiving  
18          medical assistance under Article 5 of the Illinois Public Aid  
19          Code who resides in a licensed long-term care facility, as  
20          defined in the Nursing Home Care Act.

21          (31) Beginning on the effective date of this amendatory  
22          Act of the 92nd General Assembly, computers and  
23          communications equipment utilized for any hospital purpose  
24          and equipment used in the diagnosis, analysis, or treatment  
25          of hospital patients purchased by a lessor who leases the  
26          equipment, under a lease of one year or longer executed or in  
27          effect at the time the lessor would otherwise be subject to  
28          the tax imposed by this Act, to a hospital that has been  
29          issued an active tax exemption identification number by the  
30          Department under Section 1g of the Retailers' Occupation Tax  
31          Act. If the equipment is leased in a manner that does not  
32          qualify for this exemption or is used in any other nonexempt  
33          manner, the lessor shall be liable for the tax imposed under  
34          this Act or the Service Use Tax Act, as the case may be,

1 based on the fair market value of the property at the time  
2 the nonqualifying use occurs. No lessor shall collect or  
3 attempt to collect an amount (however designated) that  
4 purports to reimburse that lessor for the tax imposed by this  
5 Act or the Service Use Tax Act, as the case may be, if the  
6 tax has not been paid by the lessor. If a lessor improperly  
7 collects any such amount from the lessee, the lessee shall  
8 have a legal right to claim a refund of that amount from the  
9 lessor. If, however, that amount is not refunded to the  
10 lessee for any reason, the lessor is liable to pay that  
11 amount to the Department. This paragraph is exempt from the  
12 provisions of Section 3-90.

13 (32) Beginning on the effective date of this amendatory  
14 Act of the 92nd General Assembly, personal property purchased  
15 by a lessor who leases the property, under a lease of one  
16 year or longer executed or in effect at the time the lessor  
17 would otherwise be subject to the tax imposed by this Act, to  
18 a governmental body that has been issued an active sales tax  
19 exemption identification number by the Department under  
20 Section 1g of the Retailers' Occupation Tax Act. If the  
21 property is leased in a manner that does not qualify for this  
22 exemption or used in any other nonexempt manner, the lessor  
23 shall be liable for the tax imposed under this Act or the  
24 Service Use Tax Act, as the case may be, based on the fair  
25 market value of the property at the time the nonqualifying  
26 use occurs. No lessor shall collect or attempt to collect an  
27 amount (however designated) that purports to reimburse that  
28 lessor for the tax imposed by this Act or the Service Use Tax  
29 Act, as the case may be, if the tax has not been paid by the  
30 lessor. If a lessor improperly collects any such amount from  
31 the lessee, the lessee shall have a legal right to claim a  
32 refund of that amount from the lessor. If, however, that  
33 amount is not refunded to the lessee for any reason, the  
34 lessor is liable to pay that amount to the Department. This

1 paragraph is exempt from the provisions of Section 3-90.

2 (Source: P.A. 90-14, eff. 7-1-97; 90-552, eff. 12-12-97;  
3 90-605, eff. 6-30-98; 91-51, eff. 6-30-99; 91-200, eff.  
4 7-20-99; 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644,  
5 eff. 8-20-99; 91-901, eff. 1-1-01; 92-35, eff. 7-1-01;  
6 92-227, eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff.  
7 8-23-01; revised 10-10-01.)

8 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

9 Sec. 9. Except as to motor vehicles, watercraft,  
10 aircraft, and trailers that are required to be registered  
11 with an agency of this State, each retailer required or  
12 authorized to collect the tax imposed by this Act shall pay  
13 to the Department the amount of such tax (except as otherwise  
14 provided) at the time when he is required to file his return  
15 for the period during which such tax was collected, less a  
16 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
17 after January 1, 1990, or \$5 per calendar year, whichever is  
18 greater, which is allowed to reimburse the retailer for  
19 expenses incurred in collecting the tax, keeping records,  
20 preparing and filing returns, remitting the tax and supplying  
21 data to the Department on request. In the case of retailers  
22 who report and pay the tax on a transaction by transaction  
23 basis, as provided in this Section, such discount shall be  
24 taken with each such tax remittance instead of when such  
25 retailer files his periodic return. A retailer need not  
26 remit that part of any tax collected by him to the extent  
27 that he is required to remit and does remit the tax imposed  
28 by the Retailers' Occupation Tax Act, with respect to the  
29 sale of the same property.

30 Where such tangible personal property is sold under a  
31 conditional sales contract, or under any other form of sale  
32 wherein the payment of the principal sum, or a part thereof,  
33 is extended beyond the close of the period for which the

1 return is filed, the retailer, in collecting the tax (except  
2 as to motor vehicles, watercraft, aircraft, and trailers that  
3 are required to be registered with an agency of this State),  
4 may collect for each tax return period, only the tax  
5 applicable to that part of the selling price actually  
6 received during such tax return period.

7 Except as provided in this Section, on or before the  
8 twentieth day of each calendar month, such retailer shall  
9 file a return for the preceding calendar month. Such return  
10 shall be filed on forms prescribed by the Department and  
11 shall furnish such information as the Department may  
12 reasonably require.

13 The Department may require returns to be filed on a  
14 quarterly basis. If so required, a return for each calendar  
15 quarter shall be filed on or before the twentieth day of the  
16 calendar month following the end of such calendar quarter.  
17 The taxpayer shall also file a return with the Department for  
18 each of the first two months of each calendar quarter, on or  
19 before the twentieth day of the following calendar month,  
20 stating:

- 21 1. The name of the seller;
- 22 2. The address of the principal place of business  
23 from which he engages in the business of selling tangible  
24 personal property at retail in this State;
- 25 3. The total amount of taxable receipts received by  
26 him during the preceding calendar month from sales of  
27 tangible personal property by him during such preceding  
28 calendar month, including receipts from charge and time  
29 sales, but less all deductions allowed by law;
- 30 4. The amount of credit provided in Section 2d of  
31 this Act;
- 32 5. The amount of tax due;
- 33 5-5. The signature of the taxpayer; and
- 34 6. Such other reasonable information as the

1 Department may require.

2 If a taxpayer fails to sign a return within 30 days after  
3 the proper notice and demand for signature by the Department,  
4 the return shall be considered valid and any amount shown to  
5 be due on the return shall be deemed assessed.

6 Beginning October 1, 1993, a taxpayer who has an average  
7 monthly tax liability of \$150,000 or more shall make all  
8 payments required by rules of the Department by electronic  
9 funds transfer. Beginning October 1, 1994, a taxpayer who has  
10 an average monthly tax liability of \$100,000 or more shall  
11 make all payments required by rules of the Department by  
12 electronic funds transfer. Beginning October 1, 1995, a  
13 taxpayer who has an average monthly tax liability of \$50,000  
14 or more shall make all payments required by rules of the  
15 Department by electronic funds transfer. Beginning October 1,  
16 2000, a taxpayer who has an annual tax liability of \$200,000  
17 or more shall make all payments required by rules of the  
18 Department by electronic funds transfer. The term "annual  
19 tax liability" shall be the sum of the taxpayer's liabilities  
20 under this Act, and under all other State and local  
21 occupation and use tax laws administered by the Department,  
22 for the immediately preceding calendar year. The term  
23 "average monthly tax liability" means the sum of the  
24 taxpayer's liabilities under this Act, and under all other  
25 State and local occupation and use tax laws administered by  
26 the Department, for the immediately preceding calendar year  
27 divided by 12. Beginning on October 1, 2002, a taxpayer who  
28 has a tax liability in the amount set forth in subsection (b)  
29 of Section 2505-210 of the Department of Revenue Law shall  
30 make all payments required by rules of the Department by  
31 electronic funds transfer.

32 Before August 1 of each year beginning in 1993, the  
33 Department shall notify all taxpayers required to make  
34 payments by electronic funds transfer. All taxpayers required

1 to make payments by electronic funds transfer shall make  
2 those payments for a minimum of one year beginning on October  
3 1.

4 Any taxpayer not required to make payments by electronic  
5 funds transfer may make payments by electronic funds transfer  
6 with the permission of the Department.

7 All taxpayers required to make payment by electronic  
8 funds transfer and any taxpayers authorized to voluntarily  
9 make payments by electronic funds transfer shall make those  
10 payments in the manner authorized by the Department.

11 The Department shall adopt such rules as are necessary to  
12 effectuate a program of electronic funds transfer and the  
13 requirements of this Section.

14 Before October 1, 2000, if the taxpayer's average monthly  
15 tax liability to the Department under this Act, the  
16 Retailers' Occupation Tax Act, the Service Occupation Tax  
17 Act, the Service Use Tax Act was \$10,000 or more during the  
18 preceding 4 complete calendar quarters, he shall file a  
19 return with the Department each month by the 20th day of the  
20 month next following the month during which such tax  
21 liability is incurred and shall make payments to the  
22 Department on or before the 7th, 15th, 22nd and last day of  
23 the month during which such liability is incurred. On and  
24 after October 1, 2000, if the taxpayer's average monthly tax  
25 liability to the Department under this Act, the Retailers'  
26 Occupation Tax Act, the Service Occupation Tax Act, and the  
27 Service Use Tax Act was \$20,000 or more during the preceding  
28 4 complete calendar quarters, he shall file a return with the  
29 Department each month by the 20th day of the month next  
30 following the month during which such tax liability is  
31 incurred and shall make payment to the Department on or  
32 before the 7th, 15th, 22nd and last day of the month during  
33 which such liability is incurred. If the month during which  
34 such tax liability is incurred began prior to January 1,

1 1985, each payment shall be in an amount equal to 1/4 of the  
2 taxpayer's actual liability for the month or an amount set by  
3 the Department not to exceed 1/4 of the average monthly  
4 liability of the taxpayer to the Department for the preceding  
5 4 complete calendar quarters (excluding the month of highest  
6 liability and the month of lowest liability in such 4 quarter  
7 period). If the month during which such tax liability is  
8 incurred begins on or after January 1, 1985, and prior to  
9 January 1, 1987, each payment shall be in an amount equal to  
10 22.5% of the taxpayer's actual liability for the month or  
11 27.5% of the taxpayer's liability for the same calendar month  
12 of the preceding year. If the month during which such tax  
13 liability is incurred begins on or after January 1, 1987, and  
14 prior to January 1, 1988, each payment shall be in an amount  
15 equal to 22.5% of the taxpayer's actual liability for the  
16 month or 26.25% of the taxpayer's liability for the same  
17 calendar month of the preceding year. If the month during  
18 which such tax liability is incurred begins on or after  
19 January 1, 1988, and prior to January 1, 1989, or begins on  
20 or after January 1, 1996, each payment shall be in an amount  
21 equal to 22.5% of the taxpayer's actual liability for the  
22 month or 25% of the taxpayer's liability for the same  
23 calendar month of the preceding year. If the month during  
24 which such tax liability is incurred begins on or after  
25 January 1, 1989, and prior to January 1, 1996, each payment  
26 shall be in an amount equal to 22.5% of the taxpayer's actual  
27 liability for the month or 25% of the taxpayer's liability  
28 for the same calendar month of the preceding year or 100% of  
29 the taxpayer's actual liability for the quarter monthly  
30 reporting period. The amount of such quarter monthly  
31 payments shall be credited against the final tax liability of  
32 the taxpayer's return for that month. Before October 1,  
33 2000, once applicable, the requirement of the making of  
34 quarter monthly payments to the Department shall continue

1 until such taxpayer's average monthly liability to the  
2 Department during the preceding 4 complete calendar quarters  
3 (excluding the month of highest liability and the month of  
4 lowest liability) is less than \$9,000, or until such  
5 taxpayer's average monthly liability to the Department as  
6 computed for each calendar quarter of the 4 preceding  
7 complete calendar quarter period is less than \$10,000.  
8 However, if a taxpayer can show the Department that a  
9 substantial change in the taxpayer's business has occurred  
10 which causes the taxpayer to anticipate that his average  
11 monthly tax liability for the reasonably foreseeable future  
12 will fall below the \$10,000 threshold stated above, then such  
13 taxpayer may petition the Department for change in such  
14 taxpayer's reporting status. On and after October 1, 2000,  
15 once applicable, the requirement of the making of quarter  
16 monthly payments to the Department shall continue until such  
17 taxpayer's average monthly liability to the Department during  
18 the preceding 4 complete calendar quarters (excluding the  
19 month of highest liability and the month of lowest liability)  
20 is less than \$19,000 or until such taxpayer's average monthly  
21 liability to the Department as computed for each calendar  
22 quarter of the 4 preceding complete calendar quarter period  
23 is less than \$20,000. However, if a taxpayer can show the  
24 Department that a substantial change in the taxpayer's  
25 business has occurred which causes the taxpayer to anticipate  
26 that his average monthly tax liability for the reasonably  
27 foreseeable future will fall below the \$20,000 threshold  
28 stated above, then such taxpayer may petition the Department  
29 for a change in such taxpayer's reporting status. The  
30 Department shall change such taxpayer's reporting status  
31 unless it finds that such change is seasonal in nature and  
32 not likely to be long term. If any such quarter monthly  
33 payment is not paid at the time or in the amount required by  
34 this Section, then the taxpayer shall be liable for penalties

1 and interest on the difference between the minimum amount due  
2 and the amount of such quarter monthly payment actually and  
3 timely paid, except insofar as the taxpayer has previously  
4 made payments for that month to the Department in excess of  
5 the minimum payments previously due as provided in this  
6 Section. The Department shall make reasonable rules and  
7 regulations to govern the quarter monthly payment amount and  
8 quarter monthly payment dates for taxpayers who file on other  
9 than a calendar monthly basis.

10 If any such payment provided for in this Section exceeds  
11 the taxpayer's liabilities under this Act, the Retailers'  
12 Occupation Tax Act, the Service Occupation Tax Act and the  
13 Service Use Tax Act, as shown by an original monthly return,  
14 the Department shall issue to the taxpayer a credit  
15 memorandum no later than 30 days after the date of payment,  
16 which memorandum may be submitted by the taxpayer to the  
17 Department in payment of tax liability subsequently to be  
18 remitted by the taxpayer to the Department or be assigned by  
19 the taxpayer to a similar taxpayer under this Act, the  
20 Retailers' Occupation Tax Act, the Service Occupation Tax Act  
21 or the Service Use Tax Act, in accordance with reasonable  
22 rules and regulations to be prescribed by the Department,  
23 except that if such excess payment is shown on an original  
24 monthly return and is made after December 31, 1986, no credit  
25 memorandum shall be issued, unless requested by the taxpayer.  
26 If no such request is made, the taxpayer may credit such  
27 excess payment against tax liability subsequently to be  
28 remitted by the taxpayer to the Department under this Act,  
29 the Retailers' Occupation Tax Act, the Service Occupation Tax  
30 Act or the Service Use Tax Act, in accordance with reasonable  
31 rules and regulations prescribed by the Department. If the  
32 Department subsequently determines that all or any part of  
33 the credit taken was not actually due to the taxpayer, the  
34 taxpayer's 2.1% or 1.75% vendor's discount shall be reduced

1 by 2.1% or 1.75% of the difference between the credit taken  
2 and that actually due, and the taxpayer shall be liable for  
3 penalties and interest on such difference.

4 If the retailer is otherwise required to file a monthly  
5 return and if the retailer's average monthly tax liability to  
6 the Department does not exceed \$200, the Department may  
7 authorize his returns to be filed on a quarter annual basis,  
8 with the return for January, February, and March of a given  
9 year being due by April 20 of such year; with the return for  
10 April, May and June of a given year being due by July 20 of  
11 such year; with the return for July, August and September of  
12 a given year being due by October 20 of such year, and with  
13 the return for October, November and December of a given year  
14 being due by January 20 of the following year.

15 If the retailer is otherwise required to file a monthly  
16 or quarterly return and if the retailer's average monthly tax  
17 liability to the Department does not exceed \$50, the  
18 Department may authorize his returns to be filed on an annual  
19 basis, with the return for a given year being due by January  
20 20 of the following year.

21 Such quarter annual and annual returns, as to form and  
22 substance, shall be subject to the same requirements as  
23 monthly returns.

24 Notwithstanding any other provision in this Act  
25 concerning the time within which a retailer may file his  
26 return, in the case of any retailer who ceases to engage in a  
27 kind of business which makes him responsible for filing  
28 returns under this Act, such retailer shall file a final  
29 return under this Act with the Department not more than one  
30 month after discontinuing such business.

31 In addition, with respect to motor vehicles, watercraft,  
32 aircraft, and trailers that are required to be registered  
33 with an agency of this State, every retailer selling this  
34 kind of tangible personal property shall file, with the

1 Department, upon a form to be prescribed and supplied by the  
2 Department, a separate return for each such item of tangible  
3 personal property which the retailer sells, except that if,  
4 in the same transaction, (i) a retailer of aircraft,  
5 watercraft, motor vehicles or trailers transfers more than  
6 one aircraft, watercraft, motor vehicle or trailer to another  
7 aircraft, watercraft, motor vehicle or trailer retailer for  
8 the purpose of resale or (ii) a retailer of aircraft,  
9 watercraft, motor vehicles, or trailers transfers more than  
10 one aircraft, watercraft, motor vehicle, or trailer to a  
11 purchaser for use as a qualifying rolling stock as provided  
12 in Section 3-55 of this Act, then that seller may report the  
13 transfer of all the aircraft, watercraft, motor vehicles or  
14 trailers involved in that transaction to the Department on  
15 the same uniform invoice-transaction reporting return form.  
16 For purposes of this Section, "watercraft" means a Class 2,  
17 Class 3, or Class 4 watercraft as defined in Section 3-2 of  
18 the Boat Registration and Safety Act, a personal watercraft,  
19 or any boat equipped with an inboard motor.

20 The transaction reporting return in the case of motor  
21 vehicles or trailers that are required to be registered with  
22 an agency of this State, shall be the same document as the  
23 Uniform Invoice referred to in Section 5-402 of the Illinois  
24 Vehicle Code and must show the name and address of the  
25 seller; the name and address of the purchaser; the amount of  
26 the selling price including the amount allowed by the  
27 retailer for traded-in property, if any; the amount allowed  
28 by the retailer for the traded-in tangible personal property,  
29 if any, to the extent to which Section 2 of this Act allows  
30 an exemption for the value of traded-in property; the balance  
31 payable after deducting such trade-in allowance from the  
32 total selling price; the amount of tax due from the retailer  
33 with respect to such transaction; the amount of tax collected  
34 from the purchaser by the retailer on such transaction (or

1 satisfactory evidence that such tax is not due in that  
2 particular instance, if that is claimed to be the fact); the  
3 place and date of the sale; a sufficient identification of  
4 the property sold; such other information as is required in  
5 Section 5-402 of the Illinois Vehicle Code, and such other  
6 information as the Department may reasonably require.

7 The transaction reporting return in the case of  
8 watercraft and aircraft must show the name and address of the  
9 seller; the name and address of the purchaser; the amount of  
10 the selling price including the amount allowed by the  
11 retailer for traded-in property, if any; the amount allowed  
12 by the retailer for the traded-in tangible personal property,  
13 if any, to the extent to which Section 2 of this Act allows  
14 an exemption for the value of traded-in property; the balance  
15 payable after deducting such trade-in allowance from the  
16 total selling price; the amount of tax due from the retailer  
17 with respect to such transaction; the amount of tax collected  
18 from the purchaser by the retailer on such transaction (or  
19 satisfactory evidence that such tax is not due in that  
20 particular instance, if that is claimed to be the fact); the  
21 place and date of the sale, a sufficient identification of  
22 the property sold, and such other information as the  
23 Department may reasonably require.

24 Such transaction reporting return shall be filed not  
25 later than 20 days after the date of delivery of the item  
26 that is being sold, but may be filed by the retailer at any  
27 time sooner than that if he chooses to do so. The  
28 transaction reporting return and tax remittance or proof of  
29 exemption from the tax that is imposed by this Act may be  
30 transmitted to the Department by way of the State agency with  
31 which, or State officer with whom, the tangible personal  
32 property must be titled or registered (if titling or  
33 registration is required) if the Department and such agency  
34 or State officer determine that this procedure will expedite

1 the processing of applications for title or registration.

2 With each such transaction reporting return, the retailer  
3 shall remit the proper amount of tax due (or shall submit  
4 satisfactory evidence that the sale is not taxable if that is  
5 the case), to the Department or its agents, whereupon the  
6 Department shall issue, in the purchaser's name, a tax  
7 receipt (or a certificate of exemption if the Department is  
8 satisfied that the particular sale is tax exempt) which such  
9 purchaser may submit to the agency with which, or State  
10 officer with whom, he must title or register the tangible  
11 personal property that is involved (if titling or  
12 registration is required) in support of such purchaser's  
13 application for an Illinois certificate or other evidence of  
14 title or registration to such tangible personal property.

15 No retailer's failure or refusal to remit tax under this  
16 Act precludes a user, who has paid the proper tax to the  
17 retailer, from obtaining his certificate of title or other  
18 evidence of title or registration (if titling or registration  
19 is required) upon satisfying the Department that such user  
20 has paid the proper tax (if tax is due) to the retailer. The  
21 Department shall adopt appropriate rules to carry out the  
22 mandate of this paragraph.

23 If the user who would otherwise pay tax to the retailer  
24 wants the transaction reporting return filed and the payment  
25 of tax or proof of exemption made to the Department before  
26 the retailer is willing to take these actions and such user  
27 has not paid the tax to the retailer, such user may certify  
28 to the fact of such delay by the retailer, and may (upon the  
29 Department being satisfied of the truth of such  
30 certification) transmit the information required by the  
31 transaction reporting return and the remittance for tax or  
32 proof of exemption directly to the Department and obtain his  
33 tax receipt or exemption determination, in which event the  
34 transaction reporting return and tax remittance (if a tax

1 payment was required) shall be credited by the Department to  
2 the proper retailer's account with the Department, but  
3 without the 2.1% or 1.75% discount provided for in this  
4 Section being allowed. When the user pays the tax directly  
5 to the Department, he shall pay the tax in the same amount  
6 and in the same form in which it would be remitted if the tax  
7 had been remitted to the Department by the retailer.

8 Where a retailer collects the tax with respect to the  
9 selling price of tangible personal property which he sells  
10 and the purchaser thereafter returns such tangible personal  
11 property and the retailer refunds the selling price thereof  
12 to the purchaser, such retailer shall also refund, to the  
13 purchaser, the tax so collected from the purchaser. When  
14 filing his return for the period in which he refunds such tax  
15 to the purchaser, the retailer may deduct the amount of the  
16 tax so refunded by him to the purchaser from any other use  
17 tax which such retailer may be required to pay or remit to  
18 the Department, as shown by such return, if the amount of the  
19 tax to be deducted was previously remitted to the Department  
20 by such retailer. If the retailer has not previously  
21 remitted the amount of such tax to the Department, he is  
22 entitled to no deduction under this Act upon refunding such  
23 tax to the purchaser.

24 Any retailer filing a return under this Section shall  
25 also include (for the purpose of paying tax thereon) the  
26 total tax covered by such return upon the selling price of  
27 tangible personal property purchased by him at retail from a  
28 retailer, but as to which the tax imposed by this Act was not  
29 collected from the retailer filing such return, and such  
30 retailer shall remit the amount of such tax to the Department  
31 when filing such return.

32 If experience indicates such action to be practicable,  
33 the Department may prescribe and furnish a combination or  
34 joint return which will enable retailers, who are required to

1 file returns hereunder and also under the Retailers'  
2 Occupation Tax Act, to furnish all the return information  
3 required by both Acts on the one form.

4 Where the retailer has more than one business registered  
5 with the Department under separate registration under this  
6 Act, such retailer may not file each return that is due as a  
7 single return covering all such registered businesses, but  
8 shall file separate returns for each such registered  
9 business.

10 Beginning January 1, 1990, each month the Department  
11 shall pay into the State and Local Sales Tax Reform Fund, a  
12 special fund in the State Treasury which is hereby created,  
13 the net revenue realized for the preceding month from the 1%  
14 tax on sales of food for human consumption which is to be  
15 consumed off the premises where it is sold (other than  
16 alcoholic beverages, soft drinks and food which has been  
17 prepared for immediate consumption) and prescription and  
18 nonprescription medicines, drugs, medical appliances and  
19 insulin, urine testing materials, syringes and needles used  
20 by diabetics.

21 Beginning January 1, 1990, each month the Department  
22 shall pay into the County and Mass Transit District Fund 4%  
23 of the net revenue realized for the preceding month from the  
24 6.25% general rate on the selling price of tangible personal  
25 property which is purchased outside Illinois at retail from a  
26 retailer and which is titled or registered by an agency of  
27 this State's government.

28 Beginning January 1, 1990, each month the Department  
29 shall pay into the State and Local Sales Tax Reform Fund, a  
30 special fund in the State Treasury, 20% of the net revenue  
31 realized for the preceding month from the 6.25% general rate  
32 on the selling price of tangible personal property, other  
33 than tangible personal property which is purchased outside  
34 Illinois at retail from a retailer and which is titled or

1 registered by an agency of this State's government.

2 Beginning August 1, 2000, each month the Department shall  
3 pay into the State and Local Sales Tax Reform Fund 100% of  
4 the net revenue realized for the preceding month from the  
5 1.25% rate on the selling price of motor fuel and gasohol.

6 Beginning January 1, 1990, each month the Department  
7 shall pay into the Local Government Tax Fund 16% of the net  
8 revenue realized for the preceding month from the 6.25%  
9 general rate on the selling price of tangible personal  
10 property which is purchased outside Illinois at retail from a  
11 retailer and which is titled or registered by an agency of  
12 this State's government.

13 Of the remainder of the moneys received by the Department  
14 pursuant to this Act, (a) 1.75% thereof shall be paid into  
15 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%  
16 and on and after July 1, 1989, 3.8% thereof shall be paid  
17 into the Build Illinois Fund; provided, however, that if in  
18 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,  
19 as the case may be, of the moneys received by the Department  
20 and required to be paid into the Build Illinois Fund pursuant  
21 to Section 3 of the Retailers' Occupation Tax Act, Section 9  
22 of the Use Tax Act, Section 9 of the Service Use Tax Act, and  
23 Section 9 of the Service Occupation Tax Act, such Acts being  
24 hereinafter called the "Tax Acts" and such aggregate of 2.2%  
25 or 3.8%, as the case may be, of moneys being hereinafter  
26 called the "Tax Act Amount", and (2) the amount transferred  
27 to the Build Illinois Fund from the State and Local Sales Tax  
28 Reform Fund shall be less than the Annual Specified Amount  
29 (as defined in Section 3 of the Retailers' Occupation Tax  
30 Act), an amount equal to the difference shall be immediately  
31 paid into the Build Illinois Fund from other moneys received  
32 by the Department pursuant to the Tax Acts; and further  
33 provided, that if on the last business day of any month the  
34 sum of (1) the Tax Act Amount required to be deposited into

1 the Build Illinois Bond Account in the Build Illinois Fund  
2 during such month and (2) the amount transferred during such  
3 month to the Build Illinois Fund from the State and Local  
4 Sales Tax Reform Fund shall have been less than 1/12 of the  
5 Annual Specified Amount, an amount equal to the difference  
6 shall be immediately paid into the Build Illinois Fund from  
7 other moneys received by the Department pursuant to the Tax  
8 Acts; and, further provided, that in no event shall the  
9 payments required under the preceding proviso result in  
10 aggregate payments into the Build Illinois Fund pursuant to  
11 this clause (b) for any fiscal year in excess of the greater  
12 of (i) the Tax Act Amount or (ii) the Annual Specified Amount  
13 for such fiscal year; and, further provided, that the amounts  
14 payable into the Build Illinois Fund under this clause (b)  
15 shall be payable only until such time as the aggregate amount  
16 on deposit under each trust indenture securing Bonds issued  
17 and outstanding pursuant to the Build Illinois Bond Act is  
18 sufficient, taking into account any future investment income,  
19 to fully provide, in accordance with such indenture, for the  
20 defeasance of or the payment of the principal of, premium, if  
21 any, and interest on the Bonds secured by such indenture and  
22 on any Bonds expected to be issued thereafter and all fees  
23 and costs payable with respect thereto, all as certified by  
24 the Director of the Bureau of the Budget. If on the last  
25 business day of any month in which Bonds are outstanding  
26 pursuant to the Build Illinois Bond Act, the aggregate of the  
27 moneys deposited in the Build Illinois Bond Account in the  
28 Build Illinois Fund in such month shall be less than the  
29 amount required to be transferred in such month from the  
30 Build Illinois Bond Account to the Build Illinois Bond  
31 Retirement and Interest Fund pursuant to Section 13 of the  
32 Build Illinois Bond Act, an amount equal to such deficiency  
33 shall be immediately paid from other moneys received by the  
34 Department pursuant to the Tax Acts to the Build Illinois

1 Fund; provided, however, that any amounts paid to the Build  
 2 Illinois Fund in any fiscal year pursuant to this sentence  
 3 shall be deemed to constitute payments pursuant to clause (b)  
 4 of the preceding sentence and shall reduce the amount  
 5 otherwise payable for such fiscal year pursuant to clause (b)  
 6 of the preceding sentence. The moneys received by the  
 7 Department pursuant to this Act and required to be deposited  
 8 into the Build Illinois Fund are subject to the pledge, claim  
 9 and charge set forth in Section 12 of the Build Illinois Bond  
 10 Act.

11 Subject to payment of amounts into the Build Illinois  
 12 Fund as provided in the preceding paragraph or in any  
 13 amendment thereto hereafter enacted, the following specified  
 14 monthly installment of the amount requested in the  
 15 certificate of the Chairman of the Metropolitan Pier and  
 16 Exposition Authority provided under Section 8.25f of the  
 17 State Finance Act, but not in excess of the sums designated  
 18 as "Total Deposit", shall be deposited in the aggregate from  
 19 collections under Section 9 of the Use Tax Act, Section 9 of  
 20 the Service Use Tax Act, Section 9 of the Service Occupation  
 21 Tax Act, and Section 3 of the Retailers' Occupation Tax Act  
 22 into the McCormick Place Expansion Project Fund in the  
 23 specified fiscal years.

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000
27	1995	58,000,000
28	1996	61,000,000
29	1997	64,000,000
30	1998	68,000,000
31	1999	71,000,000
32	2000	75,000,000
33	2001	80,000,000
34	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023 and	275,000,000

22 each fiscal year  
 23 thereafter that bonds  
 24 are outstanding under  
 25 Section 13.2 of the  
 26 Metropolitan Pier and  
 27 Exposition Authority  
 28 Act, but not after fiscal year 2042.

29 Beginning July 20, 1993 and in each month of each fiscal  
 30 year thereafter, one-eighth of the amount requested in the  
 31 certificate of the Chairman of the Metropolitan Pier and  
 32 Exposition Authority for that fiscal year, less the amount  
 33 deposited into the McCormick Place Expansion Project Fund by  
 34 the State Treasurer in the respective month under subsection

1 (g) of Section 13 of the Metropolitan Pier and Exposition  
2 Authority Act, plus cumulative deficiencies in the deposits  
3 required under this Section for previous months and years,  
4 shall be deposited into the McCormick Place Expansion Project  
5 Fund, until the full amount requested for the fiscal year,  
6 but not in excess of the amount specified above as "Total  
7 Deposit", has been deposited.

8 Subject to payment of amounts into the Build Illinois  
9 Fund and the McCormick Place Expansion Project Fund pursuant  
10 to the preceding paragraphs or in any amendment thereto  
11 hereafter enacted, each month the Department shall pay into  
12 the Local Government Distributive Fund .4% of the net revenue  
13 realized for the preceding month from the 5% general rate, or  
14 .4% of 80% of the net revenue realized for the preceding  
15 month from the 6.25% general rate, as the case may be, on the  
16 selling price of tangible personal property which amount  
17 shall, subject to appropriation, be distributed as provided  
18 in Section 2 of the State Revenue Sharing Act. No payments or  
19 distributions pursuant to this paragraph shall be made if the  
20 tax imposed by this Act on photoprocessing products is  
21 declared unconstitutional, or if the proceeds from such tax  
22 are unavailable for distribution because of litigation.

23 Subject to payment of amounts into the Build Illinois  
24 Fund, the McCormick Place Expansion Project Fund, and the  
25 Local Government Distributive Fund pursuant to the preceding  
26 paragraphs or in any amendments thereto hereafter enacted,  
27 beginning July 1, 1993, the Department shall each month pay  
28 into the Illinois Tax Increment Fund 0.27% of 80% of the net  
29 revenue realized for the preceding month from the 6.25%  
30 general rate on the selling price of tangible personal  
31 property.

32 Subject to payment of amounts into the Build Illinois  
33 Fund, the McCormick Place Expansion Project Fund, and the  
34 Local Government Distributive Fund pursuant to the preceding

1 paragraphs or in any amendments thereto hereafter enacted,  
2 beginning with the receipt of the first report of taxes paid  
3 by an eligible business and continuing for a 25-year period,  
4 the Department shall each month pay into the Energy  
5 Infrastructure Fund 80% of the net revenue realized from the  
6 6.25% general rate on the selling price of Illinois-mined  
7 coal that was sold to an eligible business. For purposes of  
8 this paragraph, the term "eligible business" means a new  
9 electric generating facility certified pursuant to Section  
10 605-332 of the Department of Commerce and Community Affairs  
11 Law of the Civil Administrative Code of Illinois.

12 Of the remainder of the moneys received by the Department  
13 pursuant to this Act, 75% thereof shall be paid into the  
14 State Treasury and 25% shall be reserved in a special account  
15 and used only for the transfer to the Common School Fund as  
16 part of the monthly transfer from the General Revenue Fund in  
17 accordance with Section 8a of the State Finance Act.

18 As soon as possible after the first day of each month,  
19 upon certification of the Department of Revenue, the  
20 Comptroller shall order transferred and the Treasurer shall  
21 transfer from the General Revenue Fund to the Motor Fuel Tax  
22 Fund an amount equal to 1.7% of 80% of the net revenue  
23 realized under this Act for the second preceding month.  
24 Beginning April 1, 2000, this transfer is no longer required  
25 and shall not be made.

26 Net revenue realized for a month shall be the revenue  
27 collected by the State pursuant to this Act, less the amount  
28 paid out during that month as refunds to taxpayers for  
29 overpayment of liability.

30 For greater simplicity of administration, manufacturers,  
31 importers and wholesalers whose products are sold at retail  
32 in Illinois by numerous retailers, and who wish to do so, may  
33 assume the responsibility for accounting and paying to the  
34 Department all tax accruing under this Act with respect to

1 such sales, if the retailers who are affected do not make  
2 written objection to the Department to this arrangement.

3 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
4 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
5 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.  
6 6-28-01; 92-208, eff. 8-2-01; 92-492, eff. 1-1-02; revised  
7 9-14-01.)

8 Section 26. The Service Use Tax Act is amended by  
9 changing Sections 3-5 and 9 as follows:

10 (35 ILCS 110/3-5) (from Ch. 120, par. 439.33-5)

11 Sec. 3-5. Exemptions. Use of the following tangible  
12 personal property is exempt from the tax imposed by this Act:

13 (1) Personal property purchased from a corporation,  
14 society, association, foundation, institution, or  
15 organization, other than a limited liability company, that is  
16 organized and operated as a not-for-profit service enterprise  
17 for the benefit of persons 65 years of age or older if the  
18 personal property was not purchased by the enterprise for the  
19 purpose of resale by the enterprise.

20 (2) Personal property purchased by a non-profit Illinois  
21 county fair association for use in conducting, operating, or  
22 promoting the county fair.

23 (3) Personal property purchased by a not-for-profit arts  
24 or cultural organization that establishes, by proof required  
25 by the Department by rule, that it has received an exemption  
26 under Section 501(c)(3) of the Internal Revenue Code and that  
27 is organized and operated primarily for the presentation or  
28 support of arts or cultural programming, activities, or  
29 services. These organizations include, but are not limited  
30 to, music and dramatic arts organizations such as symphony  
31 orchestras and theatrical groups, arts and cultural service  
32 organizations, local arts councils, visual arts

1 organizations, and media arts organizations. On and after the  
2 effective date of this amendatory Act of the 92nd General  
3 Assembly, however, an entity otherwise eligible for this  
4 exemption shall not make tax-free purchases unless it has an  
5 active identification number issued by the Department.

6 (4) Legal tender, currency, medallions, or gold or  
7 silver coinage issued by the State of Illinois, the  
8 government of the United States of America, or the government  
9 of any foreign country, and bullion.

10 (5) Graphic arts machinery and equipment, including  
11 repair and replacement parts, both new and used, and  
12 including that manufactured on special order or purchased for  
13 lease, certified by the purchaser to be used primarily for  
14 graphic arts production. Equipment includes chemicals or  
15 chemicals acting as catalysts but only if the chemicals or  
16 chemicals acting as catalysts effect a direct and immediate  
17 change upon a graphic arts product.

18 (6) Personal property purchased from a teacher-sponsored  
19 student organization affiliated with an elementary or  
20 secondary school located in Illinois.

21 (7) Farm machinery and equipment, both new and used,  
22 including that manufactured on special order, certified by  
23 the purchaser to be used primarily for production agriculture  
24 or State or federal agricultural programs, including  
25 individual replacement parts for the machinery and equipment,  
26 including machinery and equipment purchased for lease, and  
27 including implements of husbandry defined in Section 1-130 of  
28 the Illinois Vehicle Code, farm machinery and agricultural  
29 chemical and fertilizer spreaders, and nurse wagons required  
30 to be registered under Section 3-809 of the Illinois Vehicle  
31 Code, but excluding other motor vehicles required to be  
32 registered under the Illinois Vehicle Code. Horticultural  
33 polyhouses or hoop houses used for propagating, growing, or  
34 overwintering plants shall be considered farm machinery and

1 equipment under this item (7). Agricultural chemical tender  
2 tanks and dry boxes shall include units sold separately from  
3 a motor vehicle required to be licensed and units sold  
4 mounted on a motor vehicle required to be licensed if the  
5 selling price of the tender is separately stated.

6 Farm machinery and equipment shall include precision  
7 farming equipment that is installed or purchased to be  
8 installed on farm machinery and equipment including, but not  
9 limited to, tractors, harvesters, sprayers, planters,  
10 seeders, or spreaders. Precision farming equipment includes,  
11 but is not limited to, soil testing sensors, computers,  
12 monitors, software, global positioning and mapping systems,  
13 and other such equipment.

14 Farm machinery and equipment also includes computers,  
15 sensors, software, and related equipment used primarily in  
16 the computer-assisted operation of production agriculture  
17 facilities, equipment, and activities such as, but not  
18 limited to, the collection, monitoring, and correlation of  
19 animal and crop data for the purpose of formulating animal  
20 diets and agricultural chemicals. This item (7) is exempt  
21 from the provisions of Section 3-75.

22 (8) Fuel and petroleum products sold to or used by an  
23 air common carrier, certified by the carrier to be used for  
24 consumption, shipment, or storage in the conduct of its  
25 business as an air common carrier, for a flight destined for  
26 or returning from a location or locations outside the United  
27 States without regard to previous or subsequent domestic  
28 stopovers.

29 (9) Proceeds of mandatory service charges separately  
30 stated on customers' bills for the purchase and consumption  
31 of food and beverages acquired as an incident to the purchase  
32 of a service from a serviceman, to the extent that the  
33 proceeds of the service charge are in fact turned over as  
34 tips or as a substitute for tips to the employees who

1 participate directly in preparing, serving, hosting or  
2 cleaning up the food or beverage function with respect to  
3 which the service charge is imposed.

4 (10) Oil field exploration, drilling, and production  
5 equipment, including (i) rigs and parts of rigs, rotary rigs,  
6 cable tool rigs, and workover rigs, (ii) pipe and tubular  
7 goods, including casing and drill strings, (iii) pumps and  
8 pump-jack units, (iv) storage tanks and flow lines, (v) any  
9 individual replacement part for oil field exploration,  
10 drilling, and production equipment, and (vi) machinery and  
11 equipment purchased for lease; but excluding motor vehicles  
12 required to be registered under the Illinois Vehicle Code.

13 (11) Proceeds from the sale of photoprocessing machinery  
14 and equipment, including repair and replacement parts, both  
15 new and used, including that manufactured on special order,  
16 certified by the purchaser to be used primarily for  
17 photoprocessing, and including photoprocessing machinery and  
18 equipment purchased for lease.

19 (12) Coal exploration, mining, offhighway hauling,  
20 processing, maintenance, and reclamation equipment, including  
21 replacement parts and equipment, and including equipment  
22 purchased for lease, but excluding motor vehicles required to  
23 be registered under the Illinois Vehicle Code.

24 (13) Semen used for artificial insemination of livestock  
25 for direct agricultural production.

26 (14) Horses, or interests in horses, registered with and  
27 meeting the requirements of any of the Arabian Horse Club  
28 Registry of America, Appaloosa Horse Club, American Quarter  
29 Horse Association, United States Trotting Association, or  
30 Jockey Club, as appropriate, used for purposes of breeding or  
31 racing for prizes.

32 (15) Computers and communications equipment utilized for  
33 any hospital purpose and equipment used in the diagnosis,  
34 analysis, or treatment of hospital patients purchased by a

1 lessor who leases the equipment, under a lease of one year or  
2 longer executed or in effect at the time the lessor would  
3 otherwise be subject to the tax imposed by this Act, to a  
4 hospital that has been issued an active tax exemption  
5 identification number by the Department under Section 1g of  
6 the Retailers' Occupation Tax Act. If the equipment is leased  
7 in a manner that does not qualify for this exemption or is  
8 used in any other non-exempt manner, the lessor shall be  
9 liable for the tax imposed under this Act or the Use Tax Act,  
10 as the case may be, based on the fair market value of the  
11 property at the time the non-qualifying use occurs. No  
12 lessor shall collect or attempt to collect an amount (however  
13 designated) that purports to reimburse that lessor for the  
14 tax imposed by this Act or the Use Tax Act, as the case may  
15 be, if the tax has not been paid by the lessor. If a lessor  
16 improperly collects any such amount from the lessee, the  
17 lessee shall have a legal right to claim a refund of that  
18 amount from the lessor. If, however, that amount is not  
19 refunded to the lessee for any reason, the lessor is liable  
20 to pay that amount to the Department.

21 (16) Personal property purchased by a lessor who leases  
22 the property, under a lease of one year or longer executed or  
23 in effect at the time the lessor would otherwise be subject  
24 to the tax imposed by this Act, to a governmental body that  
25 has been issued an active tax exemption identification number  
26 by the Department under Section 1g of the Retailers'  
27 Occupation Tax Act. If the property is leased in a manner  
28 that does not qualify for this exemption or is used in any  
29 other non-exempt manner, the lessor shall be liable for the  
30 tax imposed under this Act or the Use Tax Act, as the case  
31 may be, based on the fair market value of the property at the  
32 time the non-qualifying use occurs. No lessor shall collect  
33 or attempt to collect an amount (however designated) that  
34 purports to reimburse that lessor for the tax imposed by this

1 Act or the Use Tax Act, as the case may be, if the tax has  
2 not been paid by the lessor. If a lessor improperly collects  
3 any such amount from the lessee, the lessee shall have a  
4 legal right to claim a refund of that amount from the lessor.  
5 If, however, that amount is not refunded to the lessee for  
6 any reason, the lessor is liable to pay that amount to the  
7 Department.

8 (17) Beginning with taxable years ending on or after  
9 December 31, 1995 and ending with taxable years ending on or  
10 before December 31, 2004, personal property that is donated  
11 for disaster relief to be used in a State or federally  
12 declared disaster area in Illinois or bordering Illinois by a  
13 manufacturer or retailer that is registered in this State to  
14 a corporation, society, association, foundation, or  
15 institution that has been issued a sales tax exemption  
16 identification number by the Department that assists victims  
17 of the disaster who reside within the declared disaster area.

18 (18) Beginning with taxable years ending on or after  
19 December 31, 1995 and ending with taxable years ending on or  
20 before December 31, 2004, personal property that is used in  
21 the performance of infrastructure repairs in this State,  
22 including but not limited to municipal roads and streets,  
23 access roads, bridges, sidewalks, waste disposal systems,  
24 water and sewer line extensions, water distribution and  
25 purification facilities, storm water drainage and retention  
26 facilities, and sewage treatment facilities, resulting from a  
27 State or federally declared disaster in Illinois or bordering  
28 Illinois when such repairs are initiated on facilities  
29 located in the declared disaster area within 6 months after  
30 the disaster.

31 (19) Beginning July 1, 1999, game or game birds  
32 purchased at a "game breeding and hunting preserve area" or  
33 an "exotic game hunting area" as those terms are used in the  
34 Wildlife Code or at a hunting enclosure approved through

1 rules adopted by the Department of Natural Resources. This  
2 paragraph is exempt from the provisions of Section 3-75.

3 (20) A motor vehicle, as that term is defined in Section  
4 1-146 of the Illinois Vehicle Code, that is donated to a  
5 corporation, limited liability company, society, association,  
6 foundation, or institution that is determined by the  
7 Department to be organized and operated exclusively for  
8 educational purposes. For purposes of this exemption, "a  
9 corporation, limited liability company, society, association,  
10 foundation, or institution organized and operated exclusively  
11 for educational purposes" means all tax-supported public  
12 schools, private schools that offer systematic instruction in  
13 useful branches of learning by methods common to public  
14 schools and that compare favorably in their scope and  
15 intensity with the course of study presented in tax-supported  
16 schools, and vocational or technical schools or institutes  
17 organized and operated exclusively to provide a course of  
18 study of not less than 6 weeks duration and designed to  
19 prepare individuals to follow a trade or to pursue a manual,  
20 technical, mechanical, industrial, business, or commercial  
21 occupation.

22 (21) Beginning January 1, 2000, personal property,  
23 including food, purchased through fundraising events for the  
24 benefit of a public or private elementary or secondary  
25 school, a group of those schools, or one or more school  
26 districts if the events are sponsored by an entity recognized  
27 by the school district that consists primarily of volunteers  
28 and includes parents and teachers of the school children.  
29 This paragraph does not apply to fundraising events (i) for  
30 the benefit of private home instruction or (ii) for which the  
31 fundraising entity purchases the personal property sold at  
32 the events from another individual or entity that sold the  
33 property for the purpose of resale by the fundraising entity  
34 and that profits from the sale to the fundraising entity.

1 This paragraph is exempt from the provisions of Section 3-75.

2 (22) Beginning January 1, 2000 and through December 31,  
3 2001, new or used automatic vending machines that prepare and  
4 serve hot food and beverages, including coffee, soup, and  
5 other items, and replacement parts for these machines.  
6 Beginning January 1, 2002, machines and parts for machines  
7 used in commercial, coin-operated amusement and vending  
8 business if a use or occupation tax is paid on the gross  
9 receipts derived from the use of the commercial,  
10 coin-operated amusement and vending machines. This paragraph  
11 is exempt from the provisions of Section 3-75.

12 (23) Food for human consumption that is to be consumed  
13 off the premises where it is sold (other than alcoholic  
14 beverages, soft drinks, and food that has been prepared for  
15 immediate consumption) and prescription and nonprescription  
16 medicines, drugs, medical appliances, and insulin, urine  
17 testing materials, syringes, and needles used by diabetics,  
18 for human use, when purchased for use by a person receiving  
19 medical assistance under Article 5 of the Illinois Public Aid  
20 Code who resides in a licensed long-term care facility, as  
21 defined in the Nursing Home Care Act.

22 (24) ~~(23)~~ Beginning on the effective date of this  
23 amendatory Act of the 92nd General Assembly, computers and  
24 communications equipment utilized for any hospital purpose  
25 and equipment used in the diagnosis, analysis, or treatment  
26 of hospital patients purchased by a lessor who leases the  
27 equipment, under a lease of one year or longer executed or in  
28 effect at the time the lessor would otherwise be subject to  
29 the tax imposed by this Act, to a hospital that has been  
30 issued an active tax exemption identification number by the  
31 Department under Section 1g of the Retailers' Occupation Tax  
32 Act. If the equipment is leased in a manner that does not  
33 qualify for this exemption or is used in any other nonexempt  
34 manner, the lessor shall be liable for the tax imposed under

1 this Act or the Use Tax Act, as the case may be, based on the  
2 fair market value of the property at the time the  
3 nonqualifying use occurs. No lessor shall collect or attempt  
4 to collect an amount (however designated) that purports to  
5 reimburse that lessor for the tax imposed by this Act or the  
6 Use Tax Act, as the case may be, if the tax has not been paid  
7 by the lessor. If a lessor improperly collects any such  
8 amount from the lessee, the lessee shall have a legal right  
9 to claim a refund of that amount from the lessor. If,  
10 however, that amount is not refunded to the lessee for any  
11 reason, the lessor is liable to pay that amount to the  
12 Department. This paragraph is exempt from the provisions of  
13 Section 3-75.

14 (25) ~~(24)~~ Beginning on the effective date of this  
15 amendatory Act of the 92nd General Assembly, personal  
16 property purchased by a lessor who leases the property, under  
17 a lease of one year or longer executed or in effect at the  
18 time the lessor would otherwise be subject to the tax imposed  
19 by this Act, to a governmental body that has been issued an  
20 active tax exemption identification number by the Department  
21 under Section 1g of the Retailers' Occupation Tax Act. If  
22 the property is leased in a manner that does not qualify for  
23 this exemption or is used in any other nonexempt manner, the  
24 lessor shall be liable for the tax imposed under this Act or  
25 the Use Tax Act, as the case may be, based on the fair market  
26 value of the property at the time the nonqualifying use  
27 occurs. No lessor shall collect or attempt to collect an  
28 amount (however designated) that purports to reimburse that  
29 lessor for the tax imposed by this Act or the Use Tax Act, as  
30 the case may be, if the tax has not been paid by the lessor.  
31 If a lessor improperly collects any such amount from the  
32 lessee, the lessee shall have a legal right to claim a refund  
33 of that amount from the lessor. If, however, that amount is  
34 not refunded to the lessee for any reason, the lessor is

1 liable to pay that amount to the Department. This paragraph  
2 is exempt from the provisions of Section 3-75.

3 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;  
4 91-439, eff. 8-6-99; 91-637, eff. 8-20-99; 91-644, eff.  
5 8-20-99; 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227,  
6 eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01;  
7 revised 10-10-01.)

8 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

9 Sec. 9. Each serviceman required or authorized to  
10 collect the tax herein imposed shall pay to the Department  
11 the amount of such tax (except as otherwise provided) at the  
12 time when he is required to file his return for the period  
13 during which such tax was collected, less a discount of 2.1%  
14 prior to January 1, 1990 and 1.75% on and after January 1,  
15 1990, or \$5 per calendar year, whichever is greater, which is  
16 allowed to reimburse the serviceman for expenses incurred in  
17 collecting the tax, keeping records, preparing and filing  
18 returns, remitting the tax and supplying data to the  
19 Department on request. A serviceman need not remit that part  
20 of any tax collected by him to the extent that he is required  
21 to pay and does pay the tax imposed by the Service Occupation  
22 Tax Act with respect to his sale of service involving the  
23 incidental transfer by him of the same property.

24 Except as provided hereinafter in this Section, on or  
25 before the twentieth day of each calendar month, such  
26 serviceman shall file a return for the preceding calendar  
27 month in accordance with reasonable Rules and Regulations to  
28 be promulgated by the Department. Such return shall be filed  
29 on a form prescribed by the Department and shall contain such  
30 information as the Department may reasonably require.

31 The Department may require returns to be filed on a  
32 quarterly basis. If so required, a return for each calendar  
33 quarter shall be filed on or before the twentieth day of the

1 calendar month following the end of such calendar quarter.  
2 The taxpayer shall also file a return with the Department for  
3 each of the first two months of each calendar quarter, on or  
4 before the twentieth day of the following calendar month,  
5 stating:

6 1. The name of the seller;

7 2. The address of the principal place of business  
8 from which he engages in business as a serviceman in this  
9 State;

10 3. The total amount of taxable receipts received by  
11 him during the preceding calendar month, including  
12 receipts from charge and time sales, but less all  
13 deductions allowed by law;

14 4. The amount of credit provided in Section 2d of  
15 this Act;

16 5. The amount of tax due;

17 5-5. The signature of the taxpayer; and

18 6. Such other reasonable information as the  
19 Department may require.

20 If a taxpayer fails to sign a return within 30 days after  
21 the proper notice and demand for signature by the Department,  
22 the return shall be considered valid and any amount shown to  
23 be due on the return shall be deemed assessed.

24 Beginning October 1, 1993, a taxpayer who has an average  
25 monthly tax liability of \$150,000 or more shall make all  
26 payments required by rules of the Department by electronic  
27 funds transfer. Beginning October 1, 1994, a taxpayer who  
28 has an average monthly tax liability of \$100,000 or more  
29 shall make all payments required by rules of the Department  
30 by electronic funds transfer. Beginning October 1, 1995, a  
31 taxpayer who has an average monthly tax liability of \$50,000  
32 or more shall make all payments required by rules of the  
33 Department by electronic funds transfer. Beginning October 1,  
34 2000, a taxpayer who has an annual tax liability of \$200,000

1 or more shall make all payments required by rules of the  
2 Department by electronic funds transfer. The term "annual  
3 tax liability" shall be the sum of the taxpayer's liabilities  
4 under this Act, and under all other State and local  
5 occupation and use tax laws administered by the Department,  
6 for the immediately preceding calendar year. The term  
7 "average monthly tax liability" means the sum of the  
8 taxpayer's liabilities under this Act, and under all other  
9 State and local occupation and use tax laws administered by  
10 the Department, for the immediately preceding calendar year  
11 divided by 12. Beginning on October 1, 2002, a taxpayer who  
12 has a tax liability in the amount set forth in subsection (b)  
13 of Section 2505-210 of the Department of Revenue Law shall  
14 make all payments required by rules of the Department by  
15 electronic funds transfer.

16 Before August 1 of each year beginning in 1993, the  
17 Department shall notify all taxpayers required to make  
18 payments by electronic funds transfer. All taxpayers required  
19 to make payments by electronic funds transfer shall make  
20 those payments for a minimum of one year beginning on October  
21 1.

22 Any taxpayer not required to make payments by electronic  
23 funds transfer may make payments by electronic funds transfer  
24 with the permission of the Department.

25 All taxpayers required to make payment by electronic  
26 funds transfer and any taxpayers authorized to voluntarily  
27 make payments by electronic funds transfer shall make those  
28 payments in the manner authorized by the Department.

29 The Department shall adopt such rules as are necessary to  
30 effectuate a program of electronic funds transfer and the  
31 requirements of this Section.

32 If the serviceman is otherwise required to file a monthly  
33 return and if the serviceman's average monthly tax liability  
34 to the Department does not exceed \$200, the Department may

1 authorize his returns to be filed on a quarter annual basis,  
2 with the return for January, February and March of a given  
3 year being due by April 20 of such year; with the return for  
4 April, May and June of a given year being due by July 20 of  
5 such year; with the return for July, August and September of  
6 a given year being due by October 20 of such year, and with  
7 the return for October, November and December of a given year  
8 being due by January 20 of the following year.

9 If the serviceman is otherwise required to file a monthly  
10 or quarterly return and if the serviceman's average monthly  
11 tax liability to the Department does not exceed \$50, the  
12 Department may authorize his returns to be filed on an annual  
13 basis, with the return for a given year being due by January  
14 20 of the following year.

15 Such quarter annual and annual returns, as to form and  
16 substance, shall be subject to the same requirements as  
17 monthly returns.

18 Notwithstanding any other provision in this Act  
19 concerning the time within which a serviceman may file his  
20 return, in the case of any serviceman who ceases to engage in  
21 a kind of business which makes him responsible for filing  
22 returns under this Act, such serviceman shall file a final  
23 return under this Act with the Department not more than 1  
24 month after discontinuing such business.

25 Where a serviceman collects the tax with respect to the  
26 selling price of property which he sells and the purchaser  
27 thereafter returns such property and the serviceman refunds  
28 the selling price thereof to the purchaser, such serviceman  
29 shall also refund, to the purchaser, the tax so collected  
30 from the purchaser. When filing his return for the period in  
31 which he refunds such tax to the purchaser, the serviceman  
32 may deduct the amount of the tax so refunded by him to the  
33 purchaser from any other Service Use Tax, Service Occupation  
34 Tax, retailers' occupation tax or use tax which such

1     serviceman may be required to pay or remit to the Department,  
2     as shown by such return, provided that the amount of the tax  
3     to be deducted shall previously have been remitted to the  
4     Department by such serviceman. If the serviceman shall not  
5     previously have remitted the amount of such tax to the  
6     Department, he shall be entitled to no deduction hereunder  
7     upon refunding such tax to the purchaser.

8             Any serviceman filing a return hereunder shall also  
9     include the total tax upon the selling price of tangible  
10    personal property purchased for use by him as an incident to  
11    a sale of service, and such serviceman shall remit the amount  
12    of such tax to the Department when filing such return.

13            If experience indicates such action to be practicable,  
14    the Department may prescribe and furnish a combination or  
15    joint return which will enable servicemen, who are required  
16    to file returns hereunder and also under the Service  
17    Occupation Tax Act, to furnish all the return information  
18    required by both Acts on the one form.

19            Where the serviceman has more than one business  
20    registered with the Department under separate registration  
21    hereunder, such serviceman shall not file each return that is  
22    due as a single return covering all such registered  
23    businesses, but shall file separate returns for each such  
24    registered business.

25            Beginning January 1, 1990, each month the Department  
26    shall pay into the State and Local Tax Reform Fund, a special  
27    fund in the State Treasury, the net revenue realized for the  
28    preceding month from the 1% tax on sales of food for human  
29    consumption which is to be consumed off the premises where it  
30    is sold (other than alcoholic beverages, soft drinks and food  
31    which has been prepared for immediate consumption) and  
32    prescription and nonprescription medicines, drugs, medical  
33    appliances and insulin, urine testing materials, syringes and  
34    needles used by diabetics.

1           Beginning January 1, 1990, each month the Department  
2 shall pay into the State and Local Sales Tax Reform Fund 20%  
3 of the net revenue realized for the preceding month from the  
4 6.25% general rate on transfers of tangible personal  
5 property, other than tangible personal property which is  
6 purchased outside Illinois at retail from a retailer and  
7 which is titled or registered by an agency of this State's  
8 government.

9           Beginning August 1, 2000, each month the Department shall  
10 pay into the State and Local Sales Tax Reform Fund 100% of  
11 the net revenue realized for the preceding month from the  
12 1.25% rate on the selling price of motor fuel and gasohol.

13           Of the remainder of the moneys received by the Department  
14 pursuant to this Act, (a) 1.75% thereof shall be paid into  
15 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%  
16 and on and after July 1, 1989, 3.8% thereof shall be paid  
17 into the Build Illinois Fund; provided, however, that if in  
18 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,  
19 as the case may be, of the moneys received by the Department  
20 and required to be paid into the Build Illinois Fund pursuant  
21 to Section 3 of the Retailers' Occupation Tax Act, Section 9  
22 of the Use Tax Act, Section 9 of the Service Use Tax Act, and  
23 Section 9 of the Service Occupation Tax Act, such Acts being  
24 hereinafter called the "Tax Acts" and such aggregate of 2.2%  
25 or 3.8%, as the case may be, of moneys being hereinafter  
26 called the "Tax Act Amount", and (2) the amount transferred  
27 to the Build Illinois Fund from the State and Local Sales Tax  
28 Reform Fund shall be less than the Annual Specified Amount  
29 (as defined in Section 3 of the Retailers' Occupation Tax  
30 Act), an amount equal to the difference shall be immediately  
31 paid into the Build Illinois Fund from other moneys received  
32 by the Department pursuant to the Tax Acts; and further  
33 provided, that if on the last business day of any month the  
34 sum of (1) the Tax Act Amount required to be deposited into

1 the Build Illinois Bond Account in the Build Illinois Fund  
2 during such month and (2) the amount transferred during such  
3 month to the Build Illinois Fund from the State and Local  
4 Sales Tax Reform Fund shall have been less than 1/12 of the  
5 Annual Specified Amount, an amount equal to the difference  
6 shall be immediately paid into the Build Illinois Fund from  
7 other moneys received by the Department pursuant to the Tax  
8 Acts; and, further provided, that in no event shall the  
9 payments required under the preceding proviso result in  
10 aggregate payments into the Build Illinois Fund pursuant to  
11 this clause (b) for any fiscal year in excess of the greater  
12 of (i) the Tax Act Amount or (ii) the Annual Specified Amount  
13 for such fiscal year; and, further provided, that the amounts  
14 payable into the Build Illinois Fund under this clause (b)  
15 shall be payable only until such time as the aggregate amount  
16 on deposit under each trust indenture securing Bonds issued  
17 and outstanding pursuant to the Build Illinois Bond Act is  
18 sufficient, taking into account any future investment income,  
19 to fully provide, in accordance with such indenture, for the  
20 defeasance of or the payment of the principal of, premium, if  
21 any, and interest on the Bonds secured by such indenture and  
22 on any Bonds expected to be issued thereafter and all fees  
23 and costs payable with respect thereto, all as certified by  
24 the Director of the Bureau of the Budget. If on the last  
25 business day of any month in which Bonds are outstanding  
26 pursuant to the Build Illinois Bond Act, the aggregate of the  
27 moneys deposited in the Build Illinois Bond Account in the  
28 Build Illinois Fund in such month shall be less than the  
29 amount required to be transferred in such month from the  
30 Build Illinois Bond Account to the Build Illinois Bond  
31 Retirement and Interest Fund pursuant to Section 13 of the  
32 Build Illinois Bond Act, an amount equal to such deficiency  
33 shall be immediately paid from other moneys received by the  
34 Department pursuant to the Tax Acts to the Build Illinois

1 Fund; provided, however, that any amounts paid to the Build  
 2 Illinois Fund in any fiscal year pursuant to this sentence  
 3 shall be deemed to constitute payments pursuant to clause (b)  
 4 of the preceding sentence and shall reduce the amount  
 5 otherwise payable for such fiscal year pursuant to clause (b)  
 6 of the preceding sentence. The moneys received by the  
 7 Department pursuant to this Act and required to be deposited  
 8 into the Build Illinois Fund are subject to the pledge, claim  
 9 and charge set forth in Section 12 of the Build Illinois Bond  
 10 Act.

11 Subject to payment of amounts into the Build Illinois  
 12 Fund as provided in the preceding paragraph or in any  
 13 amendment thereto hereafter enacted, the following specified  
 14 monthly installment of the amount requested in the  
 15 certificate of the Chairman of the Metropolitan Pier and  
 16 Exposition Authority provided under Section 8.25f of the  
 17 State Finance Act, but not in excess of the sums designated  
 18 as "Total Deposit", shall be deposited in the aggregate from  
 19 collections under Section 9 of the Use Tax Act, Section 9 of  
 20 the Service Use Tax Act, Section 9 of the Service Occupation  
 21 Tax Act, and Section 3 of the Retailers' Occupation Tax Act  
 22 into the McCormick Place Expansion Project Fund in the  
 23 specified fiscal years.

24	Fiscal Year	Total Deposit
25	1993	\$0
26	1994	53,000,000
27	1995	58,000,000
28	1996	61,000,000
29	1997	64,000,000
30	1998	68,000,000
31	1999	71,000,000
32	2000	75,000,000
33	2001	80,000,000
34	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023 and	275,000,000

22 each fiscal year  
 23 thereafter that bonds  
 24 are outstanding under  
 25 Section 13.2 of the  
 26 Metropolitan Pier and  
 27 Exposition Authority Act,  
 28 but not after fiscal year 2042.

29 Beginning July 20, 1993 and in each month of each fiscal  
 30 year thereafter, one-eighth of the amount requested in the  
 31 certificate of the Chairman of the Metropolitan Pier and  
 32 Exposition Authority for that fiscal year, less the amount  
 33 deposited into the McCormick Place Expansion Project Fund by  
 34 the State Treasurer in the respective month under subsection

1 (g) of Section 13 of the Metropolitan Pier and Exposition  
2 Authority Act, plus cumulative deficiencies in the deposits  
3 required under this Section for previous months and years,  
4 shall be deposited into the McCormick Place Expansion Project  
5 Fund, until the full amount requested for the fiscal year,  
6 but not in excess of the amount specified above as "Total  
7 Deposit", has been deposited.

8 Subject to payment of amounts into the Build Illinois  
9 Fund and the McCormick Place Expansion Project Fund pursuant  
10 to the preceding paragraphs or in any amendment thereto  
11 hereafter enacted, each month the Department shall pay into  
12 the Local Government Distributive Fund 0.4% of the net  
13 revenue realized for the preceding month from the 5% general  
14 rate or 0.4% of 80% of the net revenue realized for the  
15 preceding month from the 6.25% general rate, as the case may  
16 be, on the selling price of tangible personal property which  
17 amount shall, subject to appropriation, be distributed as  
18 provided in Section 2 of the State Revenue Sharing Act. No  
19 payments or distributions pursuant to this paragraph shall be  
20 made if the tax imposed by this Act on photo processing  
21 products is declared unconstitutional, or if the proceeds  
22 from such tax are unavailable for distribution because of  
23 litigation.

24 Subject to payment of amounts into the Build Illinois  
25 Fund, the McCormick Place Expansion Project Fund, and the  
26 Local Government Distributive Fund pursuant to the preceding  
27 paragraphs or in any amendments thereto hereafter enacted,  
28 beginning July 1, 1993, the Department shall each month pay  
29 into the Illinois Tax Increment Fund 0.27% of 80% of the net  
30 revenue realized for the preceding month from the 6.25%  
31 general rate on the selling price of tangible personal  
32 property.

33 Subject to payment of amounts into the Build Illinois  
34 Fund, the McCormick Place Expansion Project Fund, and the

1 Local Government Distributive Fund pursuant to the preceding  
2 paragraphs or in any amendments thereto hereafter enacted,  
3 beginning with the receipt of the first report of taxes paid  
4 by an eligible business and continuing for a 25-year period,  
5 the Department shall each month pay into the Energy  
6 Infrastructure Fund 80% of the net revenue realized from the  
7 6.25% general rate on the selling price of Illinois-mined  
8 coal that was sold to an eligible business. For purposes of  
9 this paragraph, the term "eligible business" means a new  
10 electric generating facility certified pursuant to Section  
11 605-332 of the Department of Commerce and Community Affairs  
12 Law of the Civil Administrative Code of Illinois.

13 All remaining moneys received by the Department pursuant  
14 to this Act shall be paid into the General Revenue Fund of  
15 the State Treasury.

16 As soon as possible after the first day of each month,  
17 upon certification of the Department of Revenue, the  
18 Comptroller shall order transferred and the Treasurer shall  
19 transfer from the General Revenue Fund to the Motor Fuel Tax  
20 Fund an amount equal to 1.7% of 80% of the net revenue  
21 realized under this Act for the second preceding month.  
22 Beginning April 1, 2000, this transfer is no longer required  
23 and shall not be made.

24 Net revenue realized for a month shall be the revenue  
25 collected by the State pursuant to this Act, less the amount  
26 paid out during that month as refunds to taxpayers for  
27 overpayment of liability.

28 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
29 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
30 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.  
31 1-1-02; revised 9-14-01.)

32 Section 27. The Service Occupation Tax Act is amended by  
33 changing Sections 3-5 and 9 as follows:

1 (35 ILCS 115/3-5) (from Ch. 120, par. 439.103-5)

2 Sec. 3-5. Exemptions. The following tangible personal  
3 property is exempt from the tax imposed by this Act:

4 (1) Personal property sold by a corporation, society,  
5 association, foundation, institution, or organization, other  
6 than a limited liability company, that is organized and  
7 operated as a not-for-profit service enterprise for the  
8 benefit of persons 65 years of age or older if the personal  
9 property was not purchased by the enterprise for the purpose  
10 of resale by the enterprise.

11 (2) Personal property purchased by a not-for-profit  
12 Illinois county fair association for use in conducting,  
13 operating, or promoting the county fair.

14 (3) Personal property purchased by any not-for-profit  
15 arts or cultural organization that establishes, by proof  
16 required by the Department by rule, that it has received an  
17 exemption under Section 501(c)(3) of the Internal Revenue  
18 Code and that is organized and operated primarily for the  
19 presentation or support of arts or cultural programming,  
20 activities, or services. These organizations include, but  
21 are not limited to, music and dramatic arts organizations  
22 such as symphony orchestras and theatrical groups, arts and  
23 cultural service organizations, local arts councils, visual  
24 arts organizations, and media arts organizations. On and  
25 after the effective date of this amendatory Act of the 92nd  
26 General Assembly, however, an entity otherwise eligible for  
27 this exemption shall not make tax-free purchases unless it  
28 has an active identification number issued by the Department.

29 (4) Legal tender, currency, medallions, or gold or  
30 silver coinage issued by the State of Illinois, the  
31 government of the United States of America, or the government  
32 of any foreign country, and bullion.

33 (5) Graphic arts machinery and equipment, including  
34 repair and replacement parts, both new and used, and

1 including that manufactured on special order or purchased for  
2 lease, certified by the purchaser to be used primarily for  
3 graphic arts production. Equipment includes chemicals or  
4 chemicals acting as catalysts but only if the chemicals or  
5 chemicals acting as catalysts effect a direct and immediate  
6 change upon a graphic arts product.

7 (6) Personal property sold by a teacher-sponsored  
8 student organization affiliated with an elementary or  
9 secondary school located in Illinois.

10 (7) Farm machinery and equipment, both new and used,  
11 including that manufactured on special order, certified by  
12 the purchaser to be used primarily for production agriculture  
13 or State or federal agricultural programs, including  
14 individual replacement parts for the machinery and equipment,  
15 including machinery and equipment purchased for lease, and  
16 including implements of husbandry defined in Section 1-130 of  
17 the Illinois Vehicle Code, farm machinery and agricultural  
18 chemical and fertilizer spreaders, and nurse wagons required  
19 to be registered under Section 3-809 of the Illinois Vehicle  
20 Code, but excluding other motor vehicles required to be  
21 registered under the Illinois Vehicle Code. Horticultural  
22 polyhouses or hoop houses used for propagating, growing, or  
23 overwintering plants shall be considered farm machinery and  
24 equipment under this item (7). Agricultural chemical tender  
25 tanks and dry boxes shall include units sold separately from  
26 a motor vehicle required to be licensed and units sold  
27 mounted on a motor vehicle required to be licensed if the  
28 selling price of the tender is separately stated.

29 Farm machinery and equipment shall include precision  
30 farming equipment that is installed or purchased to be  
31 installed on farm machinery and equipment including, but not  
32 limited to, tractors, harvesters, sprayers, planters,  
33 seeders, or spreaders. Precision farming equipment includes,  
34 but is not limited to, soil testing sensors, computers,

1 monitors, software, global positioning and mapping systems,  
2 and other such equipment.

3 Farm machinery and equipment also includes computers,  
4 sensors, software, and related equipment used primarily in  
5 the computer-assisted operation of production agriculture  
6 facilities, equipment, and activities such as, but not  
7 limited to, the collection, monitoring, and correlation of  
8 animal and crop data for the purpose of formulating animal  
9 diets and agricultural chemicals. This item (7) is exempt  
10 from the provisions of Section 3-55.

11 (8) Fuel and petroleum products sold to or used by an  
12 air common carrier, certified by the carrier to be used for  
13 consumption, shipment, or storage in the conduct of its  
14 business as an air common carrier, for a flight destined for  
15 or returning from a location or locations outside the United  
16 States without regard to previous or subsequent domestic  
17 stopovers.

18 (9) Proceeds of mandatory service charges separately  
19 stated on customers' bills for the purchase and consumption  
20 of food and beverages, to the extent that the proceeds of the  
21 service charge are in fact turned over as tips or as a  
22 substitute for tips to the employees who participate directly  
23 in preparing, serving, hosting or cleaning up the food or  
24 beverage function with respect to which the service charge is  
25 imposed.

26 (10) Oil field exploration, drilling, and production  
27 equipment, including (i) rigs and parts of rigs, rotary rigs,  
28 cable tool rigs, and workover rigs, (ii) pipe and tubular  
29 goods, including casing and drill strings, (iii) pumps and  
30 pump-jack units, (iv) storage tanks and flow lines, (v) any  
31 individual replacement part for oil field exploration,  
32 drilling, and production equipment, and (vi) machinery and  
33 equipment purchased for lease; but excluding motor vehicles  
34 required to be registered under the Illinois Vehicle Code.

1           (11) Photoprocessing machinery and equipment, including  
2 repair and replacement parts, both new and used, including  
3 that manufactured on special order, certified by the  
4 purchaser to be used primarily for photoprocessing, and  
5 including photoprocessing machinery and equipment purchased  
6 for lease.

7           (12) Coal exploration, mining, offhighway hauling,  
8 processing, maintenance, and reclamation equipment, including  
9 replacement parts and equipment, and including equipment  
10 purchased for lease, but excluding motor vehicles required to  
11 be registered under the Illinois Vehicle Code.

12           (13) Food for human consumption that is to be consumed  
13 off the premises where it is sold (other than alcoholic  
14 beverages, soft drinks and food that has been prepared for  
15 immediate consumption) and prescription and non-prescription  
16 medicines, drugs, medical appliances, and insulin, urine  
17 testing materials, syringes, and needles used by diabetics,  
18 for human use, when purchased for use by a person receiving  
19 medical assistance under Article 5 of the Illinois Public Aid  
20 Code who resides in a licensed long-term care facility, as  
21 defined in the Nursing Home Care Act.

22           (14) Semen used for artificial insemination of livestock  
23 for direct agricultural production.

24           (15) Horses, or interests in horses, registered with and  
25 meeting the requirements of any of the Arabian Horse Club  
26 Registry of America, Appaloosa Horse Club, American Quarter  
27 Horse Association, United States Trotting Association, or  
28 Jockey Club, as appropriate, used for purposes of breeding or  
29 racing for prizes.

30           (16) Computers and communications equipment utilized for  
31 any hospital purpose and equipment used in the diagnosis,  
32 analysis, or treatment of hospital patients sold to a lessor  
33 who leases the equipment, under a lease of one year or longer  
34 executed or in effect at the time of the purchase, to a

1 hospital that has been issued an active tax exemption  
2 identification number by the Department under Section 1g of  
3 the Retailers' Occupation Tax Act.

4 (17) Personal property sold to a lessor who leases the  
5 property, under a lease of one year or longer executed or in  
6 effect at the time of the purchase, to a governmental body  
7 that has been issued an active tax exemption identification  
8 number by the Department under Section 1g of the Retailers'  
9 Occupation Tax Act.

10 (18) Beginning with taxable years ending on or after  
11 December 31, 1995 and ending with taxable years ending on or  
12 before December 31, 2004, personal property that is donated  
13 for disaster relief to be used in a State or federally  
14 declared disaster area in Illinois or bordering Illinois by a  
15 manufacturer or retailer that is registered in this State to  
16 a corporation, society, association, foundation, or  
17 institution that has been issued a sales tax exemption  
18 identification number by the Department that assists victims  
19 of the disaster who reside within the declared disaster area.

20 (19) Beginning with taxable years ending on or after  
21 December 31, 1995 and ending with taxable years ending on or  
22 before December 31, 2004, personal property that is used in  
23 the performance of infrastructure repairs in this State,  
24 including but not limited to municipal roads and streets,  
25 access roads, bridges, sidewalks, waste disposal systems,  
26 water and sewer line extensions, water distribution and  
27 purification facilities, storm water drainage and retention  
28 facilities, and sewage treatment facilities, resulting from a  
29 State or federally declared disaster in Illinois or bordering  
30 Illinois when such repairs are initiated on facilities  
31 located in the declared disaster area within 6 months after  
32 the disaster.

33 (20) Beginning July 1, 1999, game or game birds sold at  
34 a "game breeding and hunting preserve area" or an "exotic

1 game hunting area" as those terms are used in the Wildlife  
2 Code or at a hunting enclosure approved through rules adopted  
3 by the Department of Natural Resources. This paragraph is  
4 exempt from the provisions of Section 3-55.

5 (21) A motor vehicle, as that term is defined in Section  
6 1-146 of the Illinois Vehicle Code, that is donated to a  
7 corporation, limited liability company, society, association,  
8 foundation, or institution that is determined by the  
9 Department to be organized and operated exclusively for  
10 educational purposes. For purposes of this exemption, "a  
11 corporation, limited liability company, society, association,  
12 foundation, or institution organized and operated exclusively  
13 for educational purposes" means all tax-supported public  
14 schools, private schools that offer systematic instruction in  
15 useful branches of learning by methods common to public  
16 schools and that compare favorably in their scope and  
17 intensity with the course of study presented in tax-supported  
18 schools, and vocational or technical schools or institutes  
19 organized and operated exclusively to provide a course of  
20 study of not less than 6 weeks duration and designed to  
21 prepare individuals to follow a trade or to pursue a manual,  
22 technical, mechanical, industrial, business, or commercial  
23 occupation.

24 (22) Beginning January 1, 2000, personal property,  
25 including food, purchased through fundraising events for the  
26 benefit of a public or private elementary or secondary  
27 school, a group of those schools, or one or more school  
28 districts if the events are sponsored by an entity recognized  
29 by the school district that consists primarily of volunteers  
30 and includes parents and teachers of the school children.  
31 This paragraph does not apply to fundraising events (i) for  
32 the benefit of private home instruction or (ii) for which the  
33 fundraising entity purchases the personal property sold at  
34 the events from another individual or entity that sold the

1 property for the purpose of resale by the fundraising entity  
2 and that profits from the sale to the fundraising entity.  
3 This paragraph is exempt from the provisions of Section 3-55.

4 (23) Beginning January 1, 2000 and through December 31,  
5 2001, new or used automatic vending machines that prepare and  
6 serve hot food and beverages, including coffee, soup, and  
7 other items, and replacement parts for these machines.  
8 Beginning January 1, 2002, machines and parts for machines  
9 used in commercial, coin-operated amusement and vending  
10 business if a use or occupation tax is paid on the gross  
11 receipts derived from the use of the commercial,  
12 coin-operated amusement and vending machines. This paragraph  
13 is exempt from the provisions of Section 3-55.

14 (24) Beginning on the effective date of this amendatory  
15 Act of the 92nd General Assembly, computers and  
16 communications equipment utilized for any hospital purpose  
17 and equipment used in the diagnosis, analysis, or treatment  
18 of hospital patients sold to a lessor who leases the  
19 equipment, under a lease of one year or longer executed or in  
20 effect at the time of the purchase, to a hospital that has  
21 been issued an active tax exemption identification number by  
22 the Department under Section 1g of the Retailers' Occupation  
23 Tax Act. This paragraph is exempt from the provisions of  
24 Section 3-55.

25 (25) Beginning on the effective date of this amendatory  
26 Act of the 92nd General Assembly, personal property sold to a  
27 lessor who leases the property, under a lease of one year or  
28 longer executed or in effect at the time of the purchase, to  
29 a governmental body that has been issued an active tax  
30 exemption identification number by the Department under  
31 Section 1g of the Retailers' Occupation Tax Act. This  
32 paragraph is exempt from the provisions of Section 3-55.

33 (26) ~~(24)~~ Beginning on January 1, 2002, tangible  
34 personal property purchased from an Illinois retailer by a

1 taxpayer engaged in centralized purchasing activities in  
2 Illinois who will, upon receipt of the property in Illinois,  
3 temporarily store the property in Illinois (i) for the  
4 purpose of subsequently transporting it outside this State  
5 for use or consumption thereafter solely outside this State  
6 or (ii) for the purpose of being processed, fabricated, or  
7 manufactured into, attached to, or incorporated into other  
8 tangible personal property to be transported outside this  
9 State and thereafter used or consumed solely outside this  
10 State. The Director of Revenue shall, pursuant to rules  
11 adopted in accordance with the Illinois Administrative  
12 Procedure Act, issue a permit to any taxpayer in good  
13 standing with the Department who is eligible for the  
14 exemption under this paragraph (26) ~~(24)~~. The permit issued  
15 under this paragraph (26) ~~(24)~~ shall authorize the holder, to  
16 the extent and in the manner specified in the rules adopted  
17 under this Act, to purchase tangible personal property from a  
18 retailer exempt from the taxes imposed by this Act.  
19 Taxpayers shall maintain all necessary books and records to  
20 substantiate the use and consumption of all such tangible  
21 personal property outside of the State of Illinois.

22 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;  
23 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.  
24 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35,  
25 eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01;  
26 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; revised 1-15-02.)

27 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

28 Sec. 9. Each serviceman required or authorized to  
29 collect the tax herein imposed shall pay to the Department  
30 the amount of such tax at the time when he is required to  
31 file his return for the period during which such tax was  
32 collectible, less a discount of 2.1% prior to January 1,  
33 1990, and 1.75% on and after January 1, 1990, or \$5 per

1 calendar year, whichever is greater, which is allowed to  
2 reimburse the serviceman for expenses incurred in collecting  
3 the tax, keeping records, preparing and filing returns,  
4 remitting the tax and supplying data to the Department on  
5 request.

6 Where such tangible personal property is sold under a  
7 conditional sales contract, or under any other form of sale  
8 wherein the payment of the principal sum, or a part thereof,  
9 is extended beyond the close of the period for which the  
10 return is filed, the serviceman, in collecting the tax may  
11 collect, for each tax return period, only the tax applicable  
12 to the part of the selling price actually received during  
13 such tax return period.

14 Except as provided hereinafter in this Section, on or  
15 before the twentieth day of each calendar month, such  
16 serviceman shall file a return for the preceding calendar  
17 month in accordance with reasonable rules and regulations to  
18 be promulgated by the Department of Revenue. Such return  
19 shall be filed on a form prescribed by the Department and  
20 shall contain such information as the Department may  
21 reasonably require.

22 The Department may require returns to be filed on a  
23 quarterly basis. If so required, a return for each calendar  
24 quarter shall be filed on or before the twentieth day of the  
25 calendar month following the end of such calendar quarter.  
26 The taxpayer shall also file a return with the Department for  
27 each of the first two months of each calendar quarter, on or  
28 before the twentieth day of the following calendar month,  
29 stating:

- 30 1. The name of the seller;
- 31 2. The address of the principal place of business  
32 from which he engages in business as a serviceman in this  
33 State;
- 34 3. The total amount of taxable receipts received by

1 him during the preceding calendar month, including  
2 receipts from charge and time sales, but less all  
3 deductions allowed by law;

4 4. The amount of credit provided in Section 2d of  
5 this Act;

6 5. The amount of tax due;

7 5-5. The signature of the taxpayer; and

8 6. Such other reasonable information as the  
9 Department may require.

10 If a taxpayer fails to sign a return within 30 days after  
11 the proper notice and demand for signature by the Department,  
12 the return shall be considered valid and any amount shown to  
13 be due on the return shall be deemed assessed.

14 A serviceman may accept a Manufacturer's Purchase Credit  
15 certification from a purchaser in satisfaction of Service Use  
16 Tax as provided in Section 3-70 of the Service Use Tax Act if  
17 the purchaser provides the appropriate documentation as  
18 required by Section 3-70 of the Service Use Tax Act. A  
19 Manufacturer's Purchase Credit certification, accepted by a  
20 serviceman as provided in Section 3-70 of the Service Use Tax  
21 Act, may be used by that serviceman to satisfy Service  
22 Occupation Tax liability in the amount claimed in the  
23 certification, not to exceed 6.25% of the receipts subject to  
24 tax from a qualifying purchase.

25 If the serviceman's average monthly tax liability to the  
26 Department does not exceed \$200, the Department may authorize  
27 his returns to be filed on a quarter annual basis, with the  
28 return for January, February and March of a given year being  
29 due by April 20 of such year; with the return for April, May  
30 and June of a given year being due by July 20 of such year;  
31 with the return for July, August and September of a given  
32 year being due by October 20 of such year, and with the  
33 return for October, November and December of a given year  
34 being due by January 20 of the following year.

1           If the serviceman's average monthly tax liability to the  
2 Department does not exceed \$50, the Department may authorize  
3 his returns to be filed on an annual basis, with the return  
4 for a given year being due by January 20 of the following  
5 year.

6           Such quarter annual and annual returns, as to form and  
7 substance, shall be subject to the same requirements as  
8 monthly returns.

9           Notwithstanding any other provision in this Act  
10 concerning the time within which a serviceman may file his  
11 return, in the case of any serviceman who ceases to engage in  
12 a kind of business which makes him responsible for filing  
13 returns under this Act, such serviceman shall file a final  
14 return under this Act with the Department not more than 1  
15 month after discontinuing such business.

16           Beginning October 1, 1993, a taxpayer who has an average  
17 monthly tax liability of \$150,000 or more shall make all  
18 payments required by rules of the Department by electronic  
19 funds transfer. Beginning October 1, 1994, a taxpayer who  
20 has an average monthly tax liability of \$100,000 or more  
21 shall make all payments required by rules of the Department  
22 by electronic funds transfer. Beginning October 1, 1995, a  
23 taxpayer who has an average monthly tax liability of \$50,000  
24 or more shall make all payments required by rules of the  
25 Department by electronic funds transfer. Beginning October  
26 1, 2000, a taxpayer who has an annual tax liability of  
27 \$200,000 or more shall make all payments required by rules of  
28 the Department by electronic funds transfer. The term  
29 "annual tax liability" shall be the sum of the taxpayer's  
30 liabilities under this Act, and under all other State and  
31 local occupation and use tax laws administered by the  
32 Department, for the immediately preceding calendar year. The  
33 term "average monthly tax liability" means the sum of the  
34 taxpayer's liabilities under this Act, and under all other

1 State and local occupation and use tax laws administered by  
2 the Department, for the immediately preceding calendar year  
3 divided by 12. Beginning on October 1, 2002, a taxpayer who  
4 has a tax liability in the amount set forth in subsection (b)  
5 of Section 2505-210 of the Department of Revenue Law shall  
6 make all payments required by rules of the Department by  
7 electronic funds transfer.

8 Before August 1 of each year beginning in 1993, the  
9 Department shall notify all taxpayers required to make  
10 payments by electronic funds transfer. All taxpayers  
11 required to make payments by electronic funds transfer shall  
12 make those payments for a minimum of one year beginning on  
13 October 1.

14 Any taxpayer not required to make payments by electronic  
15 funds transfer may make payments by electronic funds transfer  
16 with the permission of the Department.

17 All taxpayers required to make payment by electronic  
18 funds transfer and any taxpayers authorized to voluntarily  
19 make payments by electronic funds transfer shall make those  
20 payments in the manner authorized by the Department.

21 The Department shall adopt such rules as are necessary to  
22 effectuate a program of electronic funds transfer and the  
23 requirements of this Section.

24 Where a serviceman collects the tax with respect to the  
25 selling price of tangible personal property which he sells  
26 and the purchaser thereafter returns such tangible personal  
27 property and the serviceman refunds the selling price thereof  
28 to the purchaser, such serviceman shall also refund, to the  
29 purchaser, the tax so collected from the purchaser. When  
30 filing his return for the period in which he refunds such tax  
31 to the purchaser, the serviceman may deduct the amount of the  
32 tax so refunded by him to the purchaser from any other  
33 Service Occupation Tax, Service Use Tax, Retailers'  
34 Occupation Tax or Use Tax which such serviceman may be

1 required to pay or remit to the Department, as shown by such  
2 return, provided that the amount of the tax to be deducted  
3 shall previously have been remitted to the Department by such  
4 serviceman. If the serviceman shall not previously have  
5 remitted the amount of such tax to the Department, he shall  
6 be entitled to no deduction hereunder upon refunding such tax  
7 to the purchaser.

8 If experience indicates such action to be practicable,  
9 the Department may prescribe and furnish a combination or  
10 joint return which will enable servicemen, who are required  
11 to file returns hereunder and also under the Retailers'  
12 Occupation Tax Act, the Use Tax Act or the Service Use Tax  
13 Act, to furnish all the return information required by all  
14 said Acts on the one form.

15 Where the serviceman has more than one business  
16 registered with the Department under separate registrations  
17 hereunder, such serviceman shall file separate returns for  
18 each registered business.

19 Beginning January 1, 1990, each month the Department  
20 shall pay into the Local Government Tax Fund the revenue  
21 realized for the preceding month from the 1% tax on sales of  
22 food for human consumption which is to be consumed off the  
23 premises where it is sold (other than alcoholic beverages,  
24 soft drinks and food which has been prepared for immediate  
25 consumption) and prescription and nonprescription medicines,  
26 drugs, medical appliances and insulin, urine testing  
27 materials, syringes and needles used by diabetics.

28 Beginning January 1, 1990, each month the Department  
29 shall pay into the County and Mass Transit District Fund 4%  
30 of the revenue realized for the preceding month from the  
31 6.25% general rate.

32 Beginning August 1, 2000, each month the Department shall  
33 pay into the County and Mass Transit District Fund 20% of the  
34 net revenue realized for the preceding month from the 1.25%

1 rate on the selling price of motor fuel and gasohol.

2 Beginning January 1, 1990, each month the Department  
3 shall pay into the Local Government Tax Fund 16% of the  
4 revenue realized for the preceding month from the 6.25%  
5 general rate on transfers of tangible personal property.

6 Beginning August 1, 2000, each month the Department shall  
7 pay into the Local Government Tax Fund 80% of the net revenue  
8 realized for the preceding month from the 1.25% rate on the  
9 selling price of motor fuel and gasohol.

10 Of the remainder of the moneys received by the Department  
11 pursuant to this Act, (a) 1.75% thereof shall be paid into  
12 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%  
13 and on and after July 1, 1989, 3.8% thereof shall be paid  
14 into the Build Illinois Fund; provided, however, that if in  
15 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,  
16 as the case may be, of the moneys received by the Department  
17 and required to be paid into the Build Illinois Fund pursuant  
18 to Section 3 of the Retailers' Occupation Tax Act, Section 9  
19 of the Use Tax Act, Section 9 of the Service Use Tax Act, and  
20 Section 9 of the Service Occupation Tax Act, such Acts being  
21 hereinafter called the "Tax Acts" and such aggregate of 2.2%  
22 or 3.8%, as the case may be, of moneys being hereinafter  
23 called the "Tax Act Amount", and (2) the amount transferred  
24 to the Build Illinois Fund from the State and Local Sales Tax  
25 Reform Fund shall be less than the Annual Specified Amount  
26 (as defined in Section 3 of the Retailers' Occupation Tax  
27 Act), an amount equal to the difference shall be immediately  
28 paid into the Build Illinois Fund from other moneys received  
29 by the Department pursuant to the Tax Acts; and further  
30 provided, that if on the last business day of any month the  
31 sum of (1) the Tax Act Amount required to be deposited into  
32 the Build Illinois Account in the Build Illinois Fund during  
33 such month and (2) the amount transferred during such month  
34 to the Build Illinois Fund from the State and Local Sales Tax

1 Reform Fund shall have been less than 1/12 of the Annual  
2 Specified Amount, an amount equal to the difference shall be  
3 immediately paid into the Build Illinois Fund from other  
4 moneys received by the Department pursuant to the Tax Acts;  
5 and, further provided, that in no event shall the payments  
6 required under the preceding proviso result in aggregate  
7 payments into the Build Illinois Fund pursuant to this clause  
8 (b) for any fiscal year in excess of the greater of (i) the  
9 Tax Act Amount or (ii) the Annual Specified Amount for such  
10 fiscal year; and, further provided, that the amounts payable  
11 into the Build Illinois Fund under this clause (b) shall be  
12 payable only until such time as the aggregate amount on  
13 deposit under each trust indenture securing Bonds issued and  
14 outstanding pursuant to the Build Illinois Bond Act is  
15 sufficient, taking into account any future investment income,  
16 to fully provide, in accordance with such indenture, for the  
17 defeasance of or the payment of the principal of, premium, if  
18 any, and interest on the Bonds secured by such indenture and  
19 on any Bonds expected to be issued thereafter and all fees  
20 and costs payable with respect thereto, all as certified by  
21 the Director of the Bureau of the Budget. If on the last  
22 business day of any month in which Bonds are outstanding  
23 pursuant to the Build Illinois Bond Act, the aggregate of the  
24 moneys deposited in the Build Illinois Bond Account in the  
25 Build Illinois Fund in such month shall be less than the  
26 amount required to be transferred in such month from the  
27 Build Illinois Bond Account to the Build Illinois Bond  
28 Retirement and Interest Fund pursuant to Section 13 of the  
29 Build Illinois Bond Act, an amount equal to such deficiency  
30 shall be immediately paid from other moneys received by the  
31 Department pursuant to the Tax Acts to the Build Illinois  
32 Fund; provided, however, that any amounts paid to the Build  
33 Illinois Fund in any fiscal year pursuant to this sentence  
34 shall be deemed to constitute payments pursuant to clause (b)

1 of the preceding sentence and shall reduce the amount  
 2 otherwise payable for such fiscal year pursuant to clause (b)  
 3 of the preceding sentence. The moneys received by the  
 4 Department pursuant to this Act and required to be deposited  
 5 into the Build Illinois Fund are subject to the pledge, claim  
 6 and charge set forth in Section 12 of the Build Illinois Bond  
 7 Act.

8 Subject to payment of amounts into the Build Illinois  
 9 Fund as provided in the preceding paragraph or in any  
 10 amendment thereto hereafter enacted, the following specified  
 11 monthly installment of the amount requested in the  
 12 certificate of the Chairman of the Metropolitan Pier and  
 13 Exposition Authority provided under Section 8.25f of the  
 14 State Finance Act, but not in excess of the sums designated  
 15 as "Total Deposit", shall be deposited in the aggregate from  
 16 collections under Section 9 of the Use Tax Act, Section 9 of  
 17 the Service Use Tax Act, Section 9 of the Service Occupation  
 18 Tax Act, and Section 3 of the Retailers' Occupation Tax Act  
 19 into the McCormick Place Expansion Project Fund in the  
 20 specified fiscal years.

21	Fiscal Year	Total Deposit
22	1993	\$0
23	1994	53,000,000
24	1995	58,000,000
25	1996	61,000,000
26	1997	64,000,000
27	1998	68,000,000
28	1999	71,000,000
29	2000	75,000,000
30	2001	80,000,000
31	2002	93,000,000
32	2003	99,000,000
33	2004	103,000,000
34	2005	108,000,000

1	2006	113,000,000
2	2007	119,000,000
3	2008	126,000,000
4	2009	132,000,000
5	2010	139,000,000
6	2011	146,000,000
7	2012	153,000,000
8	2013	161,000,000
9	2014	170,000,000
10	2015	179,000,000
11	2016	189,000,000
12	2017	199,000,000
13	2018	210,000,000
14	2019	221,000,000
15	2020	233,000,000
16	2021	246,000,000
17	2022	260,000,000
18	2023 and	275,000,000

19 each fiscal year  
20 thereafter that bonds  
21 are outstanding under  
22 Section 13.2 of the  
23 Metropolitan Pier and  
24 Exposition Authority  
25 Act, but not after fiscal year 2042.

26 Beginning July 20, 1993 and in each month of each fiscal  
27 year thereafter, one-eighth of the amount requested in the  
28 certificate of the Chairman of the Metropolitan Pier and  
29 Exposition Authority for that fiscal year, less the amount  
30 deposited into the McCormick Place Expansion Project Fund by  
31 the State Treasurer in the respective month under subsection  
32 (g) of Section 13 of the Metropolitan Pier and Exposition  
33 Authority Act, plus cumulative deficiencies in the deposits  
34 required under this Section for previous months and years,

1 shall be deposited into the McCormick Place Expansion Project  
2 Fund, until the full amount requested for the fiscal year,  
3 but not in excess of the amount specified above as "Total  
4 Deposit", has been deposited.

5 Subject to payment of amounts into the Build Illinois  
6 Fund and the McCormick Place Expansion Project Fund pursuant  
7 to the preceding paragraphs or in any amendment thereto  
8 hereafter enacted, each month the Department shall pay into  
9 the Local Government Distributive Fund 0.4% of the net  
10 revenue realized for the preceding month from the 5% general  
11 rate or 0.4% of 80% of the net revenue realized for the  
12 preceding month from the 6.25% general rate, as the case may  
13 be, on the selling price of tangible personal property which  
14 amount shall, subject to appropriation, be distributed as  
15 provided in Section 2 of the State Revenue Sharing Act. No  
16 payments or distributions pursuant to this paragraph shall be  
17 made if the tax imposed by this Act on photoprocessing  
18 products is declared unconstitutional, or if the proceeds  
19 from such tax are unavailable for distribution because of  
20 litigation.

21 Subject to payment of amounts into the Build Illinois  
22 Fund, the McCormick Place Expansion Project Fund, and the  
23 Local Government Distributive Fund pursuant to the preceding  
24 paragraphs or in any amendments thereto hereafter enacted,  
25 beginning July 1, 1993, the Department shall each month pay  
26 into the Illinois Tax Increment Fund 0.27% of 80% of the net  
27 revenue realized for the preceding month from the 6.25%  
28 general rate on the selling price of tangible personal  
29 property.

30 Subject to payment of amounts into the Build Illinois  
31 Fund, the McCormick Place Expansion Project Fund, and the  
32 Local Government Distributive Fund pursuant to the preceding  
33 paragraphs or in any amendments thereto hereafter enacted,  
34 beginning with the receipt of the first report of taxes paid

1 by an eligible business and continuing for a 25-year period,  
2 the Department shall each month pay into the Energy  
3 Infrastructure Fund 80% of the net revenue realized from the  
4 6.25% general rate on the selling price of Illinois-mined  
5 coal that was sold to an eligible business. For purposes of  
6 this paragraph, the term "eligible business" means a new  
7 electric generating facility certified pursuant to Section  
8 605-332 of the Department of Commerce and Community Affairs  
9 Law of the Civil Administrative Code of Illinois.

10 Remaining moneys received by the Department pursuant to  
11 this Act shall be paid into the General Revenue Fund of the  
12 State Treasury.

13 The Department may, upon separate written notice to a  
14 taxpayer, require the taxpayer to prepare and file with the  
15 Department on a form prescribed by the Department within not  
16 less than 60 days after receipt of the notice an annual  
17 information return for the tax year specified in the notice.  
18 Such annual return to the Department shall include a  
19 statement of gross receipts as shown by the taxpayer's last  
20 Federal income tax return. If the total receipts of the  
21 business as reported in the Federal income tax return do not  
22 agree with the gross receipts reported to the Department of  
23 Revenue for the same period, the taxpayer shall attach to his  
24 annual return a schedule showing a reconciliation of the 2  
25 amounts and the reasons for the difference. The taxpayer's  
26 annual return to the Department shall also disclose the cost  
27 of goods sold by the taxpayer during the year covered by such  
28 return, opening and closing inventories of such goods for  
29 such year, cost of goods used from stock or taken from stock  
30 and given away by the taxpayer during such year, pay roll  
31 information of the taxpayer's business during such year and  
32 any additional reasonable information which the Department  
33 deems would be helpful in determining the accuracy of the  
34 monthly, quarterly or annual returns filed by such taxpayer

1 as hereinbefore provided for in this Section.

2 If the annual information return required by this Section  
3 is not filed when and as required, the taxpayer shall be  
4 liable as follows:

5 (i) Until January 1, 1994, the taxpayer shall be  
6 liable for a penalty equal to 1/6 of 1% of the tax due  
7 from such taxpayer under this Act during the period to be  
8 covered by the annual return for each month or fraction  
9 of a month until such return is filed as required, the  
10 penalty to be assessed and collected in the same manner  
11 as any other penalty provided for in this Act.

12 (ii) On and after January 1, 1994, the taxpayer  
13 shall be liable for a penalty as described in Section 3-4  
14 of the Uniform Penalty and Interest Act.

15 The chief executive officer, proprietor, owner or highest  
16 ranking manager shall sign the annual return to certify the  
17 accuracy of the information contained therein. Any person  
18 who willfully signs the annual return containing false or  
19 inaccurate information shall be guilty of perjury and  
20 punished accordingly. The annual return form prescribed by  
21 the Department shall include a warning that the person  
22 signing the return may be liable for perjury.

23 The foregoing portion of this Section concerning the  
24 filing of an annual information return shall not apply to a  
25 serviceman who is not required to file an income tax return  
26 with the United States Government.

27 As soon as possible after the first day of each month,  
28 upon certification of the Department of Revenue, the  
29 Comptroller shall order transferred and the Treasurer shall  
30 transfer from the General Revenue Fund to the Motor Fuel Tax  
31 Fund an amount equal to 1.7% of 80% of the net revenue  
32 realized under this Act for the second preceding month.  
33 Beginning April 1, 2000, this transfer is no longer required  
34 and shall not be made.

1 Net revenue realized for a month shall be the revenue  
2 collected by the State pursuant to this Act, less the amount  
3 paid out during that month as refunds to taxpayers for  
4 overpayment of liability.

5 For greater simplicity of administration, it shall be  
6 permissible for manufacturers, importers and wholesalers  
7 whose products are sold by numerous servicemen in Illinois,  
8 and who wish to do so, to assume the responsibility for  
9 accounting and paying to the Department all tax accruing  
10 under this Act with respect to such sales, if the servicemen  
11 who are affected do not make written objection to the  
12 Department to this arrangement.

13 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
14 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
15 7-1-00; 92-12, eff. 7-1-01; 92-208, eff. 8-2-01; 92-492, eff.  
16 1-1-02; revised 9-14-01.)

17 Section 28. The Retailers' Occupation Tax Act is amended  
18 by changing Sections 2-5 and 3 as follows:

19 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

20 Sec. 2-5. Exemptions. Gross receipts from proceeds from  
21 the sale of the following tangible personal property are  
22 exempt from the tax imposed by this Act:

23 (1) Farm chemicals.

24 (2) Farm machinery and equipment, both new and used,  
25 including that manufactured on special order, certified by  
26 the purchaser to be used primarily for production agriculture  
27 or State or federal agricultural programs, including  
28 individual replacement parts for the machinery and equipment,  
29 including machinery and equipment purchased for lease, and  
30 including implements of husbandry defined in Section 1-130 of  
31 the Illinois Vehicle Code, farm machinery and agricultural  
32 chemical and fertilizer spreaders, and nurse wagons required

1 to be registered under Section 3-809 of the Illinois Vehicle  
2 Code, but excluding other motor vehicles required to be  
3 registered under the Illinois Vehicle Code. Horticultural  
4 polyhouses or hoop houses used for propagating, growing, or  
5 overwintering plants shall be considered farm machinery and  
6 equipment under this item (2). Agricultural chemical tender  
7 tanks and dry boxes shall include units sold separately from  
8 a motor vehicle required to be licensed and units sold  
9 mounted on a motor vehicle required to be licensed, if the  
10 selling price of the tender is separately stated.

11 Farm machinery and equipment shall include precision  
12 farming equipment that is installed or purchased to be  
13 installed on farm machinery and equipment including, but not  
14 limited to, tractors, harvesters, sprayers, planters,  
15 seeders, or spreaders. Precision farming equipment includes,  
16 but is not limited to, soil testing sensors, computers,  
17 monitors, software, global positioning and mapping systems,  
18 and other such equipment.

19 Farm machinery and equipment also includes computers,  
20 sensors, software, and related equipment used primarily in  
21 the computer-assisted operation of production agriculture  
22 facilities, equipment, and activities such as, but not  
23 limited to, the collection, monitoring, and correlation of  
24 animal and crop data for the purpose of formulating animal  
25 diets and agricultural chemicals. This item (7) is exempt  
26 from the provisions of Section 2-70.

27 (3) Distillation machinery and equipment, sold as a unit  
28 or kit, assembled or installed by the retailer, certified by  
29 the user to be used only for the production of ethyl alcohol  
30 that will be used for consumption as motor fuel or as a  
31 component of motor fuel for the personal use of the user, and  
32 not subject to sale or resale.

33 (4) Graphic arts machinery and equipment, including  
34 repair and replacement parts, both new and used, and

1 including that manufactured on special order or purchased for  
2 lease, certified by the purchaser to be used primarily for  
3 graphic arts production. Equipment includes chemicals or  
4 chemicals acting as catalysts but only if the chemicals or  
5 chemicals acting as catalysts effect a direct and immediate  
6 change upon a graphic arts product.

7 (5) A motor vehicle of the first division, a motor  
8 vehicle of the second division that is a self-contained motor  
9 vehicle designed or permanently converted to provide living  
10 quarters for recreational, camping, or travel use, with  
11 direct walk through access to the living quarters from the  
12 driver's seat, or a motor vehicle of the second division that  
13 is of the van configuration designed for the transportation  
14 of not less than 7 nor more than 16 passengers, as defined in  
15 Section 1-146 of the Illinois Vehicle Code, that is used for  
16 automobile renting, as defined in the Automobile Renting  
17 Occupation and Use Tax Act.

18 (6) Personal property sold by a teacher-sponsored  
19 student organization affiliated with an elementary or  
20 secondary school located in Illinois.

21 (7) Proceeds of that portion of the selling price of a  
22 passenger car the sale of which is subject to the Replacement  
23 Vehicle Tax.

24 (8) Personal property sold to an Illinois county fair  
25 association for use in conducting, operating, or promoting  
26 the county fair.

27 (9) Personal property sold to a not-for-profit arts or  
28 cultural organization that establishes, by proof required by  
29 the Department by rule, that it has received an exemption  
30 under Section 501(c)(3) of the Internal Revenue Code and that  
31 is organized and operated primarily for the presentation or  
32 support of arts or cultural programming, activities, or  
33 services. These organizations include, but are not limited  
34 to, music and dramatic arts organizations such as symphony

1 orchestras and theatrical groups, arts and cultural service  
2 organizations, local arts councils, visual arts  
3 organizations, and media arts organizations. On and after the  
4 effective date of this amendatory Act of the 92nd General  
5 Assembly, however, an entity otherwise eligible for this  
6 exemption shall not make tax-free purchases unless it has an  
7 active identification number issued by the Department.

8 (10) Personal property sold by a corporation, society,  
9 association, foundation, institution, or organization, other  
10 than a limited liability company, that is organized and  
11 operated as a not-for-profit service enterprise for the  
12 benefit of persons 65 years of age or older if the personal  
13 property was not purchased by the enterprise for the purpose  
14 of resale by the enterprise.

15 (11) Personal property sold to a governmental body, to a  
16 corporation, society, association, foundation, or institution  
17 organized and operated exclusively for charitable, religious,  
18 or educational purposes, or to a not-for-profit corporation,  
19 society, association, foundation, institution, or  
20 organization that has no compensated officers or employees  
21 and that is organized and operated primarily for the  
22 recreation of persons 55 years of age or older. A limited  
23 liability company may qualify for the exemption under this  
24 paragraph only if the limited liability company is organized  
25 and operated exclusively for educational purposes. On and  
26 after July 1, 1987, however, no entity otherwise eligible for  
27 this exemption shall make tax-free purchases unless it has an  
28 active identification number issued by the Department.

29 (12) Personal property sold to interstate carriers for  
30 hire for use as rolling stock moving in interstate commerce  
31 or to lessors under leases of one year or longer executed or  
32 in effect at the time of purchase by interstate carriers for  
33 hire for use as rolling stock moving in interstate commerce  
34 and equipment operated by a telecommunications provider,

1 licensed as a common carrier by the Federal Communications  
2 Commission, which is permanently installed in or affixed to  
3 aircraft moving in interstate commerce.

4 (13) Proceeds from sales to owners, lessors, or shippers  
5 of tangible personal property that is utilized by interstate  
6 carriers for hire for use as rolling stock moving in  
7 interstate commerce and equipment operated by a  
8 telecommunications provider, licensed as a common carrier by  
9 the Federal Communications Commission, which is permanently  
10 installed in or affixed to aircraft moving in interstate  
11 commerce.

12 (14) Machinery and equipment that will be used by the  
13 purchaser, or a lessee of the purchaser, primarily in the  
14 process of manufacturing or assembling tangible personal  
15 property for wholesale or retail sale or lease, whether the  
16 sale or lease is made directly by the manufacturer or by some  
17 other person, whether the materials used in the process are  
18 owned by the manufacturer or some other person, or whether  
19 the sale or lease is made apart from or as an incident to the  
20 seller's engaging in the service occupation of producing  
21 machines, tools, dies, jigs, patterns, gauges, or other  
22 similar items of no commercial value on special order for a  
23 particular purchaser.

24 (15) Proceeds of mandatory service charges separately  
25 stated on customers' bills for purchase and consumption of  
26 food and beverages, to the extent that the proceeds of the  
27 service charge are in fact turned over as tips or as a  
28 substitute for tips to the employees who participate directly  
29 in preparing, serving, hosting or cleaning up the food or  
30 beverage function with respect to which the service charge is  
31 imposed.

32 (16) Petroleum products sold to a purchaser if the  
33 seller is prohibited by federal law from charging tax to the  
34 purchaser.

1           (17) Tangible personal property sold to a common carrier  
2 by rail or motor that receives the physical possession of the  
3 property in Illinois and that transports the property, or  
4 shares with another common carrier in the transportation of  
5 the property, out of Illinois on a standard uniform bill of  
6 lading showing the seller of the property as the shipper or  
7 consignor of the property to a destination outside Illinois,  
8 for use outside Illinois.

9           (18) Legal tender, currency, medallions, or gold or  
10 silver coinage issued by the State of Illinois, the  
11 government of the United States of America, or the government  
12 of any foreign country, and bullion.

13           (19) Oil field exploration, drilling, and production  
14 equipment, including (i) rigs and parts of rigs, rotary rigs,  
15 cable tool rigs, and workover rigs, (ii) pipe and tubular  
16 goods, including casing and drill strings, (iii) pumps and  
17 pump-jack units, (iv) storage tanks and flow lines, (v) any  
18 individual replacement part for oil field exploration,  
19 drilling, and production equipment, and (vi) machinery and  
20 equipment purchased for lease; but excluding motor vehicles  
21 required to be registered under the Illinois Vehicle Code.

22           (20) Photoprocessing machinery and equipment, including  
23 repair and replacement parts, both new and used, including  
24 that manufactured on special order, certified by the  
25 purchaser to be used primarily for photoprocessing, and  
26 including photoprocessing machinery and equipment purchased  
27 for lease.

28           (21) Coal exploration, mining, offhighway hauling,  
29 processing, maintenance, and reclamation equipment, including  
30 replacement parts and equipment, and including equipment  
31 purchased for lease, but excluding motor vehicles required to  
32 be registered under the Illinois Vehicle Code.

33           (22) Fuel and petroleum products sold to or used by an  
34 air carrier, certified by the carrier to be used for

1 consumption, shipment, or storage in the conduct of its  
2 business as an air common carrier, for a flight destined for  
3 or returning from a location or locations outside the United  
4 States without regard to previous or subsequent domestic  
5 stopovers.

6 (23) A transaction in which the purchase order is  
7 received by a florist who is located outside Illinois, but  
8 who has a florist located in Illinois deliver the property to  
9 the purchaser or the purchaser's donee in Illinois.

10 (24) Fuel consumed or used in the operation of ships,  
11 barges, or vessels that are used primarily in or for the  
12 transportation of property or the conveyance of persons for  
13 hire on rivers bordering on this State if the fuel is  
14 delivered by the seller to the purchaser's barge, ship, or  
15 vessel while it is afloat upon that bordering river.

16 (25) A motor vehicle sold in this State to a nonresident  
17 even though the motor vehicle is delivered to the nonresident  
18 in this State, if the motor vehicle is not to be titled in  
19 this State, and if a driveaway decal permit is issued to the  
20 motor vehicle as provided in Section 3-603 of the Illinois  
21 Vehicle Code or if the nonresident purchaser has vehicle  
22 registration plates to transfer to the motor vehicle upon  
23 returning to his or her home state. The issuance of the  
24 driveaway decal permit or having the out-of-state  
25 registration plates to be transferred is prima facie evidence  
26 that the motor vehicle will not be titled in this State.

27 (26) Semen used for artificial insemination of livestock  
28 for direct agricultural production.

29 (27) Horses, or interests in horses, registered with and  
30 meeting the requirements of any of the Arabian Horse Club  
31 Registry of America, Appaloosa Horse Club, American Quarter  
32 Horse Association, United States Trotting Association, or  
33 Jockey Club, as appropriate, used for purposes of breeding or  
34 racing for prizes.

1           (28) Computers and communications equipment utilized for  
2 any hospital purpose and equipment used in the diagnosis,  
3 analysis, or treatment of hospital patients sold to a lessor  
4 who leases the equipment, under a lease of one year or longer  
5 executed or in effect at the time of the purchase, to a  
6 hospital that has been issued an active tax exemption  
7 identification number by the Department under Section 1g of  
8 this Act.

9           (29) Personal property sold to a lessor who leases the  
10 property, under a lease of one year or longer executed or in  
11 effect at the time of the purchase, to a governmental body  
12 that has been issued an active tax exemption identification  
13 number by the Department under Section 1g of this Act.

14           (30) Beginning with taxable years ending on or after  
15 December 31, 1995 and ending with taxable years ending on or  
16 before December 31, 2004, personal property that is donated  
17 for disaster relief to be used in a State or federally  
18 declared disaster area in Illinois or bordering Illinois by a  
19 manufacturer or retailer that is registered in this State to  
20 a corporation, society, association, foundation, or  
21 institution that has been issued a sales tax exemption  
22 identification number by the Department that assists victims  
23 of the disaster who reside within the declared disaster area.

24           (31) Beginning with taxable years ending on or after  
25 December 31, 1995 and ending with taxable years ending on or  
26 before December 31, 2004, personal property that is used in  
27 the performance of infrastructure repairs in this State,  
28 including but not limited to municipal roads and streets,  
29 access roads, bridges, sidewalks, waste disposal systems,  
30 water and sewer line extensions, water distribution and  
31 purification facilities, storm water drainage and retention  
32 facilities, and sewage treatment facilities, resulting from a  
33 State or federally declared disaster in Illinois or bordering  
34 Illinois when such repairs are initiated on facilities

1 located in the declared disaster area within 6 months after  
2 the disaster.

3 (32) Beginning July 1, 1999, game or game birds sold at  
4 a "game breeding and hunting preserve area" or an "exotic  
5 game hunting area" as those terms are used in the Wildlife  
6 Code or at a hunting enclosure approved through rules adopted  
7 by the Department of Natural Resources. This paragraph is  
8 exempt from the provisions of Section 2-70.

9 (33) A motor vehicle, as that term is defined in Section  
10 1-146 of the Illinois Vehicle Code, that is donated to a  
11 corporation, limited liability company, society, association,  
12 foundation, or institution that is determined by the  
13 Department to be organized and operated exclusively for  
14 educational purposes. For purposes of this exemption, "a  
15 corporation, limited liability company, society, association,  
16 foundation, or institution organized and operated exclusively  
17 for educational purposes" means all tax-supported public  
18 schools, private schools that offer systematic instruction in  
19 useful branches of learning by methods common to public  
20 schools and that compare favorably in their scope and  
21 intensity with the course of study presented in tax-supported  
22 schools, and vocational or technical schools or institutes  
23 organized and operated exclusively to provide a course of  
24 study of not less than 6 weeks duration and designed to  
25 prepare individuals to follow a trade or to pursue a manual,  
26 technical, mechanical, industrial, business, or commercial  
27 occupation.

28 (34) Beginning January 1, 2000, personal property,  
29 including food, purchased through fundraising events for the  
30 benefit of a public or private elementary or secondary  
31 school, a group of those schools, or one or more school  
32 districts if the events are sponsored by an entity recognized  
33 by the school district that consists primarily of volunteers  
34 and includes parents and teachers of the school children.

1 This paragraph does not apply to fundraising events (i) for  
2 the benefit of private home instruction or (ii) for which the  
3 fundraising entity purchases the personal property sold at  
4 the events from another individual or entity that sold the  
5 property for the purpose of resale by the fundraising entity  
6 and that profits from the sale to the fundraising entity.  
7 This paragraph is exempt from the provisions of Section 2-70.

8 (35) Beginning January 1, 2000 and through December 31,  
9 2001, new or used automatic vending machines that prepare and  
10 serve hot food and beverages, including coffee, soup, and  
11 other items, and replacement parts for these machines.  
12 Beginning January 1, 2002, machines and parts for machines  
13 used in commercial, coin-operated amusement and vending  
14 business if a use or occupation tax is paid on the gross  
15 receipts derived from the use of the commercial,  
16 coin-operated amusement and vending machines. This paragraph  
17 is exempt from the provisions of Section 2-70.

18 (36) Beginning on the effective date of this amendatory  
19 Act of the 92nd General Assembly, computers and  
20 communications equipment utilized for any hospital purpose  
21 and equipment used in the diagnosis, analysis, or treatment  
22 of hospital patients sold to a lessor who leases the  
23 equipment, under a lease of one year or longer executed or in  
24 effect at the time of the purchase, to a hospital that has  
25 been issued an active tax exemption identification number by  
26 the Department under Section 1g of this Act. This paragraph  
27 is exempt from the provisions of Section 2-70.

28 (37) Beginning on the effective date of this amendatory  
29 Act of the 92nd General Assembly, personal property sold to a  
30 lessor who leases the property, under a lease of one year or  
31 longer executed or in effect at the time of the purchase, to  
32 a governmental body that has been issued an active tax  
33 exemption identification number by the Department under  
34 Section 1g of this Act. This paragraph is exempt from the

1 provisions of Section 2-70.

2 (38) ~~(36)~~ Beginning on January 1, 2002, tangible  
3 personal property purchased from an Illinois retailer by a  
4 taxpayer engaged in centralized purchasing activities in  
5 Illinois who will, upon receipt of the property in Illinois,  
6 temporarily store the property in Illinois (i) for the  
7 purpose of subsequently transporting it outside this State  
8 for use or consumption thereafter solely outside this State  
9 or (ii) for the purpose of being processed, fabricated, or  
10 manufactured into, attached to, or incorporated into other  
11 tangible personal property to be transported outside this  
12 State and thereafter used or consumed solely outside this  
13 State. The Director of Revenue shall, pursuant to rules  
14 adopted in accordance with the Illinois Administrative  
15 Procedure Act, issue a permit to any taxpayer in good  
16 standing with the Department who is eligible for the  
17 exemption under this paragraph (38) ~~(36)~~. The permit issued  
18 under this paragraph (38) ~~(36)~~ shall authorize the holder, to  
19 the extent and in the manner specified in the rules adopted  
20 under this Act, to purchase tangible personal property from a  
21 retailer exempt from the taxes imposed by this Act.  
22 Taxpayers shall maintain all necessary books and records to  
23 substantiate the use and consumption of all such tangible  
24 personal property outside of the State of Illinois.

25 (Source: P.A. 91-51, eff. 6-30-99; 91-200, eff. 7-20-99;  
26 91-439, eff. 8-6-99; 91-533, eff. 8-13-99; 91-637, eff.  
27 8-20-99; 91-644, eff. 8-20-99; 92-16, eff. 6-28-01; 92-35,  
28 eff. 7-1-01; 92-227, eff. 8-2-01; 92-337, eff. 8-10-01;  
29 92-484, eff. 8-23-01; 92-488, eff. 8-23-01; revised 1-15-02.)

30 (35 ILCS 120/3) (from Ch. 120, par. 442)

31 Sec. 3. Except as provided in this Section, on or before  
32 the twentieth day of each calendar month, every person  
33 engaged in the business of selling tangible personal property

1 at retail in this State during the preceding calendar month  
2 shall file a return with the Department, stating:

3 1. The name of the seller;

4 2. His residence address and the address of his  
5 principal place of business and the address of the  
6 principal place of business (if that is a different  
7 address) from which he engages in the business of selling  
8 tangible personal property at retail in this State;

9 3. Total amount of receipts received by him during  
10 the preceding calendar month or quarter, as the case may  
11 be, from sales of tangible personal property, and from  
12 services furnished, by him during such preceding calendar  
13 month or quarter;

14 4. Total amount received by him during the  
15 preceding calendar month or quarter on charge and time  
16 sales of tangible personal property, and from services  
17 furnished, by him prior to the month or quarter for which  
18 the return is filed;

19 5. Deductions allowed by law;

20 6. Gross receipts which were received by him during  
21 the preceding calendar month or quarter and upon the  
22 basis of which the tax is imposed;

23 7. The amount of credit provided in Section 2d of  
24 this Act;

25 8. The amount of tax due;

26 9. The signature of the taxpayer; and

27 10. Such other reasonable information as the  
28 Department may require.

29 If a taxpayer fails to sign a return within 30 days after  
30 the proper notice and demand for signature by the Department,  
31 the return shall be considered valid and any amount shown to  
32 be due on the return shall be deemed assessed.

33 Each return shall be accompanied by the statement of  
34 prepaid tax issued pursuant to Section 2e for which credit is

1 claimed.

2 A retailer may accept a Manufacturer's Purchase Credit  
3 certification from a purchaser in satisfaction of Use Tax as  
4 provided in Section 3-85 of the Use Tax Act if the purchaser  
5 provides the appropriate documentation as required by Section  
6 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
7 certification, accepted by a retailer as provided in Section  
8 3-85 of the Use Tax Act, may be used by that retailer to  
9 satisfy Retailers' Occupation Tax liability in the amount  
10 claimed in the certification, not to exceed 6.25% of the  
11 receipts subject to tax from a qualifying purchase.

12 The Department may require returns to be filed on a  
13 quarterly basis. If so required, a return for each calendar  
14 quarter shall be filed on or before the twentieth day of the  
15 calendar month following the end of such calendar quarter.  
16 The taxpayer shall also file a return with the Department for  
17 each of the first two months of each calendar quarter, on or  
18 before the twentieth day of the following calendar month,  
19 stating:

- 20 1. The name of the seller;
- 21 2. The address of the principal place of business  
22 from which he engages in the business of selling tangible  
23 personal property at retail in this State;
- 24 3. The total amount of taxable receipts received by  
25 him during the preceding calendar month from sales of  
26 tangible personal property by him during such preceding  
27 calendar month, including receipts from charge and time  
28 sales, but less all deductions allowed by law;
- 29 4. The amount of credit provided in Section 2d of  
30 this Act;
- 31 5. The amount of tax due; and
- 32 6. Such other reasonable information as the  
33 Department may require.

34 If a total amount of less than \$1 is payable, refundable

1 or creditable, such amount shall be disregarded if it is less  
2 than 50 cents and shall be increased to \$1 if it is 50 cents  
3 or more.

4 Beginning October 1, 1993, a taxpayer who has an average  
5 monthly tax liability of \$150,000 or more shall make all  
6 payments required by rules of the Department by electronic  
7 funds transfer. Beginning October 1, 1994, a taxpayer who  
8 has an average monthly tax liability of \$100,000 or more  
9 shall make all payments required by rules of the Department  
10 by electronic funds transfer. Beginning October 1, 1995, a  
11 taxpayer who has an average monthly tax liability of \$50,000  
12 or more shall make all payments required by rules of the  
13 Department by electronic funds transfer. Beginning October  
14 1, 2000, a taxpayer who has an annual tax liability of  
15 \$200,000 or more shall make all payments required by rules of  
16 the Department by electronic funds transfer. The term  
17 "annual tax liability" shall be the sum of the taxpayer's  
18 liabilities under this Act, and under all other State and  
19 local occupation and use tax laws administered by the  
20 Department, for the immediately preceding calendar year. The  
21 term "average monthly tax liability" shall be the sum of the  
22 taxpayer's liabilities under this Act, and under all other  
23 State and local occupation and use tax laws administered by  
24 the Department, for the immediately preceding calendar year  
25 divided by 12. Beginning on October 1, 2002, a taxpayer who  
26 has a tax liability in the amount set forth in subsection (b)  
27 of Section 2505-210 of the Department of Revenue Law shall  
28 make all payments required by rules of the Department by  
29 electronic funds transfer.

30 Before August 1 of each year beginning in 1993, the  
31 Department shall notify all taxpayers required to make  
32 payments by electronic funds transfer. All taxpayers  
33 required to make payments by electronic funds transfer shall  
34 make those payments for a minimum of one year beginning on

1 October 1.

2 Any taxpayer not required to make payments by electronic  
3 funds transfer may make payments by electronic funds transfer  
4 with the permission of the Department.

5 All taxpayers required to make payment by electronic  
6 funds transfer and any taxpayers authorized to voluntarily  
7 make payments by electronic funds transfer shall make those  
8 payments in the manner authorized by the Department.

9 The Department shall adopt such rules as are necessary to  
10 effectuate a program of electronic funds transfer and the  
11 requirements of this Section.

12 Any amount which is required to be shown or reported on  
13 any return or other document under this Act shall, if such  
14 amount is not a whole-dollar amount, be increased to the  
15 nearest whole-dollar amount in any case where the fractional  
16 part of a dollar is 50 cents or more, and decreased to the  
17 nearest whole-dollar amount where the fractional part of a  
18 dollar is less than 50 cents.

19 If the retailer is otherwise required to file a monthly  
20 return and if the retailer's average monthly tax liability to  
21 the Department does not exceed \$200, the Department may  
22 authorize his returns to be filed on a quarter annual basis,  
23 with the return for January, February and March of a given  
24 year being due by April 20 of such year; with the return for  
25 April, May and June of a given year being due by July 20 of  
26 such year; with the return for July, August and September of  
27 a given year being due by October 20 of such year, and with  
28 the return for October, November and December of a given year  
29 being due by January 20 of the following year.

30 If the retailer is otherwise required to file a monthly  
31 or quarterly return and if the retailer's average monthly tax  
32 liability with the Department does not exceed \$50, the  
33 Department may authorize his returns to be filed on an annual  
34 basis, with the return for a given year being due by January

1 20 of the following year.

2 Such quarter annual and annual returns, as to form and  
3 substance, shall be subject to the same requirements as  
4 monthly returns.

5 Notwithstanding any other provision in this Act  
6 concerning the time within which a retailer may file his  
7 return, in the case of any retailer who ceases to engage in a  
8 kind of business which makes him responsible for filing  
9 returns under this Act, such retailer shall file a final  
10 return under this Act with the Department not more than one  
11 month after discontinuing such business.

12 Where the same person has more than one business  
13 registered with the Department under separate registrations  
14 under this Act, such person may not file each return that is  
15 due as a single return covering all such registered  
16 businesses, but shall file separate returns for each such  
17 registered business.

18 In addition, with respect to motor vehicles, watercraft,  
19 aircraft, and trailers that are required to be registered  
20 with an agency of this State, every retailer selling this  
21 kind of tangible personal property shall file, with the  
22 Department, upon a form to be prescribed and supplied by the  
23 Department, a separate return for each such item of tangible  
24 personal property which the retailer sells, except that if,  
25 in the same transaction, (i) a retailer of aircraft,  
26 watercraft, motor vehicles or trailers transfers more than  
27 one aircraft, watercraft, motor vehicle or trailer to another  
28 aircraft, watercraft, motor vehicle retailer or trailer  
29 retailer for the purpose of resale or (ii) a retailer of  
30 aircraft, watercraft, motor vehicles, or trailers transfers  
31 more than one aircraft, watercraft, motor vehicle, or trailer  
32 to a purchaser for use as a qualifying rolling stock as  
33 provided in Section 2-5 of this Act, then that seller may  
34 report the transfer of all aircraft, watercraft, motor

1 vehicles or trailers involved in that transaction to the  
2 Department on the same uniform invoice-transaction reporting  
3 return form. For purposes of this Section, "watercraft"  
4 means a Class 2, Class 3, or Class 4 watercraft as defined in  
5 Section 3-2 of the Boat Registration and Safety Act, a  
6 personal watercraft, or any boat equipped with an inboard  
7 motor.

8 Any retailer who sells only motor vehicles, watercraft,  
9 aircraft, or trailers that are required to be registered with  
10 an agency of this State, so that all retailers' occupation  
11 tax liability is required to be reported, and is reported, on  
12 such transaction reporting returns and who is not otherwise  
13 required to file monthly or quarterly returns, need not file  
14 monthly or quarterly returns. However, those retailers shall  
15 be required to file returns on an annual basis.

16 The transaction reporting return, in the case of motor  
17 vehicles or trailers that are required to be registered with  
18 an agency of this State, shall be the same document as the  
19 Uniform Invoice referred to in Section 5-402 of The Illinois  
20 Vehicle Code and must show the name and address of the  
21 seller; the name and address of the purchaser; the amount of  
22 the selling price including the amount allowed by the  
23 retailer for traded-in property, if any; the amount allowed  
24 by the retailer for the traded-in tangible personal property,  
25 if any, to the extent to which Section 1 of this Act allows  
26 an exemption for the value of traded-in property; the balance  
27 payable after deducting such trade-in allowance from the  
28 total selling price; the amount of tax due from the retailer  
29 with respect to such transaction; the amount of tax collected  
30 from the purchaser by the retailer on such transaction (or  
31 satisfactory evidence that such tax is not due in that  
32 particular instance, if that is claimed to be the fact); the  
33 place and date of the sale; a sufficient identification of  
34 the property sold; such other information as is required in

1 Section 5-402 of The Illinois Vehicle Code, and such other  
2 information as the Department may reasonably require.

3 The transaction reporting return in the case of  
4 watercraft or aircraft must show the name and address of the  
5 seller; the name and address of the purchaser; the amount of  
6 the selling price including the amount allowed by the  
7 retailer for traded-in property, if any; the amount allowed  
8 by the retailer for the traded-in tangible personal property,  
9 if any, to the extent to which Section 1 of this Act allows  
10 an exemption for the value of traded-in property; the balance  
11 payable after deducting such trade-in allowance from the  
12 total selling price; the amount of tax due from the retailer  
13 with respect to such transaction; the amount of tax collected  
14 from the purchaser by the retailer on such transaction (or  
15 satisfactory evidence that such tax is not due in that  
16 particular instance, if that is claimed to be the fact); the  
17 place and date of the sale, a sufficient identification of  
18 the property sold, and such other information as the  
19 Department may reasonably require.

20 Such transaction reporting return shall be filed not  
21 later than 20 days after the day of delivery of the item that  
22 is being sold, but may be filed by the retailer at any time  
23 sooner than that if he chooses to do so. The transaction  
24 reporting return and tax remittance or proof of exemption  
25 from the Illinois use tax may be transmitted to the  
26 Department by way of the State agency with which, or State  
27 officer with whom the tangible personal property must be  
28 titled or registered (if titling or registration is required)  
29 if the Department and such agency or State officer determine  
30 that this procedure will expedite the processing of  
31 applications for title or registration.

32 With each such transaction reporting return, the retailer  
33 shall remit the proper amount of tax due (or shall submit  
34 satisfactory evidence that the sale is not taxable if that is

1 the case), to the Department or its agents, whereupon the  
2 Department shall issue, in the purchaser's name, a use tax  
3 receipt (or a certificate of exemption if the Department is  
4 satisfied that the particular sale is tax exempt) which such  
5 purchaser may submit to the agency with which, or State  
6 officer with whom, he must title or register the tangible  
7 personal property that is involved (if titling or  
8 registration is required) in support of such purchaser's  
9 application for an Illinois certificate or other evidence of  
10 title or registration to such tangible personal property.

11 No retailer's failure or refusal to remit tax under this  
12 Act precludes a user, who has paid the proper tax to the  
13 retailer, from obtaining his certificate of title or other  
14 evidence of title or registration (if titling or registration  
15 is required) upon satisfying the Department that such user  
16 has paid the proper tax (if tax is due) to the retailer. The  
17 Department shall adopt appropriate rules to carry out the  
18 mandate of this paragraph.

19 If the user who would otherwise pay tax to the retailer  
20 wants the transaction reporting return filed and the payment  
21 of the tax or proof of exemption made to the Department  
22 before the retailer is willing to take these actions and such  
23 user has not paid the tax to the retailer, such user may  
24 certify to the fact of such delay by the retailer and may  
25 (upon the Department being satisfied of the truth of such  
26 certification) transmit the information required by the  
27 transaction reporting return and the remittance for tax or  
28 proof of exemption directly to the Department and obtain his  
29 tax receipt or exemption determination, in which event the  
30 transaction reporting return and tax remittance (if a tax  
31 payment was required) shall be credited by the Department to  
32 the proper retailer's account with the Department, but  
33 without the 2.1% or 1.75% discount provided for in this  
34 Section being allowed. When the user pays the tax directly

1 to the Department, he shall pay the tax in the same amount  
2 and in the same form in which it would be remitted if the tax  
3 had been remitted to the Department by the retailer.

4 Refunds made by the seller during the preceding return  
5 period to purchasers, on account of tangible personal  
6 property returned to the seller, shall be allowed as a  
7 deduction under subdivision 5 of his monthly or quarterly  
8 return, as the case may be, in case the seller had  
9 theretofore included the receipts from the sale of such  
10 tangible personal property in a return filed by him and had  
11 paid the tax imposed by this Act with respect to such  
12 receipts.

13 Where the seller is a corporation, the return filed on  
14 behalf of such corporation shall be signed by the president,  
15 vice-president, secretary or treasurer or by the properly  
16 accredited agent of such corporation.

17 Where the seller is a limited liability company, the  
18 return filed on behalf of the limited liability company shall  
19 be signed by a manager, member, or properly accredited agent  
20 of the limited liability company.

21 Except as provided in this Section, the retailer filing  
22 the return under this Section shall, at the time of filing  
23 such return, pay to the Department the amount of tax imposed  
24 by this Act less a discount of 2.1% prior to January 1, 1990  
25 and 1.75% on and after January 1, 1990, or \$5 per calendar  
26 year, whichever is greater, which is allowed to reimburse the  
27 retailer for the expenses incurred in keeping records,  
28 preparing and filing returns, remitting the tax and supplying  
29 data to the Department on request. Any prepayment made  
30 pursuant to Section 2d of this Act shall be included in the  
31 amount on which such 2.1% or 1.75% discount is computed. In  
32 the case of retailers who report and pay the tax on a  
33 transaction by transaction basis, as provided in this  
34 Section, such discount shall be taken with each such tax

1 remittance instead of when such retailer files his periodic  
2 return.

3 Before October 1, 2000, if the taxpayer's average monthly  
4 tax liability to the Department under this Act, the Use Tax  
5 Act, the Service Occupation Tax Act, and the Service Use Tax  
6 Act, excluding any liability for prepaid sales tax to be  
7 remitted in accordance with Section 2d of this Act, was  
8 \$10,000 or more during the preceding 4 complete calendar  
9 quarters, he shall file a return with the Department each  
10 month by the 20th day of the month next following the month  
11 during which such tax liability is incurred and shall make  
12 payments to the Department on or before the 7th, 15th, 22nd  
13 and last day of the month during which such liability is  
14 incurred. On and after October 1, 2000, if the taxpayer's  
15 average monthly tax liability to the Department under this  
16 Act, the Use Tax Act, the Service Occupation Tax Act, and the  
17 Service Use Tax Act, excluding any liability for prepaid  
18 sales tax to be remitted in accordance with Section 2d of  
19 this Act, was \$20,000 or more during the preceding 4 complete  
20 calendar quarters, he shall file a return with the Department  
21 each month by the 20th day of the month next following the  
22 month during which such tax liability is incurred and shall  
23 make payment to the Department on or before the 7th, 15th,  
24 22nd and last day of the month during which such liability is  
25 incurred. If the month during which such tax liability is  
26 incurred began prior to January 1, 1985, each payment shall  
27 be in an amount equal to 1/4 of the taxpayer's actual  
28 liability for the month or an amount set by the Department  
29 not to exceed 1/4 of the average monthly liability of the  
30 taxpayer to the Department for the preceding 4 complete  
31 calendar quarters (excluding the month of highest liability  
32 and the month of lowest liability in such 4 quarter period).  
33 If the month during which such tax liability is incurred  
34 begins on or after January 1, 1985 and prior to January 1,

1 1987, each payment shall be in an amount equal to 22.5% of  
2 the taxpayer's actual liability for the month or 27.5% of the  
3 taxpayer's liability for the same calendar month of the  
4 preceding year. If the month during which such tax liability  
5 is incurred begins on or after January 1, 1987 and prior to  
6 January 1, 1988, each payment shall be in an amount equal to  
7 22.5% of the taxpayer's actual liability for the month or  
8 26.25% of the taxpayer's liability for the same calendar  
9 month of the preceding year. If the month during which such  
10 tax liability is incurred begins on or after January 1, 1988,  
11 and prior to January 1, 1989, or begins on or after January  
12 1, 1996, each payment shall be in an amount equal to 22.5% of  
13 the taxpayer's actual liability for the month or 25% of the  
14 taxpayer's liability for the same calendar month of the  
15 preceding year. If the month during which such tax liability  
16 is incurred begins on or after January 1, 1989, and prior to  
17 January 1, 1996, each payment shall be in an amount equal to  
18 22.5% of the taxpayer's actual liability for the month or 25%  
19 of the taxpayer's liability for the same calendar month of  
20 the preceding year or 100% of the taxpayer's actual liability  
21 for the quarter monthly reporting period. The amount of such  
22 quarter monthly payments shall be credited against the final  
23 tax liability of the taxpayer's return for that month.  
24 Before October 1, 2000, once applicable, the requirement of  
25 the making of quarter monthly payments to the Department by  
26 taxpayers having an average monthly tax liability of \$10,000  
27 or more as determined in the manner provided above shall  
28 continue until such taxpayer's average monthly liability to  
29 the Department during the preceding 4 complete calendar  
30 quarters (excluding the month of highest liability and the  
31 month of lowest liability) is less than \$9,000, or until such  
32 taxpayer's average monthly liability to the Department as  
33 computed for each calendar quarter of the 4 preceding  
34 complete calendar quarter period is less than \$10,000.

1     However, if a taxpayer can show the Department that a  
2     substantial change in the taxpayer's business has occurred  
3     which causes the taxpayer to anticipate that his average  
4     monthly tax liability for the reasonably foreseeable future  
5     will fall below the \$10,000 threshold stated above, then such  
6     taxpayer may petition the Department for a change in such  
7     taxpayer's reporting status. On and after October 1, 2000,  
8     once applicable, the requirement of the making of quarter  
9     monthly payments to the Department by taxpayers having an  
10    average monthly tax liability of \$20,000 or more as  
11    determined in the manner provided above shall continue until  
12    such taxpayer's average monthly liability to the Department  
13    during the preceding 4 complete calendar quarters (excluding  
14    the month of highest liability and the month of lowest  
15    liability) is less than \$19,000 or until such taxpayer's  
16    average monthly liability to the Department as computed for  
17    each calendar quarter of the 4 preceding complete calendar  
18    quarter period is less than \$20,000. However, if a taxpayer  
19    can show the Department that a substantial change in the  
20    taxpayer's business has occurred which causes the taxpayer to  
21    anticipate that his average monthly tax liability for the  
22    reasonably foreseeable future will fall below the \$20,000  
23    threshold stated above, then such taxpayer may petition the  
24    Department for a change in such taxpayer's reporting status.  
25    The Department shall change such taxpayer's reporting status  
26    unless it finds that such change is seasonal in nature and  
27    not likely to be long term. If any such quarter monthly  
28    payment is not paid at the time or in the amount required by  
29    this Section, then the taxpayer shall be liable for penalties  
30    and interest on the difference between the minimum amount due  
31    as a payment and the amount of such quarter monthly payment  
32    actually and timely paid, except insofar as the taxpayer has  
33    previously made payments for that month to the Department in  
34    excess of the minimum payments previously due as provided in

1 this Section. The Department shall make reasonable rules and  
2 regulations to govern the quarter monthly payment amount and  
3 quarter monthly payment dates for taxpayers who file on other  
4 than a calendar monthly basis.

5 The provisions of this paragraph apply before October 1,  
6 2001. Without regard to whether a taxpayer is required to  
7 make quarter monthly payments as specified above, any  
8 taxpayer who is required by Section 2d of this Act to collect  
9 and remit prepaid taxes and has collected prepaid taxes which  
10 average in excess of \$25,000 per month during the preceding 2  
11 complete calendar quarters, shall file a return with the  
12 Department as required by Section 2f and shall make payments  
13 to the Department on or before the 7th, 15th, 22nd and last  
14 day of the month during which such liability is incurred. If  
15 the month during which such tax liability is incurred began  
16 prior to the effective date of this amendatory Act of 1985,  
17 each payment shall be in an amount not less than 22.5% of the  
18 taxpayer's actual liability under Section 2d. If the month  
19 during which such tax liability is incurred begins on or  
20 after January 1, 1986, each payment shall be in an amount  
21 equal to 22.5% of the taxpayer's actual liability for the  
22 month or 27.5% of the taxpayer's liability for the same  
23 calendar month of the preceding calendar year. If the month  
24 during which such tax liability is incurred begins on or  
25 after January 1, 1987, each payment shall be in an amount  
26 equal to 22.5% of the taxpayer's actual liability for the  
27 month or 26.25% of the taxpayer's liability for the same  
28 calendar month of the preceding year. The amount of such  
29 quarter monthly payments shall be credited against the final  
30 tax liability of the taxpayer's return for that month filed  
31 under this Section or Section 2f, as the case may be. Once  
32 applicable, the requirement of the making of quarter monthly  
33 payments to the Department pursuant to this paragraph shall  
34 continue until such taxpayer's average monthly prepaid tax

1 collections during the preceding 2 complete calendar quarters  
2 is \$25,000 or less. If any such quarter monthly payment is  
3 not paid at the time or in the amount required, the taxpayer  
4 shall be liable for penalties and interest on such  
5 difference, except insofar as the taxpayer has previously  
6 made payments for that month in excess of the minimum  
7 payments previously due.

8 The provisions of this paragraph apply on and after  
9 October 1, 2001. Without regard to whether a taxpayer is  
10 required to make quarter monthly payments as specified above,  
11 any taxpayer who is required by Section 2d of this Act to  
12 collect and remit prepaid taxes and has collected prepaid  
13 taxes that average in excess of \$20,000 per month during the  
14 preceding 4 complete calendar quarters shall file a return  
15 with the Department as required by Section 2f and shall make  
16 payments to the Department on or before the 7th, 15th, 22nd  
17 and last day of the month during which the liability is  
18 incurred. Each payment shall be in an amount equal to 22.5%  
19 of the taxpayer's actual liability for the month or 25% of  
20 the taxpayer's liability for the same calendar month of the  
21 preceding year. The amount of the quarter monthly payments  
22 shall be credited against the final tax liability of the  
23 taxpayer's return for that month filed under this Section or  
24 Section 2f, as the case may be. Once applicable, the  
25 requirement of the making of quarter monthly payments to the  
26 Department pursuant to this paragraph shall continue until  
27 the taxpayer's average monthly prepaid tax collections during  
28 the preceding 4 complete calendar quarters (excluding the  
29 month of highest liability and the month of lowest liability)  
30 is less than \$19,000 or until such taxpayer's average monthly  
31 liability to the Department as computed for each calendar  
32 quarter of the 4 preceding complete calendar quarters is less  
33 than \$20,000. If any such quarter monthly payment is not  
34 paid at the time or in the amount required, the taxpayer

1 shall be liable for penalties and interest on such  
2 difference, except insofar as the taxpayer has previously  
3 made payments for that month in excess of the minimum  
4 payments previously due.

5 If any payment provided for in this Section exceeds the  
6 taxpayer's liabilities under this Act, the Use Tax Act, the  
7 Service Occupation Tax Act and the Service Use Tax Act, as  
8 shown on an original monthly return, the Department shall, if  
9 requested by the taxpayer, issue to the taxpayer a credit  
10 memorandum no later than 30 days after the date of payment.  
11 The credit evidenced by such credit memorandum may be  
12 assigned by the taxpayer to a similar taxpayer under this  
13 Act, the Use Tax Act, the Service Occupation Tax Act or the  
14 Service Use Tax Act, in accordance with reasonable rules and  
15 regulations to be prescribed by the Department. If no such  
16 request is made, the taxpayer may credit such excess payment  
17 against tax liability subsequently to be remitted to the  
18 Department under this Act, the Use Tax Act, the Service  
19 Occupation Tax Act or the Service Use Tax Act, in accordance  
20 with reasonable rules and regulations prescribed by the  
21 Department. If the Department subsequently determined that  
22 all or any part of the credit taken was not actually due to  
23 the taxpayer, the taxpayer's 2.1% and 1.75% vendor's discount  
24 shall be reduced by 2.1% or 1.75% of the difference between  
25 the credit taken and that actually due, and that taxpayer  
26 shall be liable for penalties and interest on such  
27 difference.

28 If a retailer of motor fuel is entitled to a credit under  
29 Section 2d of this Act which exceeds the taxpayer's liability  
30 to the Department under this Act for the month which the  
31 taxpayer is filing a return, the Department shall issue the  
32 taxpayer a credit memorandum for the excess.

33 Beginning January 1, 1990, each month the Department  
34 shall pay into the Local Government Tax Fund, a special fund

1 in the State treasury which is hereby created, the net  
2 revenue realized for the preceding month from the 1% tax on  
3 sales of food for human consumption which is to be consumed  
4 off the premises where it is sold (other than alcoholic  
5 beverages, soft drinks and food which has been prepared for  
6 immediate consumption) and prescription and nonprescription  
7 medicines, drugs, medical appliances and insulin, urine  
8 testing materials, syringes and needles used by diabetics.

9 Beginning January 1, 1990, each month the Department  
10 shall pay into the County and Mass Transit District Fund, a  
11 special fund in the State treasury which is hereby created,  
12 4% of the net revenue realized for the preceding month from  
13 the 6.25% general rate.

14 Beginning August 1, 2000, each month the Department shall  
15 pay into the County and Mass Transit District Fund 20% of the  
16 net revenue realized for the preceding month from the 1.25%  
17 rate on the selling price of motor fuel and gasohol.

18 Beginning January 1, 1990, each month the Department  
19 shall pay into the Local Government Tax Fund 16% of the net  
20 revenue realized for the preceding month from the 6.25%  
21 general rate on the selling price of tangible personal  
22 property.

23 Beginning August 1, 2000, each month the Department shall  
24 pay into the Local Government Tax Fund 80% of the net revenue  
25 realized for the preceding month from the 1.25% rate on the  
26 selling price of motor fuel and gasohol.

27 Of the remainder of the moneys received by the Department  
28 pursuant to this Act, (a) 1.75% thereof shall be paid into  
29 the Build Illinois Fund and (b) prior to July 1, 1989, 2.2%  
30 and on and after July 1, 1989, 3.8% thereof shall be paid  
31 into the Build Illinois Fund; provided, however, that if in  
32 any fiscal year the sum of (1) the aggregate of 2.2% or 3.8%,  
33 as the case may be, of the moneys received by the Department  
34 and required to be paid into the Build Illinois Fund pursuant

1 to this Act, Section 9 of the Use Tax Act, Section 9 of the  
 2 Service Use Tax Act, and Section 9 of the Service Occupation  
 3 Tax Act, such Acts being hereinafter called the "Tax Acts"  
 4 and such aggregate of 2.2% or 3.8%, as the case may be, of  
 5 moneys being hereinafter called the "Tax Act Amount", and (2)  
 6 the amount transferred to the Build Illinois Fund from the  
 7 State and Local Sales Tax Reform Fund shall be less than the  
 8 Annual Specified Amount (as hereinafter defined), an amount  
 9 equal to the difference shall be immediately paid into the  
 10 Build Illinois Fund from other moneys received by the  
 11 Department pursuant to the Tax Acts; the "Annual Specified  
 12 Amount" means the amounts specified below for fiscal years  
 13 1986 through 1993:

14	Fiscal Year	Annual Specified Amount
15	1986	\$54,800,000
16	1987	\$76,650,000
17	1988	\$80,480,000
18	1989	\$88,510,000
19	1990	\$115,330,000
20	1991	\$145,470,000
21	1992	\$182,730,000
22	1993	\$206,520,000;

23 and means the Certified Annual Debt Service Requirement (as  
 24 defined in Section 13 of the Build Illinois Bond Act) or the  
 25 Tax Act Amount, whichever is greater, for fiscal year 1994  
 26 and each fiscal year thereafter; and further provided, that  
 27 if on the last business day of any month the sum of (1) the  
 28 Tax Act Amount required to be deposited into the Build  
 29 Illinois Bond Account in the Build Illinois Fund during such  
 30 month and (2) the amount transferred to the Build Illinois  
 31 Fund from the State and Local Sales Tax Reform Fund shall  
 32 have been less than 1/12 of the Annual Specified Amount, an  
 33 amount equal to the difference shall be immediately paid into  
 34 the Build Illinois Fund from other moneys received by the

1 Department pursuant to the Tax Acts; and, further provided,  
2 that in no event shall the payments required under the  
3 preceding proviso result in aggregate payments into the Build  
4 Illinois Fund pursuant to this clause (b) for any fiscal year  
5 in excess of the greater of (i) the Tax Act Amount or (ii)  
6 the Annual Specified Amount for such fiscal year. The  
7 amounts payable into the Build Illinois Fund under clause (b)  
8 of the first sentence in this paragraph shall be payable only  
9 until such time as the aggregate amount on deposit under each  
10 trust indenture securing Bonds issued and outstanding  
11 pursuant to the Build Illinois Bond Act is sufficient, taking  
12 into account any future investment income, to fully provide,  
13 in accordance with such indenture, for the defeasance of or  
14 the payment of the principal of, premium, if any, and  
15 interest on the Bonds secured by such indenture and on any  
16 Bonds expected to be issued thereafter and all fees and costs  
17 payable with respect thereto, all as certified by the  
18 Director of the Bureau of the Budget. If on the last  
19 business day of any month in which Bonds are outstanding  
20 pursuant to the Build Illinois Bond Act, the aggregate of  
21 moneys deposited in the Build Illinois Bond Account in the  
22 Build Illinois Fund in such month shall be less than the  
23 amount required to be transferred in such month from the  
24 Build Illinois Bond Account to the Build Illinois Bond  
25 Retirement and Interest Fund pursuant to Section 13 of the  
26 Build Illinois Bond Act, an amount equal to such deficiency  
27 shall be immediately paid from other moneys received by the  
28 Department pursuant to the Tax Acts to the Build Illinois  
29 Fund; provided, however, that any amounts paid to the Build  
30 Illinois Fund in any fiscal year pursuant to this sentence  
31 shall be deemed to constitute payments pursuant to clause (b)  
32 of the first sentence of this paragraph and shall reduce the  
33 amount otherwise payable for such fiscal year pursuant to  
34 that clause (b). The moneys received by the Department

1 pursuant to this Act and required to be deposited into the  
 2 Build Illinois Fund are subject to the pledge, claim and  
 3 charge set forth in Section 12 of the Build Illinois Bond  
 4 Act.

5 Subject to payment of amounts into the Build Illinois  
 6 Fund as provided in the preceding paragraph or in any  
 7 amendment thereto hereafter enacted, the following specified  
 8 monthly installment of the amount requested in the  
 9 certificate of the Chairman of the Metropolitan Pier and  
 10 Exposition Authority provided under Section 8.25f of the  
 11 State Finance Act, but not in excess of sums designated as  
 12 "Total Deposit", shall be deposited in the aggregate from  
 13 collections under Section 9 of the Use Tax Act, Section 9 of  
 14 the Service Use Tax Act, Section 9 of the Service Occupation  
 15 Tax Act, and Section 3 of the Retailers' Occupation Tax Act  
 16 into the McCormick Place Expansion Project Fund in the  
 17 specified fiscal years.

18	Fiscal Year	Total Deposit
19	1993	\$0
20	1994	53,000,000
21	1995	58,000,000
22	1996	61,000,000
23	1997	64,000,000
24	1998	68,000,000
25	1999	71,000,000
26	2000	75,000,000
27	2001	80,000,000
28	2002	93,000,000
29	2003	99,000,000
30	2004	103,000,000
31	2005	108,000,000
32	2006	113,000,000
33	2007	119,000,000
34	2008	126,000,000

1	2009	132,000,000
2	2010	139,000,000
3	2011	146,000,000
4	2012	153,000,000
5	2013	161,000,000
6	2014	170,000,000
7	2015	179,000,000
8	2016	189,000,000
9	2017	199,000,000
10	2018	210,000,000
11	2019	221,000,000
12	2020	233,000,000
13	2021	246,000,000
14	2022	260,000,000
15	2023 and	275,000,000

16 each fiscal year  
 17 thereafter that bonds  
 18 are outstanding under  
 19 Section 13.2 of the  
 20 Metropolitan Pier and  
 21 Exposition Authority  
 22 Act, but not after fiscal year 2042.

23 Beginning July 20, 1993 and in each month of each fiscal  
 24 year thereafter, one-eighth of the amount requested in the  
 25 certificate of the Chairman of the Metropolitan Pier and  
 26 Exposition Authority for that fiscal year, less the amount  
 27 deposited into the McCormick Place Expansion Project Fund by  
 28 the State Treasurer in the respective month under subsection  
 29 (g) of Section 13 of the Metropolitan Pier and Exposition  
 30 Authority Act, plus cumulative deficiencies in the deposits  
 31 required under this Section for previous months and years,  
 32 shall be deposited into the McCormick Place Expansion Project  
 33 Fund, until the full amount requested for the fiscal year,  
 34 but not in excess of the amount specified above as "Total

1     Deposit", has been deposited.

2             Subject to payment of amounts into the Build Illinois  
3     Fund and the McCormick Place Expansion Project Fund pursuant  
4     to the preceding paragraphs or in any amendment thereto  
5     hereafter enacted, each month the Department shall pay into  
6     the Local Government Distributive Fund 0.4% of the net  
7     revenue realized for the preceding month from the 5% general  
8     rate or 0.4% of 80% of the net revenue realized for the  
9     preceding month from the 6.25% general rate, as the case may  
10    be, on the selling price of tangible personal property which  
11    amount shall, subject to appropriation, be distributed as  
12    provided in Section 2 of the State Revenue Sharing Act. No  
13    payments or distributions pursuant to this paragraph shall be  
14    made if the tax imposed by this Act on photoprocessing  
15    products is declared unconstitutional, or if the proceeds  
16    from such tax are unavailable for distribution because of  
17    litigation.

18            Subject to payment of amounts into the Build Illinois  
19    Fund, and the McCormick Place Expansion Project Fund, and the  
20    Local Government Distributive Fund pursuant to the preceding  
21    paragraphs or in any amendments thereto hereafter enacted,  
22    beginning July 1, 1993, the Department shall each month pay  
23    into the Illinois Tax Increment Fund 0.27% of 80% of the net  
24    revenue realized for the preceding month from the 6.25%  
25    general rate on the selling price of tangible personal  
26    property.

27            Subject to payment of amounts into the Build Illinois  
28    Fund, the McCormick Place Expansion Project Fund, and the  
29    Local Government Distributive Fund pursuant to the preceding  
30    paragraphs or in any amendments thereto hereafter enacted,  
31    beginning with the receipt of the first report of taxes paid  
32    by an eligible business and continuing for a 25-year period,  
33    the Department shall each month pay into the Energy  
34    Infrastructure Fund 80% of the net revenue realized from the

1 6.25% general rate on the selling price of Illinois-mined  
2 coal that was sold to an eligible business. For purposes of  
3 this paragraph, the term "eligible business" means a new  
4 electric generating facility certified pursuant to Section  
5 605-332 of the Department of Commerce and Community Affairs  
6 Law of the Civil Administrative Code of Illinois.

7 Of the remainder of the moneys received by the Department  
8 pursuant to this Act, 75% thereof shall be paid into the  
9 State Treasury and 25% shall be reserved in a special account  
10 and used only for the transfer to the Common School Fund as  
11 part of the monthly transfer from the General Revenue Fund in  
12 accordance with Section 8a of the State Finance Act.

13 The Department may, upon separate written notice to a  
14 taxpayer, require the taxpayer to prepare and file with the  
15 Department on a form prescribed by the Department within not  
16 less than 60 days after receipt of the notice an annual  
17 information return for the tax year specified in the notice.  
18 Such annual return to the Department shall include a  
19 statement of gross receipts as shown by the retailer's last  
20 Federal income tax return. If the total receipts of the  
21 business as reported in the Federal income tax return do not  
22 agree with the gross receipts reported to the Department of  
23 Revenue for the same period, the retailer shall attach to his  
24 annual return a schedule showing a reconciliation of the 2  
25 amounts and the reasons for the difference. The retailer's  
26 annual return to the Department shall also disclose the cost  
27 of goods sold by the retailer during the year covered by such  
28 return, opening and closing inventories of such goods for  
29 such year, costs of goods used from stock or taken from stock  
30 and given away by the retailer during such year, payroll  
31 information of the retailer's business during such year and  
32 any additional reasonable information which the Department  
33 deems would be helpful in determining the accuracy of the  
34 monthly, quarterly or annual returns filed by such retailer

1 as provided for in this Section.

2 If the annual information return required by this Section  
3 is not filed when and as required, the taxpayer shall be  
4 liable as follows:

5 (i) Until January 1, 1994, the taxpayer shall be  
6 liable for a penalty equal to 1/6 of 1% of the tax due  
7 from such taxpayer under this Act during the period to be  
8 covered by the annual return for each month or fraction  
9 of a month until such return is filed as required, the  
10 penalty to be assessed and collected in the same manner  
11 as any other penalty provided for in this Act.

12 (ii) On and after January 1, 1994, the taxpayer  
13 shall be liable for a penalty as described in Section 3-4  
14 of the Uniform Penalty and Interest Act.

15 The chief executive officer, proprietor, owner or highest  
16 ranking manager shall sign the annual return to certify the  
17 accuracy of the information contained therein. Any person  
18 who willfully signs the annual return containing false or  
19 inaccurate information shall be guilty of perjury and  
20 punished accordingly. The annual return form prescribed by  
21 the Department shall include a warning that the person  
22 signing the return may be liable for perjury.

23 The provisions of this Section concerning the filing of  
24 an annual information return do not apply to a retailer who  
25 is not required to file an income tax return with the United  
26 States Government.

27 As soon as possible after the first day of each month,  
28 upon certification of the Department of Revenue, the  
29 Comptroller shall order transferred and the Treasurer shall  
30 transfer from the General Revenue Fund to the Motor Fuel Tax  
31 Fund an amount equal to 1.7% of 80% of the net revenue  
32 realized under this Act for the second preceding month.  
33 Beginning April 1, 2000, this transfer is no longer required  
34 and shall not be made.

1 Net revenue realized for a month shall be the revenue  
2 collected by the State pursuant to this Act, less the amount  
3 paid out during that month as refunds to taxpayers for  
4 overpayment of liability.

5 For greater simplicity of administration, manufacturers,  
6 importers and wholesalers whose products are sold at retail  
7 in Illinois by numerous retailers, and who wish to do so, may  
8 assume the responsibility for accounting and paying to the  
9 Department all tax accruing under this Act with respect to  
10 such sales, if the retailers who are affected do not make  
11 written objection to the Department to this arrangement.

12 Any person who promotes, organizes, provides retail  
13 selling space for concessionaires or other types of sellers  
14 at the Illinois State Fair, DuQuoin State Fair, county fairs,  
15 local fairs, art shows, flea markets and similar exhibitions  
16 or events, including any transient merchant as defined by  
17 Section 2 of the Transient Merchant Act of 1987, is required  
18 to file a report with the Department providing the name of  
19 the merchant's business, the name of the person or persons  
20 engaged in merchant's business, the permanent address and  
21 Illinois Retailers Occupation Tax Registration Number of the  
22 merchant, the dates and location of the event and other  
23 reasonable information that the Department may require. The  
24 report must be filed not later than the 20th day of the month  
25 next following the month during which the event with retail  
26 sales was held. Any person who fails to file a report  
27 required by this Section commits a business offense and is  
28 subject to a fine not to exceed \$250.

29 Any person engaged in the business of selling tangible  
30 personal property at retail as a concessionaire or other type  
31 of seller at the Illinois State Fair, county fairs, art  
32 shows, flea markets and similar exhibitions or events, or any  
33 transient merchants, as defined by Section 2 of the Transient  
34 Merchant Act of 1987, may be required to make a daily report

1 of the amount of such sales to the Department and to make a  
2 daily payment of the full amount of tax due. The Department  
3 shall impose this requirement when it finds that there is a  
4 significant risk of loss of revenue to the State at such an  
5 exhibition or event. Such a finding shall be based on  
6 evidence that a substantial number of concessionaires or  
7 other sellers who are not residents of Illinois will be  
8 engaging in the business of selling tangible personal  
9 property at retail at the exhibition or event, or other  
10 evidence of a significant risk of loss of revenue to the  
11 State. The Department shall notify concessionaires and other  
12 sellers affected by the imposition of this requirement. In  
13 the absence of notification by the Department, the  
14 concessionaires and other sellers shall file their returns as  
15 otherwise required in this Section.

16 (Source: P.A. 91-37, eff. 7-1-99; 91-51, eff. 6-30-99;  
17 91-101, eff. 7-12-99; 91-541, eff. 8-13-99; 91-872, eff.  
18 7-1-00; 91-901, eff. 1-1-01; 92-12, eff. 7-1-01; 92-16, eff.  
19 6-28-01; 92-208, eff. 8-2-01; 92-484, eff. 8-23-01; 92-492,  
20 eff. 1-1-02; revised 9-14-01.)

21 Section 29. The Property Tax Code is amended by changing  
22 Sections 15-25, 18-165, and 31-5 as follows:

23 (35 ILCS 200/15-25)

24 Sec. 15-25. Removal of exemptions. If the Department  
25 determines that any property has been unlawfully exempted  
26 from taxation, or is no longer entitled to exemption, the  
27 Department shall, before January 1 of any year, direct the  
28 chief county assessment officer to assess the property and  
29 return it to the assessment rolls for the next assessment  
30 year. The Department shall give notice of its decision to  
31 the owner of the property by certified mail. The decision  
32 shall be subject to review and hearing under with Section

1 8-35, upon application by the owner filed within 10 days  
 2 after the notice of decision is mailed. However, the  
 3 extension of taxes on the assessment shall not be delayed by  
 4 any proceedings under this Section. If the property is  
 5 determined to be exempt, any taxes extended upon the  
 6 assessment shall be abated or, if already paid, be refunded.

7 (Source: P.A. 82-554; 88-455; revised 12-04-01.)

8 (35 ILCS 200/18-165)

9 Sec. 18-165. Abatement of taxes.

10 (a) Any taxing district, upon a majority vote of its  
 11 governing authority, may, after the determination of the  
 12 assessed valuation of its property, order the clerk of that  
 13 county to abate any portion of its taxes on the following  
 14 types of property:

15 (1) Commercial and industrial.

16 (A) The property of any commercial or  
 17 industrial firm, including but not limited to the  
 18 property of (i) any firm that is used for  
 19 collecting, separating, storing, or processing  
 20 recyclable materials, locating within the taxing  
 21 district during the immediately preceding year from  
 22 another state, territory, or country, or having been  
 23 newly created within this State during the  
 24 immediately preceding year, or expanding an existing  
 25 facility, or (ii) any firm that is used for the  
 26 generation and transmission of electricity locating  
 27 within the taxing district during the immediately  
 28 preceding year or expanding its presence within the  
 29 taxing district during the immediately preceding  
 30 year by construction of a new electric generating  
 31 facility that uses natural gas as its fuel, or any  
 32 firm that is used for production operations at a  
 33 new, expanded, or reopened coal mine within the

1 taxing district, that has been certified as a High  
2 Impact Business by the Illinois Department of  
3 Commerce and Community Affairs. The property of any  
4 firm used for the generation and transmission of  
5 electricity shall include all property of the firm  
6 used for transmission facilities as defined in  
7 Section 5.5 of the Illinois Enterprise Zone Act.  
8 The abatement shall not exceed a period of 10 years  
9 and the aggregate amount of abated taxes for all  
10 taxing districts combined shall not exceed  
11 \$4,000,000.

12 (A-5) Any property in the taxing district of a  
13 new electric generating facility, as defined in  
14 Section 605-332 of the Department of Commerce and  
15 Community Affairs Law of the Civil Administrative  
16 Code of Illinois. The abatement shall not exceed a  
17 period of 10 years. The abatement shall be subject  
18 to the following limitations:

19 (i) if the equalized assessed valuation  
20 of the new electric generating facility is  
21 equal to or greater than \$25,000,000 but less  
22 than \$50,000,000, then the abatement may not  
23 exceed (i) over the entire term of the  
24 abatement, 5% of the taxing district's  
25 aggregate taxes from the new electric  
26 generating facility and (ii) in any one year of  
27 abatement, 20% of the taxing district's taxes  
28 from the new electric generating facility;

29 (ii) if the equalized assessed valuation  
30 of the new electric generating facility is  
31 equal to or greater than \$50,000,000 but less  
32 than \$75,000,000, then the abatement may not  
33 exceed (i) over the entire term of the  
34 abatement, 10% of the taxing district's

1 aggregate taxes from the new electric  
2 generating facility and (ii) in any one year of  
3 abatement, 35% of the taxing district's taxes  
4 from the new electric generating facility;

5 (iii) if the equalized assessed valuation  
6 of the new electric generating facility is  
7 equal to or greater than \$75,000,000 but less  
8 than \$100,000,000, then the abatement may not  
9 exceed (i) over the entire term of the  
10 abatement, 20% of the taxing district's  
11 aggregate taxes from the new electric  
12 generating facility and (ii) in any one year of  
13 abatement, 50% of the taxing district's taxes  
14 from the new electric generating facility;

15 (iv) if the equalized assessed valuation  
16 of the new electric generating facility is  
17 equal to or greater than \$100,000,000 but less  
18 than \$125,000,000, then the abatement may not  
19 exceed (i) over the entire term of the  
20 abatement, 30% of the taxing district's  
21 aggregate taxes from the new electric  
22 generating facility and (ii) in any one year of  
23 abatement, 60% of the taxing district's taxes  
24 from the new electric generating facility;

25 (v) if the equalized assessed valuation  
26 of the new electric generating facility is  
27 equal to or greater than \$125,000,000 but less  
28 than \$150,000,000, then the abatement may not  
29 exceed (i) over the entire term of the  
30 abatement, 40% of the taxing district's  
31 aggregate taxes from the new electric  
32 generating facility and (ii) in any one year of  
33 abatement, 60% of the taxing district's taxes  
34 from the new electric generating facility;

1           (vi) if the equalized assessed valuation  
2           of the new electric generating facility is  
3           equal to or greater than \$150,000,000, then the  
4           abatement may not exceed (i) over the entire  
5           term of the abatement, 50% of the taxing  
6           district's aggregate taxes from the new  
7           electric generating facility and (ii) in any  
8           one year of abatement, 60% of the taxing  
9           district's taxes from the new electric  
10          generating facility.

11          The abatement is not effective unless the owner  
12          of the new electric generating facility agrees to  
13          repay to the taxing district all amounts previously  
14          abated, together with interest computed at the rate  
15          and in the manner provided for delinquent taxes, in  
16          the event that the owner of the new electric  
17          generating facility closes the new electric  
18          generating facility before the expiration of the  
19          entire term of the abatement.

20          The authorization of taxing districts to abate  
21          taxes under this subdivision (a)(1)(A-5) expires on  
22          January 1, 2010.

23          (B) The property of any commercial or  
24          industrial development of at least 500 acres having  
25          been created within the taxing district. The  
26          abatement shall not exceed a period of 20 years and  
27          the aggregate amount of abated taxes for all taxing  
28          districts combined shall not exceed \$12,000,000.

29          (C) The property of any commercial or  
30          industrial firm currently located in the taxing  
31          district that expands a facility or its number of  
32          employees. The abatement shall not exceed a period  
33          of 10 years and the aggregate amount of abated taxes  
34          for all taxing districts combined shall not exceed

1           \$4,000,000. The abatement period may be renewed at  
2           the option of the taxing districts.

3           (2) Horse racing. Any property in the taxing  
4           district which is used for the racing of horses and upon  
5           which capital improvements consisting of expansion,  
6           improvement or replacement of existing facilities have  
7           been made since July 1, 1987. The combined abatements  
8           for such property from all taxing districts in any county  
9           shall not exceed \$5,000,000 annually and shall not exceed  
10          a period of 10 years.

11          (3) Auto racing. Any property designed exclusively  
12          for the racing of motor vehicles. Such abatement shall  
13          not exceed a period of 10 years.

14          (4) Academic or research institute. The property  
15          of any academic or research institute in the taxing  
16          district that (i) is an exempt organization under  
17          paragraph (3) of Section 501(c) of the Internal Revenue  
18          Code, (ii) operates for the benefit of the public by  
19          actually and exclusively performing scientific research  
20          and making the results of the research available to the  
21          interested public on a non-discriminatory basis, and  
22          (iii) employs more than 100 employees. An abatement  
23          granted under this paragraph shall be for at least 15  
24          years and the aggregate amount of abated taxes for all  
25          taxing districts combined shall not exceed \$5,000,000.

26          (5) Housing for older persons. Any property in the  
27          taxing district that is devoted exclusively to affordable  
28          housing for older households. For purposes of this  
29          paragraph, "older households" means those households (i)  
30          living in housing provided under any State or federal  
31          program that the Department of Human Rights determines is  
32          specifically designed and operated to assist elderly  
33          persons and is solely occupied by persons 55 years of age  
34          or older and (ii) whose annual income does not exceed 80%

1 of the area gross median income, adjusted for family  
2 size, as such gross income and median income are  
3 determined from time to time by the United States  
4 Department of Housing and Urban Development. The  
5 abatement shall not exceed a period of 15 years, and the  
6 aggregate amount of abated taxes for all taxing districts  
7 shall not exceed \$3,000,000.

8 (6) Historical society. For assessment years 1998  
9 through 2003, the property of an historical society  
10 qualifying as an exempt organization under Section  
11 501(c)(3) of the federal Internal Revenue Code.

12 (7) Recreational facilities. Any property in the  
13 taxing district (i) that is used for a municipal airport,  
14 (ii) that is subject to a leasehold assessment under  
15 Section 9-195 of this Code and (iii) which is sublet from  
16 a park district that is leasing the property from a  
17 municipality, but only if the property is used  
18 exclusively for recreational facilities or for parking  
19 lots used exclusively for those facilities. The  
20 abatement shall not exceed a period of 10 years.

21 (8) Relocated corporate headquarters. If approval  
22 occurs within 5 years after the effective date of this  
23 amendatory Act of the 92nd General Assembly, any property  
24 or a portion of any property in a taxing district that is  
25 used by an eligible business for a corporate headquarters  
26 as defined in the Corporate Headquarters Relocation Act.  
27 Instead of an abatement under this paragraph (8), a  
28 taxing district may enter into an agreement with an  
29 eligible business to make annual payments to that  
30 eligible business in an amount not to exceed the property  
31 taxes paid directly or indirectly by that eligible  
32 business to the taxing district and any other taxing  
33 districts for premises occupied pursuant to a written  
34 lease and may make those payments without the need for an

1 annual appropriation. No school district, however, may  
2 enter into an agreement with, or abate taxes for, an  
3 eligible business unless the municipality in which the  
4 corporate headquarters is located agrees to provide  
5 funding to the school district in an amount equal to the  
6 amount abated or paid by the school district as provided  
7 in this paragraph (8). Any abatement ordered or  
8 agreement entered into under this paragraph (8) may be  
9 effective for the entire term specified by the taxing  
10 district, except the term of the abatement or annual  
11 payments may not exceed 20 years.

12 (b) Upon a majority vote of its governing authority, any  
13 municipality may, after the determination of the assessed  
14 valuation of its property, order the county clerk to abate  
15 any portion of its taxes on any property that is located  
16 within the corporate limits of the municipality in accordance  
17 with Section 8-3-18 of the Illinois Municipal Code.

18 (Source: P.A. 91-644, eff. 8-20-99; 91-885, eff. 7-6-00;  
19 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247, eff. 8-3-01;  
20 revised 9-19-01.)

21 (35 ILCS 200/31-5)

22 Sec. 31-5. Definitions. "Recordation" includes the  
23 issuance of certificates of title by Registrars of Title  
24 under the Registered Titles (Torrens) Act pursuant to the  
25 filing of deeds or trust documents for that purpose, as well  
26 as the recording of deeds or trust documents by recorders.

27 "Department" means the Department of Revenue.

28 "Person" means any natural individual, firm, partnership,  
29 association, joint stock company, joint adventure, public or  
30 private corporation, limited liability company, or a  
31 receiver, executor, trustee, guardian or other representative  
32 appointed by order of any court.

33 "Value" means the amount of the full actual

1 consideration, including the amount of any lien assumed by  
2 the buyer.

3 "Trust document" means a document required to be recorded  
4 under the Land Trust Recordation and Transfer Tax Act.

5 (Source: P.A. 88-455; incorporates 88-480; 88-670, eff.  
6 12-2-94; revised 12-13-01.)

7 Section 30. The Motor Fuel Tax Law is amended by  
8 changing Section 15 as follows:

9 (35 ILCS 505/15) (from Ch. 120, par. 431)

10 Sec. 15. 1. Any person who knowingly acts as a  
11 distributor of motor fuel or supplier of special fuel, or  
12 receiver of fuel without having a license so to do, or who  
13 knowingly fails or refuses to file a return with the  
14 Department as provided in Section 2b, Section 5, or Section  
15 5a of this Act, or who knowingly fails or refuses to make  
16 payment to the Department as provided either in Section 2b,  
17 Section 6, Section 6a, or Section 7 of this Act, shall be  
18 guilty of a Class 3 felony. Each day any person knowingly  
19 acts as a distributor of motor fuel, supplier of special  
20 fuel, or receiver of fuel without having a license so to do  
21 or after such a license has been revoked, constitutes a  
22 separate offense.

23 2. Any person who acts as a motor carrier without having  
24 a valid motor fuel use tax license, issued by the Department  
25 or by a member jurisdiction under the provisions of the  
26 International Fuel Tax Agreement, or a valid single trip  
27 permit is guilty of a Class A misdemeanor for a first offense  
28 and is guilty of a Class 4 felony for each subsequent  
29 offense. Any person (i) who fails or refuses to make payment  
30 to the Department as provided in Section 13a.1 of this Act or  
31 in the International Fuel Tax Agreement referenced in Section  
32 14a, or (ii) who fails or refuses to make the quarterly

1 return as provided in Section 13a.3 is guilty of a Class 4  
2 felony; and for each subsequent offense, such person is  
3 guilty of a Class 3 felony.

4 3. In case such person acting as a distributor,  
5 receiver, supplier, or motor carrier is a corporation, then  
6 the officer or officers, agent or agents, employee or  
7 employees, of such corporation responsible for any act of  
8 such corporation, or failure of such corporation to act,  
9 which acts or failure to act constitutes a violation of any  
10 of the provisions of this Act as enumerated in paragraphs 1  
11 and 2 of this Section, shall be punished by such fine or  
12 imprisonment, or by both such fine and imprisonment as  
13 provided in those paragraphs.

14 3.5. Any person who knowingly enters false information  
15 on any supporting documentation required to be kept by  
16 Section 6 or 6a of this Act is guilty of a Class 3 felony.

17 3.7. Any person who knowingly attempts in any manner to  
18 evade or defeat any tax imposed by this Act or the payment of  
19 any tax imposed by this Act is guilty of a Class 2 felony.

20 4. Any person who refuses, upon demand, to submit for  
21 inspection, books and records, or who fails or refuses to  
22 keep books and records in violation of Section 12 of this  
23 Act, or any distributor, receiver, or supplier who violates  
24 any reasonable rule or regulation adopted by the Department  
25 for the enforcement of this Act is guilty of a Class A  
26 misdemeanor. Any person who acts as a blender in violation  
27 of Section 3 of this Act or who having transported reportable  
28 motor fuel within Section 7b of this Act fails to make the  
29 return required by that Section, is guilty of a Class 4  
30 felony.

31 5. Any person licensed under Section 13a.4, 13a.5, or  
32 the International Fuel Tax Agreement who: (a) fails or  
33 refuses to keep records and books, as provided in Section  
34 13a.2 or as required by the terms of the International Fuel

1 Tax Agreement, (b) refuses upon demand by the Department to  
2 submit for inspection and examination the records required by  
3 Section 13a.2 of this Act or by the terms of the  
4 International Fuel Tax Agreement, or (c) violates any  
5 reasonable rule or regulation adopted by the Department for  
6 the enforcement of this Act, is guilty of a Class A  
7 misdemeanor.

8 6. Any person who makes any false return or report to  
9 the Department as to any material fact required by Sections  
10 2b, 5, 5a, 7, 13, or 13a.3 of this Act or by the  
11 International Fuel Tax Agreement is guilty of a Class 2  
12 felony.

13 7. A prosecution for any violation of this Section may  
14 be commenced anytime within 5 years of the commission of that  
15 violation. A prosecution for tax evasion as set forth in  
16 paragraph 3.7 of this Section may be prosecuted any time  
17 within 5 years of the commission of the last act in  
18 furtherance of evasion. The running of the period of  
19 limitations under this Section shall be suspended while any  
20 proceeding or appeal from any proceeding relating to the  
21 quashing or enforcement of any grand jury or administrative  
22 subpoena issued in connection with an investigation of the  
23 violation of any provision of this Act is pending.

24 8. Any person who provides false documentation required  
25 by any Section of this Act is guilty of a Class 4 felony.

26 9. Any person filing a fraudulent application or order  
27 form under any provision of this Act is guilty of a Class A  
28 misdemeanor. For each subsequent offense, the person is  
29 guilty of a Class 4 felony.

30 10. Any person who acts as a motor carrier and who fails  
31 to carry a manifest as provided in Section 5.5 is guilty of a  
32 Class A misdemeanor. For each subsequent offense, the person  
33 is guilty of a Class 4 felony.

34 11. Any person who knowingly sells or attempts to sell

1 dyed diesel fuel for highway use or for use by  
2 recreational-type watercraft on the waters of this State is  
3 guilty of a Class 4 felony. For each subsequent offense, the  
4 person is guilty of a Class 2 felony.

5 12. Any person who knowingly possesses dyed diesel fuel  
6 for highway use or for use by recreational-type watercraft on  
7 the waters of this State is guilty of a Class A misdemeanor.  
8 For each subsequent offense, the person is guilty of a Class  
9 4 felony.

10 13. Any person who sells or transports dyed diesel fuel  
11 without the notice required by Section 4e shall pay the  
12 following penalty:

- 13 First occurrence.....\$ 500
- 14 Second and each occurrence thereafter.....\$1,000

15 14. Any person who owns, operates, or controls any  
16 container, storage tank, or facility used to store or  
17 distribute dyed diesel fuel without the notice required by  
18 Section 4f shall pay the following penalty:

- 19 First occurrence.....\$ 500
- 20 Second and each occurrence thereafter.....\$1,000

21 15. If a motor vehicle required to be registered for  
22 highway purposes is found to have dyed diesel fuel within the  
23 ordinary fuel tanks attached to the motor vehicle or if a  
24 recreational-type watercraft on the waters of this State is  
25 found to have dyed diesel fuel within the ordinary fuel tanks  
26 attached to the watercraft, the operator shall pay the  
27 following penalty:

- 28 First occurrence.....\$2,500
- 29 Second and each occurrence thereafter.....\$5,000

30 16. Any licensed motor fuel distributor or licensed  
31 supplier who sells or attempts to sell dyed diesel fuel for  
32 highway use or for use by recreational-type watercraft on the  
33 waters of this State shall pay the following penalty:

- 34 First occurrence.....\$ 5,000

1 Second and each occurrence thereafter.....\$10,000

2 17. Any person who knowingly sells or distributes dyed  
3 diesel fuel without the notice required by Section 4e is  
4 guilty of a petty offense. For each subsequent offense, the  
5 person is guilty of a Class A misdemeanor.

6 18. Any person who knowingly owns, operates, or controls  
7 any container, storage tank, or facility used to store or  
8 distribute dyed diesel fuel without the notice required by  
9 Section 4f is guilty of a petty offense. For each subsequent  
10 offense the person is guilty of a Class A misdemeanor.

11 For purposes of this Section, dyed diesel fuel means any  
12 dyed diesel fuel whether or not dyed pursuant to Section 4d  
13 of this Law.

14 Any person aggrieved by any action of the Department  
15 under item 13, 14, 15, or 16 of this Section may protest the  
16 action by making a written request for a hearing within 60  
17 days of the original action. If the hearing is not requested  
18 in writing within 60 days, the original action is final.

19 All penalties received under items 13, 14, 15, and 16 of  
20 this Section shall be deposited into the Tax Compliance and  
21 Administration Fund.

22 (Source: P.A. 91-173, eff. 1-1-00; 92-30, eff. 7-1-01;  
23 92-232, eff. 8-2-01; revised 9-19-01.)

24 Section 31. The Illinois Pension Code is amended by  
25 changing Sections 1-113.7, 14-110, 14-114, 16-106, and  
26 17-119.1 as follows:

27 (40 ILCS 5/1-113.7)

28 Sec. 1-113.7. Registration of investments; custody and  
29 safekeeping. The board of trustees may register the  
30 investments of its pension fund in the name of the pension  
31 fund, in the nominee name of a bank or trust company  
32 authorized to conduct a trust business in Illinois, or in the

1 nominee name of the Illinois Public Treasurer's Investment  
2 Pool.

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

10 A dealer may not maintain possession of or control over  
11 securities of a pension fund subject to the provisions of  
12 this Section unless it is registered as a broker-dealer with  
13 the U.S. Securities and Exchange Commission and is a member  
14 in good standing of the National Association of Securities  
15 Dealers, and (1) with respect to securities that are not  
16 issued only in book-entry form, (A) all such securities of  
17 each fund are either held in safekeeping in a place  
18 reasonably free from risk of destruction or held in custody  
19 by a securities depository that is a "clearing agency"  
20 registered with the U.S. Securities and Exchange Commission,  
21 (B) the dealer is a member of the Securities Investor  
22 Protection Corporation, (C) the dealer sends to each fund, no  
23 less frequently than each calendar quarter, an itemized  
24 statement showing the moneys and securities in the custody or  
25 possession of the dealer at the end of such period, and (D)  
26 an independent certified public accountant ~~account~~ conducts  
27 an audit, no less frequently than each calendar year, that  
28 reviews the dealer's internal accounting controls and  
29 procedures for safeguarding securities; and (2) with respect  
30 to securities that are issued only in book-entry form, (A)  
31 all such securities of each fund are held either in a  
32 securities depository that is a "clearing agency" registered  
33 with the U.S. Securities and Exchange Commission or in a bank  
34 that is a member of the Federal Reserve System, (B) the

1 dealer records the ownership interest of the funds in such  
2 securities on the dealer's books and records, (C) the dealer  
3 is a member of the Securities Investor Protection  
4 Corporation, (D) the dealer sends to each fund, no less  
5 frequently than each calendar quarter, an itemized statement  
6 showing the moneys and securities in the custody or  
7 possession of the dealer at the end of such period, and (E)  
8 the dealer's financial statement (which shall contain among  
9 other things a statement of the dealer's net capital and its  
10 required net capital computed in accordance with Rule 15c3-1  
11 under the Securities Exchange Act of 1934) is audited  
12 annually by an independent certified public accountant, and  
13 the dealer's most recent audited financial statement is  
14 furnished to the fund. No broker-dealer serving as a  
15 custodian for any public pension fund as provided by this Act  
16 shall be authorized to serve as an investment advisor for  
17 that same public pension fund as described in Section 1-101.4  
18 of this Code, to the extent that the investment advisor  
19 acquires or disposes of any asset of that same public pension  
20 fund. Notwithstanding the foregoing, in no event may a  
21 broker or dealer that is a natural person maintain possession  
22 of or control over securities or other assets of a pension  
23 fund subject to the provisions of this Section. In  
24 maintaining securities of a pension fund subject to the  
25 provisions of this Section, each dealer must maintain those  
26 securities in conformity with the provisions of Rule  
27 15c3-3(b) of the Securities Exchange Act of 1934 (Physical  
28 Possession or Control of Securities). The Director of the  
29 Department of Insurance may adopt such rules and regulations  
30 as shall be necessary and appropriate in his or her judgment  
31 to effectuate the purposes of this Section.

32 A bank or trust company authorized to conduct a trust  
33 business in Illinois shall register, deposit, or hold  
34 investments for safekeeping, all in accordance with the

1 obligations and subject to the limitations of the Securities  
2 in Fiduciary Accounts Act.

3 (Source: P.A. 90-507, eff. 8-22-97; revised 12-13-01.)

4 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)  
5 Sec. 14-110. Alternative retirement annuity.

6 (a) Any member who has withdrawn from service with not  
7 less than 20 years of eligible creditable service and has  
8 attained age 55, and any member who has withdrawn from  
9 service with not less than 25 years of eligible creditable  
10 service and has attained age 50, regardless of whether the  
11 attainment of either of the specified ages occurs while the  
12 member is still in service, shall be entitled to receive at  
13 the option of the member, in lieu of the regular or minimum  
14 retirement annuity, a retirement annuity computed as  
15 follows:

16 (i) for periods of service as a noncovered  
17 employee: if retirement occurs on or after January 1,  
18 2001, 3% of final average compensation for each year of  
19 creditable service; if retirement occurs before January  
20 1, 2001, 2 1/4% of final average compensation for each of  
21 the first 10 years of creditable service, 2 1/2% for each  
22 year above 10 years to and including 20 years of  
23 creditable service, and 2 3/4% for each year of  
24 creditable service above 20 years; and

25 (ii) for periods of eligible creditable service as  
26 a covered employee: if retirement occurs on or after  
27 January 1, 2001, 2.5% of final average compensation for  
28 each year of creditable service; if retirement occurs  
29 before January 1, 2001, 1.67% of final average  
30 compensation for each of the first 10 years of such  
31 service, 1.90% for each of the next 10 years of such  
32 service, 2.10% for each year of such service in excess of  
33 20 but not exceeding 30, and 2.30% for each year in

1 excess of 30.

2 Such annuity shall be subject to a maximum of 75% of  
3 final average compensation if retirement occurs before  
4 January 1, 2001 or to a maximum of 80% of final average  
5 compensation if retirement occurs on or after January 1,  
6 2001.

7 These rates shall not be applicable to any service  
8 performed by a member as a covered employee which is not  
9 eligible creditable service. Service as a covered employee  
10 which is not eligible creditable service shall be subject to  
11 the rates and provisions of Section 14-108.

12 (b) For the purpose of this Section, "eligible  
13 creditable service" means creditable service resulting from  
14 service in one or more of the following positions:

- 15 (1) State policeman;
- 16 (2) fire fighter in the fire protection service of  
17 a department;
- 18 (3) air pilot;
- 19 (4) special agent;
- 20 (5) investigator for the Secretary of State;
- 21 (6) conservation police officer;
- 22 (7) investigator for the Department of Revenue;
- 23 (8) security employee of the Department of Human  
24 Services;
- 25 (9) Central Management Services security police  
26 officer;
- 27 (10) security employee of the Department of  
28 Corrections;
- 29 (11) dangerous drugs investigator;
- 30 (12) investigator for the Department of State  
31 Police;
- 32 (13) investigator for the Office of the Attorney  
33 General;
- 34 (14) controlled substance inspector;

- 1 (15) investigator for the Office of the State's
- 2 Attorneys Appellate Prosecutor;
- 3 (16) Commerce Commission police officer;
- 4 (17) arson investigator;
- 5 (18) State highway maintenance worker.

6 A person employed in one of the positions specified in  
7 this subsection is entitled to eligible creditable service  
8 for service credit earned under this Article while undergoing  
9 the basic police training course approved by the Illinois Law  
10 Enforcement Training Standards Board, if completion of that  
11 training is required of persons serving in that position. For  
12 the purposes of this Code, service during the required basic  
13 police training course shall be deemed performance of the  
14 duties of the specified position, even though the person is  
15 not a sworn peace officer at the time of the training.

16 (c) For the purposes of this Section:

17 (1) The term "state policeman" includes any title  
18 or position in the Department of State Police that is  
19 held by an individual employed under the State Police  
20 Act.

21 (2) The term "fire fighter in the fire protection  
22 service of a department" includes all officers in such  
23 fire protection service including fire chiefs and  
24 assistant fire chiefs.

25 (3) The term "air pilot" includes any employee  
26 whose official job description on file in the Department  
27 of Central Management Services, or in the department by  
28 which he is employed if that department is not covered by  
29 the Personnel Code, states that his principal duty is the  
30 operation of aircraft, and who possesses a pilot's  
31 license; however, the change in this definition made by  
32 this amendatory Act of 1983 shall not operate to exclude  
33 any noncovered employee who was an "air pilot" for the  
34 purposes of this Section on January 1, 1984.

1           (4) The term "special agent" means any person who  
2 by reason of employment by the Division of Narcotic  
3 Control, the Bureau of Investigation or, after July 1,  
4 1977, the Division of Criminal Investigation, the  
5 Division of Internal Investigation, the Division of  
6 Operations, or any other Division or organizational  
7 entity in the Department of State Police is vested by law  
8 with duties to maintain public order, investigate  
9 violations of the criminal law of this State, enforce the  
10 laws of this State, make arrests and recover property.  
11 The term "special agent" includes any title or position  
12 in the Department of State Police that is held by an  
13 individual employed under the State Police Act.

14           (5) The term "investigator for the Secretary of  
15 State" means any person employed by the Office of the  
16 Secretary of State and vested with such investigative  
17 duties as render him ineligible for coverage under the  
18 Social Security Act by reason of Sections 218(d)(5)(A),  
19 218(d)(8)(D) and 218(1)(1) of that Act.

20           A person who became employed as an investigator for  
21 the Secretary of State between January 1, 1967 and  
22 December 31, 1975, and who has served as such until  
23 attainment of age 60, either continuously or with a  
24 single break in service of not more than 3 years  
25 duration, which break terminated before January 1, 1976,  
26 shall be entitled to have his retirement annuity  
27 calculated in accordance with subsection (a),  
28 notwithstanding that he has less than 20 years of credit  
29 for such service.

30           (6) The term "Conservation Police Officer" means  
31 any person employed by the Division of Law Enforcement of  
32 the Department of Natural Resources and vested with such  
33 law enforcement duties as render him ineligible for  
34 coverage under the Social Security Act by reason of

1 Sections 218(d)(5)(A), 218(d)(8)(D), and 218(1)(1) of  
2 that Act. The term "Conservation Police Officer"  
3 includes the positions of Chief Conservation Police  
4 Administrator and Assistant Conservation Police  
5 Administrator.

6 (7) The term "investigator for the Department of  
7 Revenue" means any person employed by the Department of  
8 Revenue and vested with such investigative duties as  
9 render him ineligible for coverage under the Social  
10 Security Act by reason of Sections 218(d)(5)(A),  
11 218(d)(8)(D) and 218(1)(1) of that Act.

12 (8) The term "security employee of the Department  
13 of Human Services" means any person employed by the  
14 Department of Human Services who (i) is employed at the  
15 Chester Mental Health Center and has daily contact with  
16 the residents thereof, (ii) is employed within a security  
17 unit at a facility operated by the Department and has  
18 daily contact with the residents of the security unit,  
19 (iii) is employed at a facility operated by the  
20 Department that includes a security unit and is regularly  
21 scheduled to work at least 50% of his or her working  
22 hours within that security unit, or (iv) is a mental  
23 health police officer. "Mental health police officer"  
24 means any person employed by the Department of Human  
25 Services in a position pertaining to the Department's  
26 mental health and developmental disabilities functions  
27 who is vested with such law enforcement duties as render  
28 the person ineligible for coverage under the Social  
29 Security Act by reason of Sections 218(d)(5)(A),  
30 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"  
31 means that portion of a facility that is devoted to the  
32 care, containment, and treatment of persons committed to  
33 the Department of Human Services as sexually violent  
34 persons, persons unfit to stand trial, or persons not

1 guilty by reason of insanity. With respect to past  
2 employment, references to the Department of Human  
3 Services include its predecessor, the Department of  
4 Mental Health and Developmental Disabilities.

5 The changes made to this subdivision (c)(8) by  
6 Public Act 92-14 ~~this-amendatory-Act-of-the-92nd-General~~  
7 ~~Assembly~~ apply to persons who retire on or after January  
8 1, 2001, notwithstanding Section 1-103.1.

9 (9) "Central Management Services security police  
10 officer" means any person employed by the Department of  
11 Central Management Services who is vested with such law  
12 enforcement duties as render him ineligible for coverage  
13 under the Social Security Act by reason of Sections  
14 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

15 (10) The term "security employee of the Department  
16 of Corrections" means any employee of the Department of  
17 Corrections or the former Department of Personnel, and  
18 any member or employee of the Prisoner Review Board, who  
19 has daily contact with inmates by working within a  
20 correctional facility or who is a parole officer or an  
21 employee who has direct contact with committed persons in  
22 the performance of his or her job duties.

23 (11) The term "dangerous drugs investigator" means  
24 any person who is employed as such by the Department of  
25 Human Services.

26 (12) The term "investigator for the Department of  
27 State Police" means a person employed by the Department  
28 of State Police who is vested under Section 4 of the  
29 Narcotic Control Division Abolition Act with such law  
30 enforcement powers as render him ineligible for coverage  
31 under the Social Security Act by reason of Sections  
32 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

33 (13) "Investigator for the Office of the Attorney  
34 General" means any person who is employed as such by the

1 Office of the Attorney General and is vested with such  
2 investigative duties as render him ineligible for  
3 coverage under the Social Security Act by reason of  
4 Sections 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that  
5 Act. For the period before January 1, 1989, the term  
6 includes all persons who were employed as investigators  
7 by the Office of the Attorney General, without regard to  
8 social security status.

9 (14) "Controlled substance inspector" means any  
10 person who is employed as such by the Department of  
11 Professional Regulation and is vested with such law  
12 enforcement duties as render him ineligible for coverage  
13 under the Social Security Act by reason of Sections  
14 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.  
15 The term "controlled substance inspector" includes the  
16 Program Executive of Enforcement and the Assistant  
17 Program Executive of Enforcement.

18 (15) The term "investigator for the Office of the  
19 State's Attorneys Appellate Prosecutor" means a person  
20 employed in that capacity on a full time basis under the  
21 authority of Section 7.06 of the State's Attorneys  
22 Appellate Prosecutor's Act.

23 (16) "Commerce Commission police officer" means any  
24 person employed by the Illinois Commerce Commission who  
25 is vested with such law enforcement duties as render him  
26 ineligible for coverage under the Social Security Act by  
27 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and  
28 218(1)(1) of that Act.

29 (17) "Arson investigator" means any person who is  
30 employed as such by the Office of the State Fire Marshal  
31 and is vested with such law enforcement duties as render  
32 the person ineligible for coverage under the Social  
33 Security Act by reason of Sections 218(d)(5)(A),  
34 218(d)(8)(D), and 218(1)(1) of that Act. A person who

1 was employed as an arson investigator on January 1, 1995  
2 and is no longer in service but not yet receiving a  
3 retirement annuity may convert his or her creditable  
4 service for employment as an arson investigator into  
5 eligible creditable service by paying to the System the  
6 difference between the employee contributions actually  
7 paid for that service and the amounts that would have  
8 been contributed if the applicant were contributing at  
9 the rate applicable to persons with the same social  
10 security status earning eligible creditable service on  
11 the date of application.

12 (18) The term "State highway maintenance worker"  
13 means a person who is either of the following:

14 (i) A person employed on a full-time basis by  
15 the Illinois Department of Transportation in the  
16 position of highway maintainer, highway maintenance  
17 lead worker, highway maintenance lead/lead worker,  
18 heavy construction equipment operator, power shovel  
19 operator, or bridge mechanic; and whose principal  
20 responsibility is to perform, on the roadway, the  
21 actual maintenance necessary to keep the highways  
22 that form a part of the State highway system in  
23 serviceable condition for vehicular traffic.

24 (ii) A person employed on a full-time basis by  
25 the Illinois State Toll Highway Authority in the  
26 position of equipment operator/laborer H-4,  
27 equipment operator/laborer H-6, welder H-4,  
28 welder H-6, mechanical/electrical H-4,  
29 mechanical/electrical H-6, water/sewer H-4,  
30 water/sewer H-6, sign maker/hanger H-4, sign  
31 maker/hanger H-6, roadway lighting H-4, roadway  
32 lighting H-6, structural H-4, structural H-6,  
33 painter H-4, or painter H-6; and whose principal  
34 responsibility is to perform, on the roadway, the

1 actual maintenance necessary to keep the Authority's  
2 tollways in serviceable condition for vehicular  
3 traffic.

4 (d) A security employee of the Department of  
5 Corrections, and a security employee of the Department of  
6 Human Services who is not a mental health police officer,  
7 shall not be eligible for the alternative retirement annuity  
8 provided by this Section unless he or she meets the following  
9 minimum age and service requirements at the time of  
10 retirement:

11 (i) 25 years of eligible creditable service and age  
12 55; or

13 (ii) beginning January 1, 1987, 25 years of  
14 eligible creditable service and age 54, or 24 years of  
15 eligible creditable service and age 55; or

16 (iii) beginning January 1, 1988, 25 years of  
17 eligible creditable service and age 53, or 23 years of  
18 eligible creditable service and age 55; or

19 (iv) beginning January 1, 1989, 25 years of  
20 eligible creditable service and age 52, or 22 years of  
21 eligible creditable service and age 55; or

22 (v) beginning January 1, 1990, 25 years of eligible  
23 creditable service and age 51, or 21 years of eligible  
24 creditable service and age 55; or

25 (vi) beginning January 1, 1991, 25 years of  
26 eligible creditable service and age 50, or 20 years of  
27 eligible creditable service and age 55.

28 Persons who have service credit under Article 16 of this  
29 Code for service as a security employee of the Department of  
30 Corrections or the Department of Human Services in a position  
31 requiring certification as a teacher may count such service  
32 toward establishing their eligibility under the service  
33 requirements of this Section; but such service may be used  
34 only for establishing such eligibility, and not for the

1 purpose of increasing or calculating any benefit.

2 (e) If a member enters military service while working in  
3 a position in which eligible creditable service may be  
4 earned, and returns to State service in the same or another  
5 such position, and fulfills in all other respects the  
6 conditions prescribed in this Article for credit for military  
7 service, such military service shall be credited as eligible  
8 creditable service for the purposes of the retirement annuity  
9 prescribed in this Section.

10 (f) For purposes of calculating retirement annuities  
11 under this Section, periods of service rendered after  
12 December 31, 1968 and before October 1, 1975 as a covered  
13 employee in the position of special agent, conservation  
14 police officer, mental health police officer, or investigator  
15 for the Secretary of State, shall be deemed to have been  
16 service as a noncovered employee, provided that the employee  
17 pays to the System prior to retirement an amount equal to (1)  
18 the difference between the employee contributions that would  
19 have been required for such service as a noncovered employee,  
20 and the amount of employee contributions actually paid, plus  
21 (2) if payment is made after July 31, 1987, regular interest  
22 on the amount specified in item (1) from the date of service  
23 to the date of payment.

24 For purposes of calculating retirement annuities under  
25 this Section, periods of service rendered after December 31,  
26 1968 and before January 1, 1982 as a covered employee in the  
27 position of investigator for the Department of Revenue shall  
28 be deemed to have been service as a noncovered employee,  
29 provided that the employee pays to the System prior to  
30 retirement an amount equal to (1) the difference between the  
31 employee contributions that would have been required for such  
32 service as a noncovered employee, and the amount of employee  
33 contributions actually paid, plus (2) if payment is made  
34 after January 1, 1990, regular interest on the amount

1 specified in item (1) from the date of service to the date of  
2 payment.

3 (g) A State policeman may elect, not later than January  
4 1, 1990, to establish eligible creditable service for up to  
5 10 years of his service as a policeman under Article 3, by  
6 filing a written election with the Board, accompanied by  
7 payment of an amount to be determined by the Board, equal to  
8 (i) the difference between the amount of employee and  
9 employer contributions transferred to the System under  
10 Section 3-110.5, and the amounts that would have been  
11 contributed had such contributions been made at the rates  
12 applicable to State policemen, plus (ii) interest thereon at  
13 the effective rate for each year, compounded annually, from  
14 the date of service to the date of payment.

15 Subject to the limitation in subsection (i), a State  
16 policeman may elect, not later than July 1, 1993, to  
17 establish eligible creditable service for up to 10 years of  
18 his service as a member of the County Police Department under  
19 Article 9, by filing a written election with the Board,  
20 accompanied by payment of an amount to be determined by the  
21 Board, equal to (i) the difference between the amount of  
22 employee and employer contributions transferred to the System  
23 under Section 9-121.10 and the amounts that would have been  
24 contributed had those contributions been made at the rates  
25 applicable to State policemen, plus (ii) interest thereon at  
26 the effective rate for each year, compounded annually, from  
27 the date of service to the date of payment.

28 (h) Subject to the limitation in subsection (i), a State  
29 policeman or investigator for the Secretary of State may  
30 elect to establish eligible creditable service for up to 12  
31 years of his service as a policeman under Article 5, by  
32 filing a written election with the Board on or before January  
33 31, 1992, and paying to the System by January 31, 1994 an  
34 amount to be determined by the Board, equal to (i) the

1 difference between the amount of employee and employer  
2 contributions transferred to the System under Section 5-236,  
3 and the amounts that would have been contributed had such  
4 contributions been made at the rates applicable to State  
5 policemen, plus (ii) interest thereon at the effective rate  
6 for each year, compounded annually, from the date of service  
7 to the date of payment.

8 Subject to the limitation in subsection (i), a State  
9 policeman, conservation police officer, or investigator for  
10 the Secretary of State may elect to establish eligible  
11 creditable service for up to 10 years of service as a  
12 sheriff's law enforcement employee under Article 7, by filing  
13 a written election with the Board on or before January 31,  
14 1993, and paying to the System by January 31, 1994 an amount  
15 to be determined by the Board, equal to (i) the difference  
16 between the amount of employee and employer contributions  
17 transferred to the System under Section 7-139.7, and the  
18 amounts that would have been contributed had such  
19 contributions been made at the rates applicable to State  
20 policemen, plus (ii) interest thereon at the effective rate  
21 for each year, compounded annually, from the date of service  
22 to the date of payment.

23 (i) The total amount of eligible creditable service  
24 established by any person under subsections (g), (h), (j),  
25 (k), and (l) of this Section shall not exceed 12 years.

26 (j) Subject to the limitation in subsection (i), an  
27 investigator for the Office of the State's Attorneys  
28 Appellate Prosecutor or a controlled substance inspector may  
29 elect to establish eligible creditable service for up to 10  
30 years of his service as a policeman under Article 3 or a  
31 sheriff's law enforcement employee under Article 7, by filing  
32 a written election with the Board, accompanied by payment of  
33 an amount to be determined by the Board, equal to (1) the  
34 difference between the amount of employee and employer

1 contributions transferred to the System under Section 3-110.6  
2 or 7-139.8, and the amounts that would have been contributed  
3 had such contributions been made at the rates applicable to  
4 State policemen, plus (2) interest thereon at the effective  
5 rate for each year, compounded annually, from the date of  
6 service to the date of payment.

7 (k) Subject to the limitation in subsection (i) of this  
8 Section, an alternative formula employee may elect to  
9 establish eligible creditable service for periods spent as a  
10 full-time law enforcement officer or full-time corrections  
11 officer employed by the federal government or by a state or  
12 local government located outside of Illinois, for which  
13 credit is not held in any other public employee pension fund  
14 or retirement system. To obtain this credit, the applicant  
15 must file a written application with the Board by March 31,  
16 1998, accompanied by evidence of eligibility acceptable to  
17 the Board and payment of an amount to be determined by the  
18 Board, equal to (1) employee contributions for the credit  
19 being established, based upon the applicant's salary on the  
20 first day as an alternative formula employee after the  
21 employment for which credit is being established and the  
22 rates then applicable to alternative formula employees, plus  
23 (2) an amount determined by the Board to be the employer's  
24 normal cost of the benefits accrued for the credit being  
25 established, plus (3) regular interest on the amounts in  
26 items (1) and (2) from the first day as an alternative  
27 formula employee after the employment for which credit is  
28 being established to the date of payment.

29 (l) Subject to the limitation in subsection (i), a  
30 security employee of the Department of Corrections may elect,  
31 not later than July 1, 1998, to establish eligible creditable  
32 service for up to 10 years of his or her service as a  
33 policeman under Article 3, by filing a written election with  
34 the Board, accompanied by payment of an amount to be

1 determined by the Board, equal to (i) the difference between  
2 the amount of employee and employer contributions transferred  
3 to the System under Section 3-110.5, and the amounts that  
4 would have been contributed had such contributions been made  
5 at the rates applicable to security employees of the  
6 Department of Corrections, plus (ii) interest thereon at the  
7 effective rate for each year, compounded annually, from the  
8 date of service to the date of payment.

9 (Source: P.A. 91-357, eff. 7-29-99; 91-760, eff. 1-1-01;  
10 92-14, eff. 6-28-01; 92-257, eff. 8-6-01; revised 9-10-01.)

11 (40 ILCS 5/14-114) (from Ch. 108 1/2, par. 14-114)

12 Sec. 14-114. Automatic increase in retirement annuity.

13 (a) Any person receiving a retirement annuity under this  
14 Article who retires having attained age 60, or who retires  
15 before age 60 having at least 35 years of creditable service,  
16 or who retires on or after January 1, 2001 at an age which,  
17 when added to the number of years of his or her creditable  
18 service, equals at least 85, shall, on January 1 next  
19 following the first full year of retirement, have the amount  
20 of the then fixed and payable monthly retirement annuity  
21 increased 3%. Any person receiving a retirement annuity  
22 under this Article who retires before attainment of age 60  
23 and with less than (i) 35 years of creditable service if  
24 retirement is before January 1, 2001, or (ii) the number of  
25 years of creditable service which, when added to the member's  
26 age, would equal 85, if retirement is on or after January 1,  
27 2001, shall have the amount of the fixed and payable  
28 retirement annuity increased by 3% on the January 1 occurring  
29 on or next following (1) attainment of age 60, or (2) the  
30 first anniversary of retirement, whichever occurs later.  
31 However, for persons who receive the alternative retirement  
32 annuity under Section 14-110, references in this subsection  
33 (a) to attainment of age 60 shall be deemed to refer to

1 attainment of age 55. For a person receiving early  
2 retirement incentives under Section 14-108.3 whose retirement  
3 annuity began after January 1, 1992 pursuant to an extension  
4 granted under subsection (e) of that Section, the first  
5 anniversary of retirement shall be deemed to be January 1,  
6 1993. For a person who retires on or after June 28, 2001 the  
7 ~~effective-date-of-this-amendatory-Act--of--the--92nd--General~~  
8 ~~Assembly~~ and on or before October 1, 2001 the ~~first-day-of~~  
9 ~~the-fourth-calendar-month-following-the-month-in--which--this~~  
10 ~~amendatory--Act-takes-effect~~, and whose retirement annuity is  
11 calculated, in whole or in part, under Section 14-110 or  
12 subsection (g) or (h) of Section 14-108, the first  
13 anniversary of retirement shall be deemed to be January 1,  
14 2002.

15 On each January 1 following the date of the initial  
16 increase under this subsection, the employee's monthly  
17 retirement annuity shall be increased by an additional 3%.

18 Beginning January 1, 1990, all automatic annual increases  
19 payable under this Section shall be calculated as a  
20 percentage of the total annuity payable at the time of the  
21 increase, including previous increases granted under this  
22 Article.

23 (b) The provisions of subsection (a) of this Section  
24 shall be applicable to an employee only if the employee makes  
25 the additional contributions required after December 31, 1969  
26 for the purpose of the automatic increases for not less than  
27 the equivalent of one full year. If an employee becomes an  
28 annuitant before his additional contributions equal one full  
29 year's contributions based on his salary at the date of  
30 retirement, the employee may pay the necessary balance of the  
31 contributions to the system, without interest, and be  
32 eligible for the increasing annuity authorized by this  
33 Section.

34 (c) The provisions of subsection (a) of this Section

1 shall not be applicable to any annuitant who is on retirement  
2 on December 31, 1969, and thereafter returns to State  
3 service, unless the member has established at least one year  
4 of additional creditable service following reentry into  
5 service.

6 (d) In addition to other increases which may be provided  
7 by this Section, on January 1, 1981 any annuitant who was  
8 receiving a retirement annuity on or before January 1, 1971  
9 shall have his retirement annuity then being paid increased  
10 \$1 per month for each year of creditable service. On January  
11 1, 1982, any annuitant who began receiving a retirement  
12 annuity on or before January 1, 1977, shall have his  
13 retirement annuity then being paid increased \$1 per month for  
14 each year of creditable service.

15 On January 1, 1987, any annuitant who began receiving a  
16 retirement annuity on or before January 1, 1977, shall have  
17 the monthly retirement annuity increased by an amount equal  
18 to 8¢ per year of creditable service times the number of  
19 years that have elapsed since the annuity began.

20 (e) Every person who receives the alternative retirement  
21 annuity under Section 14-110 and who is eligible to receive  
22 the 3% increase under subsection (a) on January 1, 1986,  
23 shall also receive on that date a one-time increase in  
24 retirement annuity equal to the difference between (1) his  
25 actual retirement annuity on that date, including any  
26 increases received under subsection (a), and (2) the amount  
27 of retirement annuity he would have received on that date if  
28 the amendments to subsection (a) made by Public Act 84-162  
29 had been in effect since the date of his retirement.

30 (Source: P.A. 91-927, eff. 12-14-00; 92-14, eff. 6-28-01;  
31 revised 9-10-01.)

32 (40 ILCS 5/16-106) (from Ch. 108 1/2, par. 16-106)

33 Sec. 16-106. Teacher. "Teacher": The following

1 individuals, provided that, for employment prior to July 1,  
2 1990, they are employed on a full-time basis, or if not  
3 full-time, on a permanent and continuous basis in a position  
4 in which services are expected to be rendered for at least  
5 one school term:

6 (1) Any educational, administrative, professional  
7 or other staff employed in the public common schools  
8 included within this system in a position requiring  
9 certification under the law governing the certification  
10 of teachers;

11 (2) Any educational, administrative, professional  
12 or other staff employed in any facility of the Department  
13 of Children and Family Services or the Department of  
14 Human Services, in a position requiring certification  
15 under the law governing the certification of teachers,  
16 and any person who (i) works in such a position for the  
17 Department of Corrections, (ii) was a member of this  
18 System on May 31, 1987, and (iii) did not elect to become  
19 a member of the State Employees' Retirement System  
20 pursuant to Section 14-108.2 of this Code; except that  
21 "teacher" does not include any person who (A) becomes a  
22 security employee of the Department of Human Services, as  
23 defined in Section 14-110, after June 28, 2001 (the  
24 effective date of Public Act 92-14) ~~this-amendatory-Act~~  
25 ~~of-the-92nd-General-Assembly~~, or (B) becomes a member of  
26 the State Employees' Retirement System pursuant to  
27 Section 14-108.2c of this Code;

28 (3) Any regional superintendent of schools,  
29 assistant regional superintendent of schools, State  
30 Superintendent of Education; any person employed by the  
31 State Board of Education as an executive; any executive  
32 of the boards engaged in the service of public common  
33 school education in school districts covered under this  
34 system of which the State Superintendent of Education is

1 an ex-officio member;

2 (4) Any employee of a school board association  
3 operating in compliance with Article 23 of the School  
4 Code who is certificated under the law governing the  
5 certification of teachers;

6 (5) Any person employed by the retirement system  
7 who:

8 (i) was an employee of and a participant in  
9 the system on August 17, 2001 (the effective date of  
10 Public Act 92-416) ~~this-amendatory-Act-of-the-92nd~~  
11 ~~General-Assembly~~, or

12 (ii) becomes an employee of the system on or  
13 after August 17, 2001 ~~the-effective-date-of-this~~  
14 ~~amendatory-Act-of-the-92nd-General-Assembly~~;

15 (6) Any educational, administrative, professional  
16 or other staff employed by and under the supervision and  
17 control of a regional superintendent of schools, provided  
18 such employment position requires the person to be  
19 certificated under the law governing the certification of  
20 teachers and is in an educational program serving 2 or  
21 more districts in accordance with a joint agreement  
22 authorized by the School Code or by federal legislation;

23 (7) Any educational, administrative, professional  
24 or other staff employed in an educational program  
25 serving 2 or more school districts in accordance with a  
26 joint agreement authorized by the School Code or by  
27 federal legislation and in a position requiring  
28 certification under the laws governing the certification  
29 of teachers;

30 (8) Any officer or employee of a statewide teacher  
31 organization or officer of a national teacher  
32 organization who is certified under the law governing  
33 certification of teachers, provided: (i) the individual  
34 had previously established creditable service under this

1 Article, (ii) the individual files with the system an  
2 irrevocable election to become a member, and (iii) the  
3 individual does not receive credit for such service under  
4 any other Article of this Code;

5 (9) Any educational, administrative, professional,  
6 or other staff employed in a charter school operating in  
7 compliance with the Charter Schools Law who is  
8 certificated under the law governing the certification of  
9 teachers.

10 An annuitant receiving a retirement annuity under this  
11 Article or under Article 17 of this Code who is temporarily  
12 employed by a board of education or other employer not  
13 exceeding that permitted under Section 16-118 is not a  
14 "teacher" for purposes of this Article. A person who has  
15 received a single-sum retirement benefit under Section  
16 16-136.4 of this Article is not a "teacher" for purposes of  
17 this Article.

18 (Source: P.A. 92-14, eff. 6-28-01; 92-416, eff. 8-17-01;  
19 revised 10-18-01.)

20 (40 ILCS 5/17-119.1)

21 Sec. 17-119.1. Optional increase in retirement annuity.

22 (a) A member of the Fund may qualify for the augmented  
23 rate under subdivision (b)(3) of Section 17-116 for all years  
24 of creditable service earned before July 1, 1998 by making  
25 the optional contribution specified in subsection (b); except  
26 that a member who retires on or after July 1, 1998 with at  
27 least 30 years of creditable service at retirement qualifies  
28 for the augmented rate without making any contribution under  
29 subsection (b). Any member who retires on or after July 1,  
30 1998 and before the effective date of this amendatory Act of  
31 the 92nd General Assembly with at least 30 years of  
32 creditable service shall be paid a lump sum equal to the  
33 amount he or she would have received under the augmented rate

1 minus the amount he or she actually received. A member may  
2 not elect to qualify for the augmented rate for only a  
3 portion of his or her creditable service earned before July  
4 1, 1998.

5 (b) The contribution shall be an amount equal to 1.0% of  
6 the member's highest salary rate in the 4 consecutive school  
7 years immediately prior to but not including the school year  
8 in which the application occurs, multiplied by the number of  
9 years of creditable service earned by the member before July  
10 1, 1998 or 20, whichever is less. This contribution shall be  
11 reduced by 1.0% of that salary rate for every 3 full years of  
12 creditable service earned by the member after June 30, 1998.  
13 The contribution shall be further reduced at the rate of 25%  
14 of the contribution (as reduced for service after June 30,  
15 1998) for each year of the member's total creditable service  
16 in excess of 34 years. The contribution shall not in any  
17 event exceed 20% of that salary rate.

18 The member shall pay to the Fund the amount of the  
19 contribution as calculated at the time of application under  
20 this Section. The amount of the contribution determined  
21 under this subsection shall be recalculated at the time of  
22 retirement, and if the Fund determines that the amount paid  
23 by the member exceeds the recalculated amount, the Fund shall  
24 refund the difference to the member with regular interest  
25 from the date of payment to the date of refund.

26 The contribution required by this subsection shall be  
27 paid in one of the following ways or in a combination of the  
28 following ways that does not extend over more than 5 years:

29 (i) in a lump sum on or before the date of  
30 retirement;

31 (ii) in substantially equal installments over a  
32 period of time not to exceed 5 years, as a deduction from  
33 salary in accordance with Section 17-130.2;

34 (iii) if the member becomes an annuitant before

1 June 30, 2003, in substantially equal monthly  
2 installments over a 24-month period, by a deduction from  
3 the annuitant's monthly benefit.

4 (c) If the member fails to make the full contribution  
5 under this Section in a timely fashion, the payments made  
6 under this Section shall be refunded to the member, without  
7 interest. If the member dies before making the full  
8 contribution, the payments made under this Section shall be  
9 refunded to the member's designated beneficiary.

10 (d) For purposes of this Section and subsection (b) of  
11 Section 17-116, optional creditable service established by a  
12 member shall be deemed to have been earned at the time of the  
13 employment or other qualifying event upon which the service  
14 is based, rather than at the time the credit was established  
15 in this Fund.

16 (e) The contributions required under this Section are  
17 the responsibility of the teacher and not the teacher's  
18 employer. However, an employer of teachers may ~~say~~, after  
19 the effective date of this amendatory Act of 1998,  
20 specifically agree, through collective bargaining or  
21 otherwise, to make the contributions required by this Section  
22 on behalf of those teachers.

23 (Source: P.A. 91-17, eff. 6-4-99; 92-416, eff. 8-17-01;  
24 revised 10-4-01.)

25 Section 32. The Counties Code is amended by changing  
26 Sections 5-1083 and 5-1098 as follows:

27 (55 ILCS 5/5-1083) (from Ch. 34, par. 5-1083)

28 Sec. 5-1083. Purchase or lease of property. A county  
29 board may purchase or lease any real estate or personal  
30 property for public purposes under contracts providing for  
31 payment in installments over a period of time of not more  
32 than 20 years in the case of real estate, and not more than

1 10 years in the case of personal property, with interest on  
2 the unpaid balance owing not to exceed the maximum rate  
3 authorized by the Bond Authorization Act, as amended at the  
4 time of the making of the contract. The indebtedness  
5 incurred under this Section when aggregated with existing  
6 indebtedness may not exceed the debt limits provided in  
7 Section 5-1012 ~~5-1008~~.

8 With respect to instruments for the payment of money  
9 issued under this Section or its predecessor either before,  
10 on, or after the effective date of Public Act 86-4, it is and  
11 always has been the intention of the General Assembly (i)  
12 that the Omnibus Bond Acts are and always have been  
13 supplementary grants of power to issue instruments in  
14 accordance with the Omnibus Bond Acts, regardless of any  
15 provision of this Act or "An Act to revise the law in  
16 relation to counties", approved March 31, 1874, that may  
17 appear to be or to have been more restrictive than those  
18 Acts, (ii) that the provisions of this Section or its  
19 predecessor are not a limitation on the supplementary  
20 authority granted by the Omnibus Bond Acts, and (iii) that  
21 instruments issued under this Section or its predecessor  
22 within the supplementary authority granted by the Omnibus  
23 Bond Acts are not invalid because of any provision of this  
24 Act or "An Act to revise the law in relation to counties",  
25 approved March 31, 1874, that may appear to be or to have  
26 been more restrictive than those Acts.

27 (Source: P.A. 86-962; 86-1028; revised 12-13-01.)

28 (55 ILCS 5/5-1098) (from Ch. 34, par. 5-1098)

29 Sec. 5-1098. Cooperation with Department on Aging. A  
30 county board may cooperate with the Department on Aging,  
31 created by the "Illinois Act on the Aging", and appropriate  
32 county funds and provide in kind services to assist such  
33 department in carrying out its programs.

1 (Source: P.A. 86-962; revised 12-07-01.)

2 Section 33. The Township Code is amended by changing  
3 Section 35-55 as follows:

4 (60 ILCS 1/35-55)

5 Sec. 35-55. Senior citizens services; authorization of  
6 tax levy.

7 (a) The electors may authorize the township board to  
8 levy a tax (at a rate of not more than 0.15% of the value, as  
9 equalized and assessed by the Department of Revenue, of all  
10 taxable property in the township) for the sole and exclusive  
11 purpose of providing services to senior citizens under  
12 Article 220 270. If the board desires to levy the tax, it  
13 shall order a referendum on the proposition to be held at an  
14 election in accordance with the general election law. The  
15 board shall certify the proposition to the proper election  
16 officials, who shall submit the proposition to the voters at  
17 an election in accordance with the general election law. If a  
18 majority of the votes cast on the proposition is in favor of  
19 the proposition, the board may annually levy the tax.

20 (b) If the township board of any township authorized to  
21 levy a tax under this Section pursuant to a referendum held  
22 before January 1, 1987, desires to increase the maximum rate  
23 of the tax to 0.15% of the value, as equalized and assessed  
24 by the Department of Revenue, of all taxable property in the  
25 township, it shall order a referendum on that proposition to  
26 be held at an election in accordance with the general  
27 election law. The board shall certify the proposition to the  
28 proper election officials, who shall submit the proposition  
29 to the voters at an election in accordance with the general  
30 election law. If a majority of the votes cast on the  
31 proposition is in favor of the proposition, the maximum tax  
32 rate shall be so increased.

1 (Source: P.A. 85-742; 88-62; revised 12-13-01.)

2 Section 34. The Illinois Municipal Code is amended by  
3 changing Sections 3.1-20-10, 3.1-55-10, 11-73-2, 11-74.4-3,  
4 11-74.4-7, and 11-95-7 and renumbering Section 11-21.1-5 as  
5 follows:

6 (65 ILCS 5/3.1-20-10) (from Ch. 24, par. 3.1-20-10)

7 Sec. 3.1-20-10. Aldermen; number. Except as otherwise  
8 provided in Section 3.1-20-20 or as otherwise provided in the  
9 case of aldermen-at-large, the number of aldermen, when not  
10 elected by the minority representation plan, shall be as  
11 follows: in cities not exceeding 3,000 inhabitants, 6  
12 aldermen; exceeding 3,000 but not exceeding 15,000, 8  
13 aldermen; exceeding 15,000 but not exceeding 20,000, 10  
14 aldermen; exceeding 20,000 but not exceeding 50,000, 14  
15 aldermen; exceeding 50,000 but not exceeding 70,000, 16  
16 aldermen; exceeding 70,000 but not exceeding 90,000, 18  
17 aldermen alderman; and from 90,000 to 500,000, 20 aldermen  
18 ~~alderman. Except--as--otherwise--provided--in--the--case--of~~  
19 ~~aldermen-at-large.~~ No redistricting shall be required in  
20 order to reduce the number of aldermen in order to comply  
21 with this Section.

22 (Source: P.A. 87-1119; revised 12-04-01.)

23 (65 ILCS 5/3.1-55-10)

24 Sec. 3.1-55-10. Interests in contracts.

25 (a) A municipal officer shall not be financially  
26 interested directly in the officer's own name or indirectly  
27 in the name of any other person, association, trust, or  
28 corporation, in any contract, work, or business of the  
29 municipality or in the sale of any article whenever the  
30 expense, price, or consideration of the contract, work,  
31 business, or sale is paid either from the treasury or by an

1 assessment levied by statute or ordinance. A municipal  
2 officer shall not be interested, directly or indirectly, in  
3 the purchase of any property that (i) belongs to the  
4 municipality, (ii) is sold for taxes or assessments, or (iii)  
5 is sold by virtue of legal process at the suit of the  
6 municipality. For the purposes of this Section only,  
7 however, a municipal officer shall not be deemed interested  
8 if the officer is an employee of a company or owns or holds  
9 an interest of 1% or less in the municipal officer's  
10 individual name in a company, or both, that company is  
11 involved in the transaction of business with the  
12 municipality, and that company's stock is traded on a  
13 nationally recognized securities market, provided the  
14 interested member (i) publicly discloses the fact that he or  
15 she is an employee or holds an interest of 1% or ~~of~~ less in a  
16 company before deliberation of the proposed award of the  
17 contract; (ii) refrains from evaluating, recommending,  
18 approving, deliberating, or otherwise participating in the  
19 negotiation, approval, or both, of the contract, work, or  
20 business; (iii) abstains from voting on the award of the  
21 contract though he or she shall be considered present for  
22 purposes of establishing a quorum; and (iv) the contract is  
23 approved by a majority vote of those members currently  
24 holding office.

25 A municipal officer shall not be deemed interested if the  
26 officer owns or holds an interest of 1% or less, not in the  
27 officer's individual name but through a mutual fund, in a  
28 company, that company is involved in the transaction of  
29 business with the municipality, and that company's stock is  
30 traded on a nationally recognized securities market.

31 This Section does not prohibit any person serving on a  
32 municipal advisory panel or commission or nongoverning board  
33 or commission from having an interest in a contract, work, or  
34 business of the municipality unless the municipal officer's

1 duties include evaluating, recommending, approving, or voting  
2 to recommend or approve the contract, work, or business.

3 (b) Any elected or appointed member of the governing  
4 body may, however, provide materials, merchandise, property,  
5 services, or labor, subject to the following provisions under  
6 either (1) or (2):

7 (1) If:

8 (A) the contract is with a person, firm,  
9 partnership, association, corporation, or cooperative  
10 association in which the interested member of the  
11 governing body of the municipality member has less than a  
12 7 1/2% share in the ownership;

13 (B) the interested member publicly discloses the  
14 nature and extent of the interest before or during  
15 deliberations concerning the proposed award of the  
16 contract;

17 (C) the interested member abstains from voting on  
18 the award of the contract (though the member shall be  
19 considered present for the purposes of establishing a  
20 quorum);

21 (D) the contract is approved by a majority vote of  
22 those members presently holding office;

23 (E) the contract is awarded after sealed bids to  
24 the lowest responsible bidder if the amount of the  
25 contract exceeds \$1,500 (but the contract may be awarded  
26 without bidding if the amount is less than \$1,500); and

27 (F) the award of the contract would not cause the  
28 aggregate amount of all contracts so awarded to the same  
29 person, firm, association, partnership, corporation, or  
30 cooperative association in the same fiscal year to exceed  
31 \$25,000.

32 (2) If:

33 (A) the award of the contract is approved by a  
34 majority vote of the governing body of the municipality

1 (provided that the interested member shall abstain from  
2 voting);

3 (B) the amount of the contract does not exceed  
4 \$2,000;

5 (C) the award of the contract would not cause the  
6 aggregate amount of all contracts so awarded to the same  
7 person, firm, association, partnership, corporation, or  
8 cooperative association in the same fiscal year to exceed  
9 \$4,000;

10 (D) the interested member publicly discloses the  
11 nature and extent of his interest before or during  
12 deliberations concerning the proposed award of the  
13 contract; and

14 (E) the interested member abstains from voting on  
15 the award of the contract (though the member shall be  
16 considered present for the purposes of establishing a  
17 quorum).

18 (b-5) In addition to the above exemptions, any elected  
19 or appointed member of the governing body may provide  
20 materials, merchandise, property, services, or labor if:

21 (1) the contract is with a person, firm,  
22 partnership, association, corporation, or cooperative  
23 association in which the interested member of the  
24 governing body of the municipality, advisory panel, or  
25 commission has less than a 1% share in the ownership; and

26 (2) the award of the contract is approved by a  
27 majority vote of the governing body of the municipality  
28 provided that any such interested member shall abstain  
29 from voting; and

30 (3) such interested member publicly discloses the  
31 nature and extent of his interest before or during  
32 deliberations concerning the proposed award of the  
33 contract; and

34 (4) such interested member abstains from voting on

1 the award of the contract, though he shall be considered  
2 present for the purposes of establishing a quorum.

3 (c) A contract for the procurement of public utility  
4 services by a municipality with a public utility company is  
5 not barred by this Section by one or more members of the  
6 governing body being an officer or employee of the public  
7 utility company, or holding an ownership interest in no more  
8 than 7 1/2% in the public utility company, or holding an  
9 ownership interest of any size if the municipality has a  
10 population of less than 7,500 and the public utility's rates  
11 are approved by the Illinois Commerce Commission. An elected  
12 or appointed member of the governing body or a nongoverning  
13 board or commission having an interest described in this  
14 subsection (d) does not have a prohibited interest under this  
15 Section.

16 (d) An officer who violates this Section is guilty of a  
17 Class 4 felony. In addition, any office held by an officer  
18 so convicted shall become vacant and shall be so declared as  
19 part of the judgment of the court.

20 (e) Nothing contained in this Section, including the  
21 restrictions set forth in subsections (b) and (c), shall  
22 preclude a contract of deposit of moneys, loans, or other  
23 financial services by a municipality with a local bank or  
24 local savings and loan association, regardless of whether a  
25 member of the governing body of the municipality is  
26 interested in the bank or savings and loan association as an  
27 officer or employee or as a holder of less than 7 1/2% of the  
28 total ownership interest. A member holding an interest  
29 described in this subsection (e) in a contract does not hold  
30 a prohibited interest for purposes of this Act. The  
31 interested member of the governing body must publicly state  
32 the nature and extent of the interest during deliberations  
33 concerning the proposed award of the contract but shall not  
34 participate in any further deliberations concerning the

1 proposed award. The interested member shall not vote on the  
2 proposed award. A member abstaining from participation in  
3 deliberations and voting under this Section may be considered  
4 present for purposes of establishing a quorum. Award of the  
5 contract shall require approval by a majority vote of those  
6 members presently holding office. Consideration and award of  
7 a contract in which a member is interested may only be made  
8 at a regularly scheduled public meeting of the governing body  
9 of the municipality.

10 (f) Notwithstanding any other provision of this Section  
11 or any other law to the contrary, until January 1, 1994, a  
12 member of the city council of a municipality with a  
13 population under 20,000 may purchase real estate from the  
14 municipality, at a price of not less than 100% of the value  
15 of the real estate as determined by a written MAI certified  
16 appraisal or by a written certified appraisal of a State  
17 certified or licensed real estate appraiser, if the purchase  
18 is approved by a unanimous vote of the city council members  
19 then holding office (except for the member desiring to  
20 purchase the real estate, who shall not vote on the  
21 question).

22 (Source: P.A. 90-364, eff. 1-1-98; revised 12-13-01.)

23 (65 ILCS 5/11-21.5-5)

24 Sec. 11-21.5-5. ~~11-21.1-5~~. Local emergency energy plans.

25 (a) Any municipality, including a home rule  
26 municipality, may, by ordinance, require any electric utility  
27 (i) that serves more than 1,000,000 customers in Illinois and  
28 (ii) that is operating within the corporate limits of the  
29 municipality to adopt and to provide the municipality with a  
30 local emergency energy plan. For the purposes of this  
31 Section, (i) "local emergency energy plan" or "plan" means a  
32 planned course of action developed by the electric utility  
33 that is implemented when the demand for electricity exceeds,

1 or is at significant risk of exceeding, the supply of  
2 electricity available to the electric utility and (ii) "local  
3 emergency energy plan ordinance" means an ordinance adopted  
4 by the corporate authorities of the municipality under this  
5 Section that requires local emergency energy plans.

6 (b) A local emergency energy plan must include the  
7 following information:

8 (1) the circumstances that would require the  
9 implementation of the plan;

10 (2) the levels or stages of the plan;

11 (3) the approximate geographic limits of each  
12 outage area provided for in the plan;

13 (4) the approximate number of customers within each  
14 outage area provided for in the plan;

15 (5) any police facilities, fire stations,  
16 hospitals, nursing homes, schools, day care centers,  
17 senior citizens centers, community health centers,  
18 dialysis centers, community mental health centers,  
19 correctional facilities, stormwater and wastewater  
20 treatment or pumping facilities, water-pumping stations,  
21 buildings in excess of 80 feet in height that have been  
22 identified by the municipality, and persons on life  
23 support systems that are known to the electric utility  
24 that could be affected by controlled rotating  
25 interruptions of electric service under the plan; and

26 (6) the anticipated sequence and duration of  
27 intentional interruptions of electric service to each  
28 outage area under the plan.

29 (c) A local emergency energy plan ordinance may require  
30 that, when an electric utility determines it is necessary to  
31 implement a controlled rotating interruption of electric  
32 service because the demand for electricity exceeds, or is at  
33 significant risk of exceeding, the supply of electricity  
34 available to the electric utility, the electric utility

1 notify a designated municipal officer that the electric  
2 utility will be implementing its local emergency energy plan.  
3 The notification shall be made pursuant to a procedure  
4 approved by the municipality after consultation with the  
5 electric utility.

6 (d) After providing the notice required in subsection  
7 (c), an electric utility shall reasonably and separately  
8 advise designated municipal officials before it implements  
9 each level or stage of the plan, which shall include (i) a  
10 request for emergency help from neighboring utilities, (ii) a  
11 declaration of a control area emergency, and (iii) a public  
12 appeal for voluntary curtailment of electricity use.

13 (e) The electric utility must give a separate notice to  
14 a designated municipal official immediately after it  
15 determines that there will be a controlled rotating  
16 interruption of electric service under the local emergency  
17 energy plan. The notification must include (i) the areas in  
18 which service will be interrupted, (ii) the sequence and  
19 estimated duration of the service outage for each area, (iii)  
20 the affected feeders, and (iv) the number of affected  
21 customers in each area. Whenever practical, the notification  
22 shall be made at least 2 hours before the time of the  
23 outages. If the electric utility is aware that controlled  
24 rotating interruptions may be required, the notification may  
25 not be made less than 30 minutes before the outages.

26 (f) A local emergency energy plan ordinance may provide  
27 civil penalties for violations of its provisions. The  
28 penalties must be permitted under the Illinois Municipal  
29 Code.

30 (g) The notifications required by this Section are in  
31 addition to the notification requirements of any applicable  
32 franchise agreement or ordinance and to the notification  
33 requirements of any applicable federal or State law, rule,  
34 and regulation.

1 (h) Except for any penalties or remedies that may be  
 2 provided in a local emergency energy plan ordinance, in this  
 3 Act, or in rules adopted by the Illinois Commerce Commission,  
 4 nothing in this Section shall be construed to impose  
 5 liability for or prevent a utility from taking any actions  
 6 that are necessary at any time, in any order, and with or  
 7 without notice that are required to preserve the integrity of  
 8 the electric utility's electrical system and interconnected  
 9 network.

10 (i) Nothing in this Section, a local emergency energy  
 11 plan ordinance, or a local emergency energy plan creates any  
 12 duty of a municipality to any person or entity. No  
 13 municipality may be subject to any claim or cause of action  
 14 arising, directly or indirectly, from its decision to adopt  
 15 or to refrain from adopting a local emergency energy plan  
 16 ordinance. No municipality may be subject to any claim or  
 17 cause of action arising, directly or indirectly, from any act  
 18 or omission under the terms of or information provided in a  
 19 local emergency energy plan filed under a local emergency  
 20 energy plan ordinance.

21 (Source: P.A. 91-137, eff. 7-16-99; revised 12-13-01.)

22 (65 ILCS 5/11-73-2) (from Ch. 24, par. 11-73-2)

23 Sec. 11-73-2. This Division 73 shall not be in force in  
 24 any municipality until the question of its adoption is  
 25 submitted to the electors of the municipality and approved by  
 26 a majority of those voting on the question. The municipal  
 27 clerk shall certify the question to the proper election  
 28 authority shall submit the question at an ~~at~~ a election in  
 29 accordance with the general election law.

30 The question shall be in substantially the following  
 31 form:

32 -----

33 Shall Division 73 of the

1 Illinois Municipal Code permitting  
 2 municipalities to levy an additional YES  
 3 annual tax of not to exceed 0.05% ~~05%~~  
 4 for the establishment and maintenance -----  
 5 of a long term forestry program  
 6 for the propagation and preservation NO  
 7 of community trees and for the removal  
 8 of dead or diseased trees be adopted?  
 9 -----

10 If a majority of the votes cast on the question are in  
 11 favor of adopting this Division 73, the Division is adopted.  
 12 It shall be in force in the adopting municipality for the  
 13 purpose of the fiscal years succeeding the year in which the  
 14 election is held.

15 (Source: P.A. 81-1489; revised 12-13-01.)

16 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)  
 17 Sec. 11-74.4-3. Definitions. The following terms,  
 18 wherever used or referred to in this Division 74.4 shall have  
 19 the following respective meanings, unless in any case a  
 20 different meaning clearly appears from the context.

21 (a) For any redevelopment project area that has been  
 22 designated pursuant to this Section by an ordinance adopted  
 23 prior to November 1, 1999 (the effective date of Public Act  
 24 91-478), "blighted area" shall have the meaning set forth in  
 25 this Section prior to that date.

26 On and after November 1, 1999, "blighted area" means any  
 27 improved or vacant area within the boundaries of a  
 28 redevelopment project area located within the territorial  
 29 limits of the municipality where:

30 (1) If improved, industrial, commercial, and  
 31 residential buildings or improvements are detrimental to  
 32 the public safety, health, or welfare because of a  
 33 combination of 5 or more of the following factors, each

1 of which is (i) present, with that presence documented,  
2 to a meaningful extent so that a municipality may  
3 reasonably find that the factor is clearly present within  
4 the intent of the Act and (ii) reasonably distributed  
5 throughout the improved part of the redevelopment project  
6 area:

7 (A) Dilapidation. An advanced state of  
8 disrepair or neglect of necessary repairs to the  
9 primary structural components of buildings or  
10 improvements in such a combination that a documented  
11 building condition analysis determines that major  
12 repair is required or the defects are so serious and  
13 so extensive that the buildings must be removed.

14 (B) Obsolescence. The condition or process of  
15 falling into disuse. Structures have become  
16 ill-suited for the original use.

17 (C) Deterioration. With respect to buildings,  
18 defects including, but not limited to, major defects  
19 in the secondary building components such as doors,  
20 windows, porches, gutters and downspouts, and  
21 fascia. With respect to surface improvements, that  
22 the condition of roadways, alleys, curbs, gutters,  
23 sidewalks, off-street parking, and surface storage  
24 areas evidence deterioration, including, but not  
25 limited to, surface cracking, crumbling, potholes,  
26 depressions, loose paving material, and weeds  
27 protruding through paved surfaces.

28 (D) Presence of structures below minimum code  
29 standards. All structures that do not meet the  
30 standards of zoning, subdivision, building, fire,  
31 and other governmental codes applicable to property,  
32 but not including housing and property maintenance  
33 codes.

34 (E) Illegal use of individual structures. The

1 use of structures in violation of applicable  
2 federal, State, or local laws, exclusive of those  
3 applicable to the presence of structures below  
4 minimum code standards.

5 (F) Excessive vacancies. The presence of  
6 buildings that are unoccupied or under-utilized and  
7 that represent an adverse influence on the area  
8 because of the frequency, extent, or duration of the  
9 vacancies.

10 (G) Lack of ventilation, light, or sanitary  
11 facilities. The absence of adequate ventilation for  
12 light or air circulation in spaces or rooms without  
13 windows, or that require the removal of dust, odor,  
14 gas, smoke, or other noxious airborne materials.  
15 Inadequate natural light and ventilation means the  
16 absence of skylights or windows for interior spaces  
17 or rooms and improper window sizes and amounts by  
18 room area to window area ratios. Inadequate  
19 sanitary facilities refers to the absence or  
20 inadequacy of garbage storage and enclosure,  
21 bathroom facilities, hot water and kitchens, and  
22 structural inadequacies preventing ingress and  
23 egress to and from all rooms and units within a  
24 building.

25 (H) Inadequate utilities. Underground and  
26 overhead utilities such as storm sewers and storm  
27 drainage, sanitary sewers, water lines, and gas,  
28 telephone, and electrical services that are shown to  
29 be inadequate. Inadequate utilities are those that  
30 are: (i) of insufficient capacity to serve the uses  
31 in the redevelopment project area, (ii)  
32 deteriorated, antiquated, obsolete, or in disrepair,  
33 or (iii) lacking within the redevelopment project  
34 area.

1           (I) Excessive land coverage and overcrowding  
2           of structures and community facilities. The  
3           over-intensive use of property and the crowding of  
4           buildings and accessory facilities onto a site.  
5           Examples of problem conditions warranting the  
6           designation of an area as one exhibiting excessive  
7           land coverage are: (i) the presence of buildings  
8           either improperly situated on parcels or located on  
9           parcels of inadequate size and shape in relation to  
10          present-day standards of development for health and  
11          safety and (ii) the presence of multiple buildings  
12          on a single parcel. For there to be a finding of  
13          excessive land coverage, these parcels must exhibit  
14          one or more of the following conditions:  
15          insufficient provision for light and air within or  
16          around buildings, increased threat of spread of fire  
17          due to the close proximity of buildings, lack of  
18          adequate or proper access to a public right-of-way,  
19          lack of reasonably required off-street parking, or  
20          inadequate provision for loading and service.

21          (J) Deleterious land use or layout. The  
22          existence of incompatible land-use relationships,  
23          buildings occupied by inappropriate mixed-uses, or  
24          uses considered to be noxious, offensive, or  
25          unsuitable for the surrounding area.

26          (K) Environmental clean-up. The proposed  
27          redevelopment project area has incurred Illinois  
28          Environmental Protection Agency or United States  
29          Environmental Protection Agency remediation costs  
30          for, or a study conducted by an independent  
31          consultant recognized as having expertise in  
32          environmental remediation has determined a need for,  
33          the clean-up of hazardous waste, hazardous  
34          substances, or underground storage tanks required by

1 State or federal law, provided that the remediation  
2 costs constitute a material impediment to the  
3 development or redevelopment of the redevelopment  
4 project area.

5 (L) Lack of community planning. The proposed  
6 redevelopment project area was developed prior to or  
7 without the benefit or guidance of a community plan.  
8 This means that the development occurred prior to  
9 the adoption by the municipality of a comprehensive  
10 or other community plan or that the plan was not  
11 followed at the time of the area's development.  
12 This factor must be documented by evidence of  
13 adverse or incompatible land-use relationships,  
14 inadequate street layout, improper subdivision,  
15 parcels of inadequate shape and size to meet  
16 contemporary development standards, or other  
17 evidence demonstrating an absence of effective  
18 community planning.

19 (M) The total equalized assessed value of the  
20 proposed redevelopment project area has declined for  
21 3 of the last 5 calendar years prior to the year in  
22 which the redevelopment project area is designated  
23 or is increasing at an annual rate that is less than  
24 the balance of the municipality for 3 of the last 5  
25 calendar years for which information is available or  
26 is increasing at an annual rate that is less than  
27 the Consumer Price Index for All Urban Consumers  
28 published by the United States Department of Labor  
29 or successor agency for 3 of the last 5 calendar  
30 years prior to the year in which the redevelopment  
31 project area is designated.

32 (2) If vacant, the sound growth of the  
33 redevelopment project area is impaired by a combination  
34 of 2 or more of the following factors, each of which is

1 (i) present, with that presence documented, to a  
2 meaningful extent so that a municipality may reasonably  
3 find that the factor is clearly present within the intent  
4 of the Act and (ii) reasonably distributed throughout the  
5 vacant part of the redevelopment project area to which it  
6 pertains:

7 (A) Obsolete platting of vacant land that  
8 results in parcels of limited or narrow size or  
9 configurations of parcels of irregular size or shape  
10 that would be difficult to develop on a planned  
11 basis and in a manner compatible with contemporary  
12 standards and requirements, or platting that failed  
13 to create rights-of-ways for streets or alleys or  
14 that created inadequate right-of-way widths for  
15 streets, alleys, or other public rights-of-way or  
16 that omitted easements for public utilities.

17 (B) Diversity of ownership of parcels of  
18 vacant land sufficient in number to retard or impede  
19 the ability to assemble the land for development.

20 (C) Tax and special assessment delinquencies  
21 exist or the property has been the subject of tax  
22 sales under the Property Tax Code within the last 5  
23 years.

24 (D) Deterioration of structures or site  
25 improvements in neighboring areas adjacent to the  
26 vacant land.

27 (E) The area has incurred Illinois  
28 Environmental Protection Agency or United States  
29 Environmental Protection Agency remediation costs  
30 for, or a study conducted by an independent  
31 consultant recognized as having expertise in  
32 environmental remediation has determined a need for,  
33 the clean-up of hazardous waste, hazardous  
34 substances, or underground storage tanks required by

1 State or federal law, provided that the remediation  
 2 costs constitute a material impediment to the  
 3 development or redevelopment of the redevelopment  
 4 project area.

5 (F) The total equalized assessed value of the  
 6 proposed redevelopment project area has declined for  
 7 3 of the last 5 calendar years prior to the year in  
 8 which the redevelopment project area is designated  
 9 or is increasing at an annual rate that is less than  
 10 the balance of the municipality for 3 of the last 5  
 11 calendar years for which information is available or  
 12 is increasing at an annual rate that is less than  
 13 the Consumer Price Index for All Urban Consumers  
 14 published by the United States Department of Labor  
 15 or successor agency for 3 of the last 5 calendar  
 16 years prior to the year in which the redevelopment  
 17 project area is designated.

18 (3) If vacant, the sound growth of the  
 19 redevelopment project area is impaired by one of the  
 20 following factors that (i) is present, with that presence  
 21 documented, to a meaningful extent so that a municipality  
 22 may reasonably find that the factor is clearly present  
 23 within the intent of the Act and (ii) is reasonably  
 24 distributed throughout the vacant part of the  
 25 redevelopment project area to which it pertains:

26 (A) The area consists of one or more unused  
 27 quarries, mines, or strip mine ponds.

28 (B) The area consists of unused railyards,  
 29 rail tracks, or railroad rights-of-way.

30 (C) The area, prior to its designation, is  
 31 subject to chronic flooding that adversely impacts  
 32 on real property in the area as certified by a  
 33 registered professional engineer or appropriate  
 34 regulatory agency.

1           (D) The area consists of an unused or illegal  
2 disposal site containing earth, stone, building  
3 debris, or similar materials that were removed from  
4 construction, demolition, excavation, or dredge  
5 sites.

6           (E) Prior to November 1, 1999, the area is not  
7 less than 50 nor more than 100 acres and 75% of  
8 which is vacant (notwithstanding that the area has  
9 been used for commercial agricultural purposes  
10 within 5 years prior to the designation of the  
11 redevelopment project area), and the area meets at  
12 least one of the factors itemized in paragraph (1)  
13 of this subsection, the area has been designated as  
14 a town or village center by ordinance or  
15 comprehensive plan adopted prior to January 1, 1982,  
16 and the area has not been developed for that  
17 designated purpose.

18           (F) The area qualified as a blighted improved  
19 area immediately prior to becoming vacant, unless  
20 there has been substantial private investment in the  
21 immediately surrounding area.

22           (b) For any redevelopment project area that has been  
23 designated pursuant to this Section by an ordinance adopted  
24 prior to November 1, 1999 (the effective date of Public Act  
25 91-478), "conservation area" shall have the meaning set forth  
26 in this Section prior to that date.

27           On and after November 1, 1999, "conservation area" means  
28 any improved area within the boundaries of a redevelopment  
29 project area located within the territorial limits of the  
30 municipality in which 50% or more of the structures in the  
31 area have an age of 35 years or more. Such an area is not  
32 yet a blighted area but because of a combination of 3 or more  
33 of the following factors is detrimental to the public safety,  
34 health, morals or welfare and such an area may become a

1 blighted area:

2 (1) Dilapidation. An advanced state of disrepair  
3 or neglect of necessary repairs to the primary structural  
4 components of buildings or improvements in such a  
5 combination that a documented building condition analysis  
6 determines that major repair is required or the defects  
7 are so serious and so extensive that the buildings must  
8 be removed.

9 (2) Obsolescence. The condition or process of  
10 falling into disuse. Structures have become ill-suited  
11 for the original use.

12 (3) Deterioration. With respect to buildings,  
13 defects including, but not limited to, major defects in  
14 the secondary building components such as doors, windows,  
15 porches, gutters and downspouts, and fascia. With  
16 respect to surface improvements, that the condition of  
17 roadways, alleys, curbs, gutters, sidewalks, off-street  
18 parking, and surface storage areas evidence  
19 deterioration, including, but not limited to, surface  
20 cracking, crumbling, potholes, depressions, loose paving  
21 material, and weeds protruding through paved surfaces.

22 (4) Presence of structures below minimum code  
23 standards. All structures that do not meet the standards  
24 of zoning, subdivision, building, fire, and other  
25 governmental codes applicable to property, but not  
26 including housing and property maintenance codes.

27 (5) Illegal use of individual structures. The use  
28 of structures in violation of applicable federal, State,  
29 or local laws, exclusive of those applicable to the  
30 presence of structures below minimum code standards.

31 (6) Excessive vacancies. The presence of buildings  
32 that are unoccupied or under-utilized and that represent  
33 an adverse influence on the area because of the  
34 frequency, extent, or duration of the vacancies.

1           (7) Lack of ventilation, light, or sanitary  
2 facilities. The absence of adequate ventilation for  
3 light or air circulation in spaces or rooms without  
4 windows, or that require the removal of dust, odor, gas,  
5 smoke, or other noxious airborne materials. Inadequate  
6 natural light and ventilation means the absence or  
7 inadequacy of skylights or windows for interior spaces or  
8 rooms and improper window sizes and amounts by room area  
9 to window area ratios. Inadequate sanitary facilities  
10 refers to the absence or inadequacy of garbage storage  
11 and enclosure, bathroom facilities, hot water and  
12 kitchens, and structural inadequacies preventing ingress  
13 and egress to and from all rooms and units within a  
14 building.

15           (8) Inadequate utilities. Underground and overhead  
16 utilities such as storm sewers and storm drainage,  
17 sanitary sewers, water lines, and gas, telephone, and  
18 electrical services that are shown to be inadequate.  
19 Inadequate utilities are those that are: (i) of  
20 insufficient capacity to serve the uses in the  
21 redevelopment project area, (ii) deteriorated,  
22 antiquated, obsolete, or in disrepair, or (iii) lacking  
23 within the redevelopment project area.

24           (9) Excessive land coverage and overcrowding of  
25 structures and community facilities. The over-intensive  
26 use of property and the crowding of buildings and  
27 accessory facilities onto a site. Examples of problem  
28 conditions warranting the designation of an area as one  
29 exhibiting excessive land coverage are: the presence of  
30 buildings either improperly situated on parcels or  
31 located on parcels of inadequate size and shape in  
32 relation to present-day standards of development for  
33 health and safety and the presence of multiple buildings  
34 on a single parcel. For there to be a finding of

1 excessive land coverage, these parcels must exhibit one  
2 or more of the following conditions: insufficient  
3 provision for light and air within or around buildings,  
4 increased threat of spread of fire due to the close  
5 proximity of buildings, lack of adequate or proper access  
6 to a public right-of-way, lack of reasonably required  
7 off-street parking, or inadequate provision for loading  
8 and service.

9 (10) Deleterious land use or layout. The existence  
10 of incompatible land-use relationships, buildings  
11 occupied by inappropriate mixed-uses, or uses considered  
12 to be noxious, offensive, or unsuitable for the  
13 surrounding area.

14 (11) Lack of community planning. The proposed  
15 redevelopment project area was developed prior to or  
16 without the benefit or guidance of a community plan. This  
17 means that the development occurred prior to the adoption  
18 by the municipality of a comprehensive or other community  
19 plan or that the plan was not followed at the time of the  
20 area's development. This factor must be documented by  
21 evidence of adverse or incompatible land-use  
22 relationships, inadequate street layout, improper  
23 subdivision, parcels of inadequate shape and size to meet  
24 contemporary development standards, or other evidence  
25 demonstrating an absence of effective community planning.

26 (12) The area has incurred Illinois Environmental  
27 Protection Agency or United States Environmental  
28 Protection Agency remediation costs for, or a study  
29 conducted by an independent consultant recognized as  
30 having expertise in environmental remediation has  
31 determined a need for, the clean-up of hazardous waste,  
32 hazardous substances, or underground storage tanks  
33 required by State or federal law, provided that the  
34 remediation costs constitute a material impediment to the

1 development or redevelopment of the redevelopment project  
2 area.

3 (13) The total equalized assessed value of the  
4 proposed redevelopment project area has declined for 3 of  
5 the last 5 calendar years for which information is  
6 available or is increasing at an annual rate that is less  
7 than the balance of the municipality for 3 of the last 5  
8 calendar years for which information is available or is  
9 increasing at an annual rate that is less than the  
10 Consumer Price Index for All Urban Consumers published by  
11 the United States Department of Labor or successor agency  
12 for 3 of the last 5 calendar years for which information  
13 is available.

14 (c) "Industrial park" means an area in a blighted or  
15 conservation area suitable for use by any manufacturing,  
16 industrial, research or transportation enterprise, of  
17 facilities to include but not be limited to factories, mills,  
18 processing plants, assembly plants, packing plants,  
19 fabricating plants, industrial distribution centers,  
20 warehouses, repair overhaul or service facilities, freight  
21 terminals, research facilities, test facilities or railroad  
22 facilities.

23 (d) "Industrial park conservation area" means an area  
24 within the boundaries of a redevelopment project area located  
25 within the territorial limits of a municipality that is a  
26 labor surplus municipality or within 1 1/2 miles of the  
27 territorial limits of a municipality that is a labor surplus  
28 municipality if the area is annexed to the municipality;  
29 which area is zoned as industrial no later than at the time  
30 the municipality by ordinance designates the redevelopment  
31 project area, and which area includes both vacant land  
32 suitable for use as an industrial park and a blighted area or  
33 conservation area contiguous to such vacant land.

34 (e) "Labor surplus municipality" means a municipality in

1 which, at any time during the 6 months before the  
2 municipality by ordinance designates an industrial park  
3 conservation area, the unemployment rate was over 6% and was  
4 also 100% or more of the national average unemployment rate  
5 for that same time as published in the United States  
6 Department of Labor Bureau of Labor Statistics publication  
7 entitled "The Employment Situation" or its successor  
8 publication. For the purpose of this subsection, if  
9 unemployment rate statistics for the municipality are not  
10 available, the unemployment rate in the municipality shall be  
11 deemed to be the same as the unemployment rate in the  
12 principal county in which the municipality is located.

13 (f) "Municipality" shall mean a city, village or  
14 incorporated town.

15 (g) "Initial Sales Tax Amounts" means the amount of  
16 taxes paid under the Retailers' Occupation Tax Act, Use Tax  
17 Act, Service Use Tax Act, the Service Occupation Tax Act, the  
18 Municipal Retailers' Occupation Tax Act, and the Municipal  
19 Service Occupation Tax Act by retailers and servicemen on  
20 transactions at places located in a State Sales Tax Boundary  
21 during the calendar year 1985.

22 (g-1) "Revised Initial Sales Tax Amounts" means the  
23 amount of taxes paid under the Retailers' Occupation Tax Act,  
24 Use Tax Act, Service Use Tax Act, the Service Occupation Tax  
25 Act, the Municipal Retailers' Occupation Tax Act, and the  
26 Municipal Service Occupation Tax Act by retailers and  
27 servicemen on transactions at places located within the State  
28 Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9)  
29 of this Act.

30 (h) "Municipal Sales Tax Increment" means an amount  
31 equal to the increase in the aggregate amount of taxes paid  
32 to a municipality from the Local Government Tax Fund arising  
33 from sales by retailers and servicemen within the  
34 redevelopment project area or State Sales Tax Boundary, as

1 the case may be, for as long as the redevelopment project  
2 area or State Sales Tax Boundary, as the case may be, exist  
3 over and above the aggregate amount of taxes as certified by  
4 the Illinois Department of Revenue and paid under the  
5 Municipal Retailers' Occupation Tax Act and the Municipal  
6 Service Occupation Tax Act by retailers and servicemen, on  
7 transactions at places of business located in the  
8 redevelopment project area or State Sales Tax Boundary, as  
9 the case may be, during the base year which shall be the  
10 calendar year immediately prior to the year in which the  
11 municipality adopted tax increment allocation financing. For  
12 purposes of computing the aggregate amount of such taxes for  
13 base years occurring prior to 1985, the Department of Revenue  
14 shall determine the Initial Sales Tax Amounts for such taxes  
15 and deduct therefrom an amount equal to 4% of the aggregate  
16 amount of taxes per year for each year the base year is prior  
17 to 1985, but not to exceed a total deduction of 12%. The  
18 amount so determined shall be known as the "Adjusted Initial  
19 Sales Tax Amounts". For purposes of determining the  
20 Municipal Sales Tax Increment, the Department of Revenue  
21 shall for each period subtract from the amount paid to the  
22 municipality from the Local Government Tax Fund arising from  
23 sales by retailers and servicemen on transactions located in  
24 the redevelopment project area or the State Sales Tax  
25 Boundary, as the case may be, the certified Initial Sales Tax  
26 Amounts, the Adjusted Initial Sales Tax Amounts or the  
27 Revised Initial Sales Tax Amounts for the Municipal  
28 Retailers' Occupation Tax Act and the Municipal Service  
29 Occupation Tax Act. For the State Fiscal Year 1989, this  
30 calculation shall be made by utilizing the calendar year 1987  
31 to determine the tax amounts received. For the State Fiscal  
32 Year 1990, this calculation shall be made by utilizing the  
33 period from January 1, 1988, until September 30, 1988, to  
34 determine the tax amounts received from retailers and

1 servicemen pursuant to the Municipal Retailers' Occupation  
2 Tax and the Municipal Service Occupation Tax Act, which shall  
3 have deducted therefrom nine-twelfths of the certified  
4 Initial Sales Tax Amounts, the Adjusted Initial Sales Tax  
5 Amounts or the Revised Initial Sales Tax Amounts as  
6 appropriate. For the State Fiscal Year 1991, this calculation  
7 shall be made by utilizing the period from October 1, 1988,  
8 to June 30, 1989, to determine the tax amounts received from  
9 retailers and servicemen pursuant to the Municipal Retailers'  
10 Occupation Tax and the Municipal Service Occupation Tax Act  
11 which shall have deducted therefrom nine-twelfths of the  
12 certified Initial Sales Tax Amounts, Adjusted Initial Sales  
13 Tax Amounts or the Revised Initial Sales Tax Amounts as  
14 appropriate. For every State Fiscal Year thereafter, the  
15 applicable period shall be the 12 months beginning July 1 and  
16 ending June 30 to determine the tax amounts received which  
17 shall have deducted therefrom the certified Initial Sales Tax  
18 Amounts, the Adjusted Initial Sales Tax Amounts or the  
19 Revised Initial Sales Tax Amounts, as the case may be.

20 (i) "Net State Sales Tax Increment" means the sum of the  
21 following: (a) 80% of the first \$100,000 of State Sales Tax  
22 Increment annually generated within a State Sales Tax  
23 Boundary; (b) 60% of the amount in excess of \$100,000 but not  
24 exceeding \$500,000 of State Sales Tax Increment annually  
25 generated within a State Sales Tax Boundary; and (c) 40% of  
26 all amounts in excess of \$500,000 of State Sales Tax  
27 Increment annually generated within a State Sales Tax  
28 Boundary. If, however, a municipality established a tax  
29 increment financing district in a county with a population in  
30 excess of 3,000,000 before January 1, 1986, and the  
31 municipality entered into a contract or issued bonds after  
32 January 1, 1986, but before December 31, 1986, to finance  
33 redevelopment project costs within a State Sales Tax  
34 Boundary, then the Net State Sales Tax Increment means, for

1 the fiscal years beginning July 1, 1990, and July 1, 1991,  
2 100% of the State Sales Tax Increment annually generated  
3 within a State Sales Tax Boundary; and notwithstanding any  
4 other provision of this Act, for those fiscal years the  
5 Department of Revenue shall distribute to those  
6 municipalities 100% of their Net State Sales Tax Increment  
7 before any distribution to any other municipality and  
8 regardless of whether or not those other municipalities will  
9 receive 100% of their Net State Sales Tax Increment. For  
10 Fiscal Year 1999, and every year thereafter until the year  
11 2007, for any municipality that has not entered into a  
12 contract or has not issued bonds prior to June 1, 1988 to  
13 finance redevelopment project costs within a State Sales Tax  
14 Boundary, the Net State Sales Tax Increment shall be  
15 calculated as follows: By multiplying the Net State Sales Tax  
16 Increment by 90% in the State Fiscal Year 1999; 80% in the  
17 State Fiscal Year 2000; 70% in the State Fiscal Year 2001;  
18 60% in the State Fiscal Year 2002; 50% in the State Fiscal  
19 Year 2003; 40% in the State Fiscal Year 2004; 30% in the  
20 State Fiscal Year 2005; 20% in the State Fiscal Year 2006;  
21 and 10% in the State Fiscal Year 2007. No payment shall be  
22 made for State Fiscal Year 2008 and thereafter.

23 Municipalities that issued bonds in connection with a  
24 redevelopment project in a redevelopment project area within  
25 the State Sales Tax Boundary prior to July 29, 1991, or that  
26 entered into contracts in connection with a redevelopment  
27 project in a redevelopment project area before June 1, 1988,  
28 shall continue to receive their proportional share of the  
29 Illinois Tax Increment Fund distribution until the date on  
30 which the redevelopment project is completed or terminated.  
31 If, however, a municipality that issued bonds in connection  
32 with a redevelopment project in a redevelopment project area  
33 within the State Sales Tax Boundary prior to July 29, 1991  
34 retires the bonds prior to June 30, 2007 or a municipality

1 that entered into contracts in connection with a  
2 redevelopment project in a redevelopment project area before  
3 June 1, 1988 completes the contracts prior to June 30, 2007,  
4 then so long as the redevelopment project is not completed or  
5 is not terminated, the Net State Sales Tax Increment shall be  
6 calculated, beginning on the date on which the bonds are  
7 retired or the contracts are completed, as follows: By  
8 multiplying the Net State Sales Tax Increment by 60% in the  
9 State Fiscal Year 2002; 50% in the State Fiscal Year 2003;  
10 40% in the State Fiscal Year 2004; 30% in the State Fiscal  
11 Year 2005; 20% in the State Fiscal Year 2006; and 10% in the  
12 State Fiscal Year 2007. No payment shall be made for State  
13 Fiscal Year 2008 and thereafter. Refunding of any bonds  
14 issued prior to July 29, 1991, shall not alter the Net State  
15 Sales Tax Increment.

16 (j) "State Utility Tax Increment Amount" means an amount  
17 equal to the aggregate increase in State electric and gas tax  
18 charges imposed on owners and tenants, other than residential  
19 customers, of properties located within the redevelopment  
20 project area under Section 9-222 of the Public Utilities Act,  
21 over and above the aggregate of such charges as certified by  
22 the Department of Revenue and paid by owners and tenants,  
23 other than residential customers, of properties within the  
24 redevelopment project area during the base year, which shall  
25 be the calendar year immediately prior to the year of the  
26 adoption of the ordinance authorizing tax increment  
27 allocation financing.

28 (k) "Net State Utility Tax Increment" means the sum of  
29 the following: (a) 80% of the first \$100,000 of State Utility  
30 Tax Increment annually generated by a redevelopment project  
31 area; (b) 60% of the amount in excess of \$100,000 but not  
32 exceeding \$500,000 of the State Utility Tax Increment  
33 annually generated by a redevelopment project area; and (c)  
34 40% of all amounts in excess of \$500,000 of State Utility Tax

1 Increment annually generated by a redevelopment project area.  
2 For the State Fiscal Year 1999, and every year thereafter  
3 until the year 2007, for any municipality that has not  
4 entered into a contract or has not issued bonds prior to June  
5 1, 1988 to finance redevelopment project costs within a  
6 redevelopment project area, the Net State Utility Tax  
7 Increment shall be calculated as follows: By multiplying the  
8 Net State Utility Tax Increment by 90% in the State Fiscal  
9 Year 1999; 80% in the State Fiscal Year 2000; 70% in the  
10 State Fiscal Year 2001; 60% in the State Fiscal Year 2002;  
11 50% in the State Fiscal Year 2003; 40% in the State Fiscal  
12 Year 2004; 30% in the State Fiscal Year 2005; 20% in the  
13 State Fiscal Year 2006; and 10% in the State Fiscal Year  
14 2007. No payment shall be made for the State Fiscal Year 2008  
15 and thereafter.

16 Municipalities that issue bonds in connection with the  
17 redevelopment project during the period from June 1, 1988  
18 until 3 years after the effective date of this Amendatory Act  
19 of 1988 shall receive the Net State Utility Tax Increment,  
20 subject to appropriation, for 15 State Fiscal Years after the  
21 issuance of such bonds. For the 16th through the 20th State  
22 Fiscal Years after issuance of the bonds, the Net State  
23 Utility Tax Increment shall be calculated as follows: By  
24 multiplying the Net State Utility Tax Increment by 90% in  
25 year 16; 80% in year 17; 70% in year 18; 60% in year 19; and  
26 50% in year 20. Refunding of any bonds issued prior to June  
27 1, 1988, shall not alter the revised Net State Utility Tax  
28 Increment payments set forth above.

29 (l) "Obligations" mean bonds, loans, debentures, notes,  
30 special certificates or other evidence of indebtedness issued  
31 by the municipality to carry out a redevelopment project or  
32 to refund outstanding obligations.

33 (m) "Payment in lieu of taxes" means those estimated tax  
34 revenues from real property in a redevelopment project area

1 derived from real property that has been acquired by a  
2 municipality which according to the redevelopment project or  
3 plan is to be used for a private use which taxing districts  
4 would have received had a municipality not acquired the real  
5 property and adopted tax increment allocation financing and  
6 which would result from levies made after the time of the  
7 adoption of tax increment allocation financing to the time  
8 the current equalized value of real property in the  
9 redevelopment project area exceeds the total initial  
10 equalized value of real property in said area.

11 (n) "Redevelopment plan" means the comprehensive program  
12 of the municipality for development or redevelopment intended  
13 by the payment of redevelopment project costs to reduce or  
14 eliminate those conditions the existence of which qualified  
15 the redevelopment project area as a "blighted area" or  
16 "conservation area" or combination thereof or "industrial  
17 park conservation area," and thereby to enhance the tax bases  
18 of the taxing districts which extend into the redevelopment  
19 project area. On and after November 1, 1999 (the effective  
20 date of Public Act 91-478), no redevelopment plan may be  
21 approved or amended that includes the development of vacant  
22 land (i) with a golf course and related clubhouse and other  
23 facilities or (ii) designated by federal, State, county, or  
24 municipal government as public land for outdoor recreational  
25 activities or for nature preserves and used for that purpose  
26 within 5 years prior to the adoption of the redevelopment  
27 plan. For the purpose of this subsection, "recreational  
28 activities" is limited to mean camping and hunting. Each  
29 redevelopment plan shall set forth in writing the program to  
30 be undertaken to accomplish the objectives and shall include  
31 but not be limited to:

32 (A) an itemized list of estimated redevelopment  
33 project costs;

34 (B) evidence indicating that the redevelopment

1 project area on the whole has not been subject to growth  
2 and development through investment by private enterprise;

3 (C) an assessment of any financial impact of the  
4 redevelopment project area on or any increased demand for  
5 services from any taxing district affected by the plan  
6 and any program to address such financial impact or  
7 increased demand;

8 (D) the sources of funds to pay costs;

9 (E) the nature and term of the obligations to be  
10 issued;

11 (F) the most recent equalized assessed valuation of  
12 the redevelopment project area;

13 (G) an estimate as to the equalized assessed  
14 valuation after redevelopment and the general land uses  
15 to apply in the redevelopment project area;

16 (H) a commitment to fair employment practices and  
17 an affirmative action plan;

18 (I) if it concerns an industrial park conservation  
19 area, the plan shall also include a general description  
20 of any proposed developer, user and tenant of any  
21 property, a description of the type, structure and  
22 general character of the facilities to be developed, a  
23 description of the type, class and number of new  
24 employees to be employed in the operation of the  
25 facilities to be developed; and

26 (J) if property is to be annexed to the  
27 municipality, the plan shall include the terms of the  
28 annexation agreement.

29 The provisions of items (B) and (C) of this subsection  
30 (n) shall not apply to a municipality that before March 14,  
31 1994 (the effective date of Public Act 88-537) had fixed,  
32 either by its corporate authorities or by a commission  
33 designated under subsection (k) of Section 11-74.4-4, a time  
34 and place for a public hearing as required by subsection (a)

1 of Section 11-74.4-5. No redevelopment plan shall be adopted  
2 unless a municipality complies with all of the following  
3 requirements:

4 (1) The municipality finds that the redevelopment  
5 project area on the whole has not been subject to growth  
6 and development through investment by private enterprise  
7 and would not reasonably be anticipated to be developed  
8 without the adoption of the redevelopment plan.

9 (2) The municipality finds that the redevelopment  
10 plan and project conform to the comprehensive plan for  
11 the development of the municipality as a whole, or, for  
12 municipalities with a population of 100,000 or more,  
13 regardless of when the redevelopment plan and project was  
14 adopted, the redevelopment plan and project either: (i)  
15 conforms to the strategic economic development or  
16 redevelopment plan issued by the designated planning  
17 authority of the municipality, or (ii) includes land uses  
18 that have been approved by the planning commission of the  
19 municipality.

20 (3) The redevelopment plan establishes the  
21 estimated dates of completion of the redevelopment  
22 project and retirement of obligations issued to finance  
23 redevelopment project costs. Those dates shall not be  
24 later than December 31 of the year in which the payment  
25 to the municipal treasurer as provided in subsection (b)  
26 of Section 11-74.4-8 of this Act is to be made with  
27 respect to ad valorem taxes levied in the twenty-third  
28 calendar year after the year in which the ordinance  
29 approving the redevelopment project area is adopted if  
30 the ordinance was adopted on or after January 15, 1981,  
31 and not later than December 31 of the year in which the  
32 payment to the municipal treasurer as provided in  
33 subsection (b) of Section 11-74.4-8 of this Act is to be  
34 made with respect to ad valorem taxes levied in the

1 thirty-fifth calendar year after the year in which the  
2 ordinance approving the redevelopment project area is  
3 adopted:

4 (A) if the ordinance was adopted before  
5 January 15, 1981, or

6 (B) if the ordinance was adopted in December  
7 1983, April 1984, July 1985, or December 1989, or

8 (C) if the ordinance was adopted in December  
9 1987 and the redevelopment project is located within  
10 one mile of Midway Airport, or

11 (D) if the ordinance was adopted before  
12 January 1, 1987 by a municipality in Mason County,  
13 or

14 (E) if the municipality is subject to the  
15 Local Government Financial Planning and Supervision  
16 Act or the Financially Distressed City Law, or

17 (F) if the ordinance was adopted in December  
18 1984 by the Village of Rosemont, or

19 (G) if the ordinance was adopted on December  
20 31, 1986 by a municipality located in Clinton County  
21 for which at least \$250,000 of tax increment bonds  
22 were authorized on June 17, 1997, or if the  
23 ordinance was adopted on December 31, 1986 by a  
24 municipality with a population in 1990 of less than  
25 3,600 that is located in a county with a population  
26 in 1990 of less than 34,000 and for which at least  
27 \$250,000 of tax increment bonds were authorized on  
28 June 17, 1997, or

29 (H) if the ordinance was adopted on October 5,  
30 1982 by the City of Kankakee, or if the ordinance  
31 was adopted on December 29, 1986 by East St. Louis,  
32 or

33 (I) if the ordinance was adopted on November  
34 12, 1991 by the Village of Sauget, or

1 (J) if the ordinance was adopted on February  
2 11, 1985 by the City of Rock Island, or

3 (K) if the ordinance was adopted before  
4 December 18, 1986 by the City of Moline, or

5 (L) if the ordinance was adopted in September  
6 1988 by Sauk Village, or

7 (M) if the ordinance was adopted in October  
8 1993 by Sauk Village, or

9 (N) if the ordinance was adopted on December  
10 29, 1986 by the City of Galva, or

11 (O) if the ordinance was adopted in March 1991  
12 by the City of Centreville, or

13 (P) ~~(B)~~ if the ordinance was adopted on  
14 January 23, 1991 by the City of East St. Louis.

15 However, for redevelopment project areas for which  
16 bonds were issued before July 29, 1991, or for which  
17 contracts were entered into before June 1, 1988, in  
18 connection with a redevelopment project in the area  
19 within the State Sales Tax Boundary, the estimated dates  
20 of completion of the redevelopment project and retirement  
21 of obligations to finance redevelopment project costs may  
22 be extended by municipal ordinance to December 31, 2013.  
23 The extension allowed by this amendatory Act of 1993  
24 shall not apply to real property tax increment allocation  
25 financing under Section 11-74.4-8.

26 A municipality may by municipal ordinance amend an  
27 existing redevelopment plan to conform to this paragraph  
28 (3) as amended by Public Act 91-478, which municipal  
29 ordinance may be adopted without further hearing or  
30 notice and without complying with the procedures provided  
31 in this Act pertaining to an amendment to or the initial  
32 approval of a redevelopment plan and project and  
33 designation of a redevelopment project area.

34 Those dates, for purposes of real property tax

1 increment allocation financing pursuant to Section  
2 11-74.4-8 only, shall be not more than 35 years for  
3 redevelopment project areas that were adopted on or after  
4 December 16, 1986 and for which at least \$8 million worth  
5 of municipal bonds were authorized on or after December  
6 19, 1989 but before January 1, 1990; provided that the  
7 municipality elects to extend the life of the  
8 redevelopment project area to 35 years by the adoption of  
9 an ordinance after at least 14 but not more than 30 days'  
10 written notice to the taxing bodies, that would otherwise  
11 constitute the joint review board for the redevelopment  
12 project area, before the adoption of the ordinance.

13 Those dates, for purposes of real property tax  
14 increment allocation financing pursuant to Section  
15 11-74.4-8 only, shall be not more than 35 years for  
16 redevelopment project areas that were established on or  
17 after December 1, 1981 but before January 1, 1982 and for  
18 which at least \$1,500,000 worth of tax increment revenue  
19 bonds were authorized on or after September 30, 1990 but  
20 before July 1, 1991; provided that the municipality  
21 elects to extend the life of the redevelopment project  
22 area to 35 years by the adoption of an ordinance after at  
23 least 14 but not more than 30 days' written notice to the  
24 taxing bodies, that would otherwise constitute the joint  
25 review board for the redevelopment project area, before  
26 the adoption of the ordinance.

27 (3.5) The municipality finds, in the case of an  
28 industrial park conservation area, also that the  
29 municipality is a labor surplus municipality and that the  
30 implementation of the redevelopment plan will reduce  
31 unemployment, create new jobs and by the provision of new  
32 facilities enhance the tax base of the taxing districts  
33 that extend into the redevelopment project area.

34 (4) If any incremental revenues are being utilized

1 under Section 8(a)(1) or 8(a)(2) of this Act in  
2 redevelopment project areas approved by ordinance after  
3 January 1, 1986, the municipality finds: (a) that the  
4 redevelopment project area would not reasonably be  
5 developed without the use of such incremental revenues,  
6 and (b) that such incremental revenues will be  
7 exclusively utilized for the development of the  
8 redevelopment project area.

9 (5) On and after November 1, 1999, if the  
10 redevelopment plan will not result in displacement of 10  
11 or more residents from inhabited units, and the  
12 municipality certifies in the plan that such displacement  
13 will not result from the plan, a housing impact study  
14 need not be performed. If, however, the redevelopment  
15 plan would result in the displacement of residents from  
16 10 or more inhabited residential units, or if the  
17 redevelopment project area contains 75 or more inhabited  
18 residential units and no certification is made, then the  
19 municipality shall prepare, as part of the separate  
20 feasibility report required by subsection (a) of Section  
21 11-74.4-5, a housing impact study.

22 Part I of the housing impact study shall include (i)  
23 data as to whether the residential units are single  
24 family or multi-family units, (ii) the number and type of  
25 rooms within the units, if that information is available,  
26 (iii) whether the units are inhabited or uninhabited, as  
27 determined not less than 45 days before the date that the  
28 ordinance or resolution required by subsection (a) of  
29 Section 11-74.4-5 is passed, and (iv) data as to the  
30 racial and ethnic composition of the residents in the  
31 inhabited residential units. The data requirement as to  
32 the racial and ethnic composition of the residents in the  
33 inhabited residential units shall be deemed to be fully  
34 satisfied by data from the most recent federal census.

1           Part II of the housing impact study shall identify  
2           the inhabited residential units in the proposed  
3           redevelopment project area that are to be or may be  
4           removed. If inhabited residential units are to be  
5           removed, then the housing impact study shall identify (i)  
6           the number and location of those units that will or may  
7           be removed, (ii) the municipality's plans for relocation  
8           assistance for those residents in the proposed  
9           redevelopment project area whose residences are to be  
10          removed, (iii) the availability of replacement housing  
11          for those residents whose residences are to be removed,  
12          and shall identify the type, location, and cost of the  
13          housing, and (iv) the type and extent of relocation  
14          assistance to be provided.

15           (6) On and after November 1, 1999, the housing  
16          impact study required by paragraph (5) shall be  
17          incorporated in the redevelopment plan for the  
18          redevelopment project area.

19           (7) On and after November 1, 1999, no redevelopment  
20          plan shall be adopted, nor an existing plan amended, nor  
21          shall residential housing that is occupied by households  
22          of low-income and very low-income persons in currently  
23          existing redevelopment project areas be removed after  
24          November 1, 1999 unless the redevelopment plan provides,  
25          with respect to inhabited housing units that are to be  
26          removed for households of low-income and very low-income  
27          persons, affordable housing and relocation assistance not  
28          less than that which would be provided under the federal  
29          Uniform Relocation Assistance and Real Property  
30          Acquisition Policies Act of 1970 and the regulations  
31          under that Act, including the eligibility criteria.  
32          Affordable housing may be either existing or newly  
33          constructed housing. For purposes of this paragraph (7),  
34          "low-income households", "very low-income households",

1 and "affordable housing" have the meanings set forth in  
2 the Illinois Affordable Housing Act. The municipality  
3 shall make a good faith effort to ensure that this  
4 affordable housing is located in or near the  
5 redevelopment project area within the municipality.

6 (8) On and after November 1, 1999, if, after the  
7 adoption of the redevelopment plan for the redevelopment  
8 project area, any municipality desires to amend its  
9 redevelopment plan to remove more inhabited residential  
10 units than specified in its original redevelopment plan,  
11 that increase in the number of units to be removed shall  
12 be deemed to be a change in the nature of the  
13 redevelopment plan as to require compliance with the  
14 procedures in this Act pertaining to the initial approval  
15 of a redevelopment plan.

16 (9) For redevelopment project areas designated  
17 prior to November 1, 1999, the redevelopment plan may be  
18 amended without further joint review board meeting or  
19 hearing, provided that the municipality shall give notice  
20 of any such changes by mail to each affected taxing  
21 district and registrant on the interested party registry,  
22 to authorize the municipality to expend tax increment  
23 revenues for redevelopment project costs defined by  
24 paragraphs (5) and (7.5), subparagraphs (E) and (F) of  
25 paragraph (11), and paragraph (11.5) of subsection (q) of  
26 Section 11-74.4-3, so long as the changes do not increase  
27 the total estimated redevelopment project costs set out  
28 in the redevelopment plan by more than 5% after  
29 adjustment for inflation from the date the plan was  
30 adopted.

31 (o) "Redevelopment project" means any public and private  
32 development project in furtherance of the objectives of a  
33 redevelopment plan. On and after November 1, 1999 (the  
34 effective date of Public Act 91-478), no redevelopment plan

1 may be approved or amended that includes the development of  
2 vacant land (i) with a golf course and related clubhouse and  
3 other facilities or (ii) designated by federal, State,  
4 county, or municipal government as public land for outdoor  
5 recreational activities or for nature preserves and used for  
6 that purpose within 5 years prior to the adoption of the  
7 redevelopment plan. For the purpose of this subsection,  
8 "recreational activities" is limited to mean camping and  
9 hunting.

10 (p) "Redevelopment project area" means an area  
11 designated by the municipality, which is not less in the  
12 aggregate than 1 1/2 acres and in respect to which the  
13 municipality has made a finding that there exist conditions  
14 which cause the area to be classified as an industrial park  
15 conservation area or a blighted area or a conservation area,  
16 or a combination of both blighted areas and conservation  
17 areas.

18 (q) "Redevelopment project costs" mean and include the  
19 sum total of all reasonable or necessary costs incurred or  
20 estimated to be incurred, and any such costs incidental to a  
21 redevelopment plan and a redevelopment project. Such costs  
22 include, without limitation, the following:

23 (1) Costs of studies, surveys, development of  
24 plans, and specifications, implementation and  
25 administration of the redevelopment plan including but  
26 not limited to staff and professional service costs for  
27 architectural, engineering, legal, financial, planning or  
28 other services, provided however that no charges for  
29 professional services may be based on a percentage of the  
30 tax increment collected; except that on and after  
31 November 1, 1999 (the effective date of Public Act  
32 91-478), no contracts for professional services,  
33 excluding architectural and engineering services, may be  
34 entered into if the terms of the contract extend beyond a

1 period of 3 years. In addition, "redevelopment project  
2 costs" shall not include lobbying expenses. After  
3 consultation with the municipality, each tax increment  
4 consultant or advisor to a municipality that plans to  
5 designate or has designated a redevelopment project area  
6 shall inform the municipality in writing of any contracts  
7 that the consultant or advisor has entered into with  
8 entities or individuals that have received, or are  
9 receiving, payments financed by tax increment revenues  
10 produced by the redevelopment project area with respect  
11 to which the consultant or advisor has performed, or will  
12 be performing, service for the municipality. This  
13 requirement shall be satisfied by the consultant or  
14 advisor before the commencement of services for the  
15 municipality and thereafter whenever any other contracts  
16 with those individuals or entities are executed by the  
17 consultant or advisor;

18 (1.5) After July 1, 1999, annual administrative  
19 costs shall not include general overhead or  
20 administrative costs of the municipality that would still  
21 have been incurred by the municipality if the  
22 municipality had not designated a redevelopment project  
23 area or approved a redevelopment plan;

24 (1.6) The cost of marketing sites within the  
25 redevelopment project area to prospective businesses,  
26 developers, and investors;

27 (2) Property assembly costs, including but not  
28 limited to acquisition of land and other property, real  
29 or personal, or rights or interests therein, demolition  
30 of buildings, site preparation, site improvements that  
31 serve as an engineered barrier addressing ground level or  
32 below ground environmental contamination, including, but  
33 not limited to parking lots and other concrete or asphalt  
34 barriers, and the clearing and grading of land;

1           (3) Costs of rehabilitation, reconstruction or  
2 repair or remodeling of existing public or private  
3 buildings, fixtures, and leasehold improvements; and the  
4 cost of replacing an existing public building if pursuant  
5 to the implementation of a redevelopment project the  
6 existing public building is to be demolished to use the  
7 site for private investment or devoted to a different use  
8 requiring private investment;

9           (4) Costs of the construction of public works or  
10 improvements, except that on and after November 1, 1999,  
11 redevelopment project costs shall not include the cost of  
12 constructing a new municipal public building principally  
13 used to provide offices, storage space, or conference  
14 facilities or vehicle storage, maintenance, or repair for  
15 administrative, public safety, or public works personnel  
16 and that is not intended to replace an existing public  
17 building as provided under paragraph (3) of subsection  
18 (q) of Section 11-74.4-3 unless either (i) the  
19 construction of the new municipal building implements a  
20 redevelopment project that was included in a  
21 redevelopment plan that was adopted by the municipality  
22 prior to November 1, 1999 or (ii) the municipality makes  
23 a reasonable determination in the redevelopment plan,  
24 supported by information that provides the basis for that  
25 determination, that the new municipal building is  
26 required to meet an increase in the need for public  
27 safety purposes anticipated to result from the  
28 implementation of the redevelopment plan;

29           (5) Costs of job training and retraining projects,  
30 including the cost of "welfare to work" programs  
31 implemented by businesses located within the  
32 redevelopment project area;

33           (6) Financing costs, including but not limited to  
34 all necessary and incidental expenses related to the

1 issuance of obligations and which may include payment of  
2 interest on any obligations issued hereunder including  
3 interest accruing during the estimated period of  
4 construction of any redevelopment project for which such  
5 obligations are issued and for not exceeding 36 months  
6 thereafter and including reasonable reserves related  
7 thereto;

8 (7) To the extent the municipality by written  
9 agreement accepts and approves the same, all or a portion  
10 of a taxing district's capital costs resulting from the  
11 redevelopment project necessarily incurred or to be  
12 incurred within a taxing district in furtherance of the  
13 objectives of the redevelopment plan and project.

14 (7.5) For redevelopment project areas designated  
15 (or redevelopment project areas amended to add or  
16 increase the number of tax-increment-financing assisted  
17 housing units) on or after November 1, 1999, an  
18 elementary, secondary, or unit school district's  
19 increased costs attributable to assisted housing units  
20 located within the redevelopment project area for which  
21 the developer or redeveloper receives financial  
22 assistance through an agreement with the municipality or  
23 because the municipality incurs the cost of necessary  
24 infrastructure improvements within the boundaries of the  
25 assisted housing sites necessary for the completion of  
26 that housing as authorized by this Act, and which costs  
27 shall be paid by the municipality from the Special Tax  
28 Allocation Fund when the tax increment revenue is  
29 received as a result of the assisted housing units and  
30 shall be calculated annually as follows:

31 (A) for foundation districts, excluding any  
32 school district in a municipality with a population  
33 in excess of 1,000,000, by multiplying the  
34 district's increase in attendance resulting from the

1 net increase in new students enrolled in that school  
2 district who reside in housing units within the  
3 redevelopment project area that have received  
4 financial assistance through an agreement with the  
5 municipality or because the municipality incurs the  
6 cost of necessary infrastructure improvements within  
7 the boundaries of the housing sites necessary for  
8 the completion of that housing as authorized by this  
9 Act since the designation of the redevelopment  
10 project area by the most recently available per  
11 capita tuition cost as defined in Section 10-20.12a  
12 of the School Code less any increase in general  
13 State aid as defined in Section 18-8.05 of the  
14 School Code attributable to these added new students  
15 subject to the following annual limitations:

16 (i) for unit school districts with a  
17 district average 1995-96 Per Capita Tuition  
18 Charge of less than \$5,900, no more than 25% of  
19 the total amount of property tax increment  
20 revenue produced by those housing units that  
21 have received tax increment finance assistance  
22 under this Act;

23 (ii) for elementary school districts with  
24 a district average 1995-96 Per Capita Tuition  
25 Charge of less than \$5,900, no more than 17% of  
26 the total amount of property tax increment  
27 revenue produced by those housing units that  
28 have received tax increment finance assistance  
29 under this Act; and

30 (iii) for secondary school districts with  
31 a district average 1995-96 Per Capita Tuition  
32 Charge of less than \$5,900, no more than 8% of  
33 the total amount of property tax increment  
34 revenue produced by those housing units that

1           have received tax increment finance assistance  
2           under this Act.

3           (B) For alternate method districts, flat grant  
4           districts, and foundation districts with a district  
5           average 1995-96 Per Capita Tuition Charge equal to  
6           or more than \$5,900, excluding any school district  
7           with a population in excess of 1,000,000, by  
8           multiplying the district's increase in attendance  
9           resulting from the net increase in new students  
10          enrolled in that school district who reside in  
11          housing units within the redevelopment project area  
12          that have received financial assistance through an  
13          agreement with the municipality or because the  
14          municipality incurs the cost of necessary  
15          infrastructure improvements within the boundaries of  
16          the housing sites necessary for the completion of  
17          that housing as authorized by this Act since the  
18          designation of the redevelopment project area by the  
19          most recently available per capita tuition cost as  
20          defined in Section 10-20.12a of the School Code less  
21          any increase in general state aid as defined in  
22          Section 18-8.05 of the School Code attributable to  
23          these added new students subject to the following  
24          annual limitations:

25                 (i) for unit school districts, no more  
26                 than 40% of the total amount of property tax  
27                 increment revenue produced by those housing  
28                 units that have received tax increment finance  
29                 assistance under this Act;

30                 (ii) for elementary school districts, no  
31                 more than 27% of the total amount of property  
32                 tax increment revenue produced by those housing  
33                 units that have received tax increment finance  
34                 assistance under this Act; and

1 (iii) for secondary school districts, no  
 2 more than 13% of the total amount of property  
 3 tax increment revenue produced by those housing  
 4 units that have received tax increment finance  
 5 assistance under this Act.

6 (C) For any school district in a municipality  
 7 with a population in excess of 1,000,000, the  
 8 following restrictions shall apply to the  
 9 reimbursement of increased costs under this  
 10 paragraph (7.5):

11 (i) no increased costs shall be  
 12 reimbursed unless the school district certifies  
 13 that each of the schools affected by the  
 14 assisted housing project is at or over its  
 15 student capacity;

16 (ii) the amount reimburseable shall be  
 17 reduced by the value of any land donated to the  
 18 school district by the municipality or  
 19 developer, and by the value of any physical  
 20 improvements made to the schools by the  
 21 municipality or developer; and

22 (iii) the amount reimbursed may not  
 23 affect amounts otherwise obligated by the terms  
 24 of any bonds, notes, or other funding  
 25 instruments, or the terms of any redevelopment  
 26 agreement.

27 Any school district seeking payment under this  
 28 paragraph (7.5) shall, after July 1 and before  
 29 September 30 of each year, provide the municipality  
 30 with reasonable evidence to support its claim for  
 31 reimbursement before the municipality shall be  
 32 required to approve or make the payment to the  
 33 school district. If the school district fails to  
 34 provide the information during this period in any

1           year, it shall forfeit any claim to reimbursement  
 2           for that year. School districts may adopt a  
 3           resolution waiving the right to all or a portion of  
 4           the reimbursement otherwise required by this  
 5           paragraph (7.5). By acceptance of this  
 6           reimbursement the school district waives the right  
 7           to directly or indirectly set aside, modify, or  
 8           contest in any manner the establishment of the  
 9           redevelopment project area or projects;

10           (8) Relocation costs to the extent that a  
 11           municipality determines that relocation costs shall be  
 12           paid or is required to make payment of relocation costs  
 13           by federal or State law or in order to satisfy  
 14           subparagraph (7) of subsection (n);

15           (9) Payment in lieu of taxes;

16           (10) Costs of job training, retraining, advanced  
 17           vocational education or career education, including but  
 18           not limited to courses in occupational, semi-technical or  
 19           technical fields leading directly to employment, incurred  
 20           by one or more taxing districts, provided that such costs  
 21           (i) are related to the establishment and maintenance of  
 22           additional job training, advanced vocational education or  
 23           career education programs for persons employed or to be  
 24           employed by employers located in a redevelopment project  
 25           area; and (ii) when incurred by a taxing district or  
 26           taxing districts other than the municipality, are set  
 27           forth in a written agreement by or among the municipality  
 28           and the taxing district or taxing districts, which  
 29           agreement describes the program to be undertaken,  
 30           including but not limited to the number of employees to  
 31           be trained, a description of the training and services to  
 32           be provided, the number and type of positions available  
 33           or to be available, itemized costs of the program and  
 34           sources of funds to pay for the same, and the term of the

1 agreement. Such costs include, specifically, the payment  
 2 by community college districts of costs pursuant to  
 3 Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public  
 4 Community College Act and by school districts of costs  
 5 pursuant to Sections 10-22.20a and 10-23.3a of The School  
 6 Code;

7 (11) Interest cost incurred by a redeveloper  
 8 related to the construction, renovation or rehabilitation  
 9 of a redevelopment project provided that:

10 (A) such costs are to be paid directly from  
 11 the special tax allocation fund established pursuant  
 12 to this Act;

13 (B) such payments in any one year may not  
 14 exceed 30% of the annual interest costs incurred by  
 15 the redeveloper with regard to the redevelopment  
 16 project during that year;

17 (C) if there are not sufficient funds  
 18 available in the special tax allocation fund to make  
 19 the payment pursuant to this paragraph (11) then the  
 20 amounts so due shall accrue and be payable when  
 21 sufficient funds are available in the special tax  
 22 allocation fund;

23 (D) the total of such interest payments paid  
 24 pursuant to this Act may not exceed 30% of the total  
 25 (i) cost paid or incurred by the redeveloper for the  
 26 redevelopment project plus (ii) redevelopment  
 27 project costs excluding any property assembly costs  
 28 and any relocation costs incurred by a municipality  
 29 pursuant to this Act; and

30 (E) the cost limits set forth in subparagraphs  
 31 (B) and (D) of paragraph (11) shall be modified for  
 32 the financing of rehabilitated or new housing units  
 33 for low-income households and very low-income  
 34 households, as defined in Section 3 of the Illinois

1 Affordable Housing Act. The percentage of 75% shall  
2 be substituted for 30% in subparagraphs (B) and (D)  
3 of paragraph (11).

4 (F) Instead of the eligible costs provided by  
5 subparagraphs (B) and (D) of paragraph (11), as  
6 modified by this subparagraph, and notwithstanding  
7 any other provisions of this Act to the contrary,  
8 the municipality may pay from tax increment revenues  
9 up to 50% of the cost of construction of new housing  
10 units to be occupied by low-income households and  
11 very low-income households as defined in Section 3  
12 of the Illinois Affordable Housing Act. The cost of  
13 construction of those units may be derived from the  
14 proceeds of bonds issued by the municipality under  
15 this Act or other constitutional or statutory  
16 authority or from other sources of municipal revenue  
17 that may be reimbursed from tax increment revenues  
18 or the proceeds of bonds issued to finance the  
19 construction of that housing.

20 The eligible costs provided under this  
21 subparagraph (F) of paragraph (11) shall be an  
22 eligible cost for the construction, renovation, and  
23 rehabilitation of all low and very low-income  
24 housing units, as defined in Section 3 of the  
25 Illinois Affordable Housing Act, within the  
26 redevelopment project area. If the low and very  
27 low-income units are part of a residential  
28 redevelopment project that includes units not  
29 affordable to low and very low-income households,  
30 only the low and very low-income units shall be  
31 eligible for benefits under subparagraph (F) of  
32 paragraph (11). The standards for maintaining the  
33 occupancy by low-income households and very  
34 low-income households, as defined in Section 3 of

1 the Illinois Affordable Housing Act, of those units  
2 constructed with eligible costs made available under  
3 the provisions of this subparagraph (F) of paragraph  
4 (11) shall be established by guidelines adopted by  
5 the municipality. The responsibility for annually  
6 documenting the initial occupancy of the units by  
7 low-income households and very low-income  
8 households, as defined in Section 3 of the Illinois  
9 Affordable Housing Act, shall be that of the then  
10 current owner of the property. For ownership units,  
11 the guidelines will provide, at a minimum, for a  
12 reasonable recapture of funds, or other appropriate  
13 methods designed to preserve the original  
14 affordability of the ownership units. For rental  
15 units, the guidelines will provide, at a minimum,  
16 for the affordability of rent to low and very  
17 low-income households. As units become available,  
18 they shall be rented to income-eligible tenants. The  
19 municipality may modify these guidelines from time  
20 to time; the guidelines, however, shall be in effect  
21 for as long as tax increment revenue is being used  
22 to pay for costs associated with the units or for  
23 the retirement of bonds issued to finance the units  
24 or for the life of the redevelopment project area,  
25 whichever is later.

26 (11.5) If the redevelopment project area is located  
27 within a municipality with a population of more than  
28 100,000, the cost of day care services for children of  
29 employees from low-income families working for businesses  
30 located within the redevelopment project area and all or  
31 a portion of the cost of operation of day care centers  
32 established by redevelopment project area businesses to  
33 serve employees from low-income families working in  
34 businesses located in the redevelopment project area.

1 For the purposes of this paragraph, "low-income families"  
2 means families whose annual income does not exceed 80% of  
3 the municipal, county, or regional median income,  
4 adjusted for family size, as the annual income and  
5 municipal, county, or regional median income are  
6 determined from time to time by the United States  
7 Department of Housing and Urban Development.

8 (12) Unless explicitly stated herein the cost of  
9 construction of new privately-owned buildings shall not  
10 be an eligible redevelopment project cost.

11 (13) After November 1, 1999 (the effective date of  
12 Public Act 91-478), none of the redevelopment project  
13 costs enumerated in this subsection shall be eligible  
14 redevelopment project costs if those costs would provide  
15 direct financial support to a retail entity initiating  
16 operations in the redevelopment project area while  
17 terminating operations at another Illinois location  
18 within 10 miles of the redevelopment project area but  
19 outside the boundaries of the redevelopment project area  
20 municipality. For purposes of this paragraph,  
21 termination means a closing of a retail operation that is  
22 directly related to the opening of the same operation or  
23 like retail entity owned or operated by more than 50% of  
24 the original ownership in a redevelopment project area,  
25 but it does not mean closing an operation for reasons  
26 beyond the control of the retail entity, as documented by  
27 the retail entity, subject to a reasonable finding by the  
28 municipality that the current location contained  
29 inadequate space, had become economically obsolete, or  
30 was no longer a viable location for the retailer or  
31 serviceman.

32 If a special service area has been established pursuant  
33 to the Special Service Area Tax Act or Special Service Area  
34 Tax Law, then any tax increment revenues derived from the tax

1 imposed pursuant to the Special Service Area Tax Act or  
2 Special Service Area Tax Law may be used within the  
3 redevelopment project area for the purposes permitted by that  
4 Act or Law as well as the purposes permitted by this Act.

5 (r) "State Sales Tax Boundary" means the redevelopment  
6 project area or the amended redevelopment project area  
7 boundaries which are determined pursuant to subsection (9) of  
8 Section 11-74.4-8a of this Act. The Department of Revenue  
9 shall certify pursuant to subsection (9) of Section  
10 11-74.4-8a the appropriate boundaries eligible for the  
11 determination of State Sales Tax Increment.

12 (s) "State Sales Tax Increment" means an amount equal to  
13 the increase in the aggregate amount of taxes paid by  
14 retailers and servicemen, other than retailers and servicemen  
15 subject to the Public Utilities Act, on transactions at  
16 places of business located within a State Sales Tax Boundary  
17 pursuant to the Retailers' Occupation Tax Act, the Use Tax  
18 Act, the Service Use Tax Act, and the Service Occupation Tax  
19 Act, except such portion of such increase that is paid into  
20 the State and Local Sales Tax Reform Fund, the Local  
21 Government Distributive Fund, the Local Government Tax  
22 Fund and the County and Mass Transit District Fund, for as  
23 long as State participation exists, over and above the  
24 Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts  
25 or the Revised Initial Sales Tax Amounts for such taxes as  
26 certified by the Department of Revenue and paid under those  
27 Acts by retailers and servicemen on transactions at places of  
28 business located within the State Sales Tax Boundary during  
29 the base year which shall be the calendar year immediately  
30 prior to the year in which the municipality adopted tax  
31 increment allocation financing, less 3.0% of such amounts  
32 generated under the Retailers' Occupation Tax Act, Use Tax  
33 Act and Service Use Tax Act and the Service Occupation Tax  
34 Act, which sum shall be appropriated to the Department of

1 Revenue to cover its costs of administering and enforcing  
2 this Section. For purposes of computing the aggregate amount  
3 of such taxes for base years occurring prior to 1985, the  
4 Department of Revenue shall compute the Initial Sales Tax  
5 Amount for such taxes and deduct therefrom an amount equal to  
6 4% of the aggregate amount of taxes per year for each year  
7 the base year is prior to 1985, but not to exceed a total  
8 deduction of 12%. The amount so determined shall be known as  
9 the "Adjusted Initial Sales Tax Amount". For purposes of  
10 determining the State Sales Tax Increment the Department of  
11 Revenue shall for each period subtract from the tax amounts  
12 received from retailers and servicemen on transactions  
13 located in the State Sales Tax Boundary, the certified  
14 Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts  
15 or Revised Initial Sales Tax Amounts for the Retailers'  
16 Occupation Tax Act, the Use Tax Act, the Service Use Tax Act  
17 and the Service Occupation Tax Act. For the State Fiscal  
18 Year 1989 this calculation shall be made by utilizing the  
19 calendar year 1987 to determine the tax amounts received. For  
20 the State Fiscal Year 1990, this calculation shall be made by  
21 utilizing the period from January 1, 1988, until September  
22 30, 1988, to determine the tax amounts received from  
23 retailers and servicemen, which shall have deducted therefrom  
24 nine-twelfths of the certified Initial Sales Tax Amounts,  
25 Adjusted Initial Sales Tax Amounts or the Revised Initial  
26 Sales Tax Amounts as appropriate. For the State Fiscal Year  
27 1991, this calculation shall be made by utilizing the period  
28 from October 1, 1988, until June 30, 1989, to determine the  
29 tax amounts received from retailers and servicemen, which  
30 shall have deducted therefrom nine-twelfths of the certified  
31 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax  
32 Amounts or the Revised Initial Sales Tax Amounts as  
33 appropriate. For every State Fiscal Year thereafter, the  
34 applicable period shall be the 12 months beginning July 1 and

1 ending on June 30, to determine the tax amounts received  
2 which shall have deducted therefrom the certified Initial  
3 Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the  
4 Revised Initial Sales Tax Amounts. Municipalities intending  
5 to receive a distribution of State Sales Tax Increment must  
6 report a list of retailers to the Department of Revenue by  
7 October 31, 1988 and by July 31, of each year thereafter.

8 (t) "Taxing districts" means counties, townships, cities  
9 and incorporated towns and villages, school, road, park,  
10 sanitary, mosquito abatement, forest preserve, public health,  
11 fire protection, river conservancy, tuberculosis sanitarium  
12 and any other municipal corporations or districts with the  
13 power to levy taxes.

14 (u) "Taxing districts' capital costs" means those costs  
15 of taxing districts for capital improvements that are found  
16 by the municipal corporate authorities to be necessary and  
17 directly result from the redevelopment project.

18 (v) As used in subsection (a) of Section 11-74.4-3 of  
19 this Act, "vacant land" means any parcel or combination of  
20 parcels of real property without industrial, commercial, and  
21 residential buildings which has not been used for commercial  
22 agricultural purposes within 5 years prior to the designation  
23 of the redevelopment project area, unless the parcel is  
24 included in an industrial park conservation area or the  
25 parcel has been subdivided; provided that if the parcel was  
26 part of a larger tract that has been divided into 3 or more  
27 smaller tracts that were accepted for recording during the  
28 period from 1950 to 1990, then the parcel shall be deemed to  
29 have been subdivided, and all proceedings and actions of the  
30 municipality taken in that connection with respect to any  
31 previously approved or designated redevelopment project area  
32 or amended redevelopment project area are hereby validated  
33 and hereby declared to be legally sufficient for all purposes  
34 of this Act. For purposes of this Section and only for land

1 subject to the subdivision requirements of the Plat Act, land  
2 is subdivided when the original plat of the proposed  
3 Redevelopment Project Area or relevant portion thereof has  
4 been properly certified, acknowledged, approved, and recorded  
5 or filed in accordance with the Plat Act and a preliminary  
6 plat, if any, for any subsequent phases of the proposed  
7 Redevelopment Project Area or relevant portion thereof has  
8 been properly approved and filed in accordance with the  
9 applicable ordinance of the municipality.

10 (w) "Annual Total Increment" means the sum of each  
11 municipality's annual Net Sales Tax Increment and each  
12 municipality's annual Net Utility Tax Increment. The ratio  
13 of the Annual Total Increment of each municipality to the  
14 Annual Total Increment for all municipalities, as most  
15 recently calculated by the Department, shall determine the  
16 proportional shares of the Illinois Tax Increment Fund to be  
17 distributed to each municipality.

18 (Source: P.A. 91-261, eff. 7-23-99; 91-477, eff. 8-11-99;  
19 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff.  
20 6-9-00; 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; revised  
21 9-19-01.)

22 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

23 Sec. 11-74.4-7. Obligations secured by the special tax  
24 allocation fund set forth in Section 11-74.4-8 for the  
25 redevelopment project area may be issued to provide for  
26 redevelopment project costs. Such obligations, when so  
27 issued, shall be retired in the manner provided in the  
28 ordinance authorizing the issuance of such obligations by the  
29 receipts of taxes levied as specified in Section 11-74.4-9  
30 against the taxable property included in the area, by  
31 revenues as specified by Section 11-74.4-8a and other revenue  
32 designated by the municipality. A municipality may in the  
33 ordinance pledge all or any part of the funds in and to be

1 deposited in the special tax allocation fund created pursuant  
2 to Section 11-74.4-8 to the payment of the redevelopment  
3 project costs and obligations. Any pledge of funds in the  
4 special tax allocation fund shall provide for distribution to  
5 the taxing districts and to the Illinois Department of  
6 Revenue of moneys not required, pledged, earmarked, or  
7 otherwise designated for payment and securing of the  
8 obligations and anticipated redevelopment project costs and  
9 such excess funds shall be calculated annually and deemed to  
10 be "surplus" funds. In the event a municipality only applies  
11 or pledges a portion of the funds in the special tax  
12 allocation fund for the payment or securing of anticipated  
13 redevelopment project costs or of obligations, any such funds  
14 remaining in the special tax allocation fund after complying  
15 with the requirements of the application or pledge, shall  
16 also be calculated annually and deemed "surplus" funds. All  
17 surplus funds in the special tax allocation fund shall be  
18 distributed annually within 180 days after the close of the  
19 municipality's fiscal year by being paid by the municipal  
20 treasurer to the County Collector, to the Department of  
21 Revenue and to the municipality in direct proportion to the  
22 tax incremental revenue received as a result of an increase  
23 in the equalized assessed value of property in the  
24 redevelopment project area, tax incremental revenue received  
25 from the State and tax incremental revenue received from the  
26 municipality, but not to exceed as to each such source the  
27 total incremental revenue received from that source. The  
28 County Collector shall thereafter make distribution to the  
29 respective taxing districts in the same manner and proportion  
30 as the most recent distribution by the county collector to  
31 the affected districts of real property taxes from real  
32 property in the redevelopment project area.

33 Without limiting the foregoing in this Section, the  
34 municipality may in addition to obligations secured by the

1 special tax allocation fund pledge for a period not greater  
2 than the term of the obligations towards payment of such  
3 obligations any part or any combination of the following: (a)  
4 net revenues of all or part of any redevelopment project; (b)  
5 taxes levied and collected on any or all property in the  
6 municipality; (c) the full faith and credit of the  
7 municipality; (d) a mortgage on part or all of the  
8 redevelopment project; or (e) any other taxes or anticipated  
9 receipts that the municipality may lawfully pledge.

10 Such obligations may be issued in one or more series  
11 bearing interest at such rate or rates as the corporate  
12 authorities of the municipality shall determine by ordinance.  
13 Such obligations shall bear such date or dates, mature at  
14 such time or times not exceeding 20 years from their  
15 respective dates, be in such denomination, carry such  
16 registration privileges, be executed in such manner, be  
17 payable in such medium of payment at such place or places,  
18 contain such covenants, terms and conditions, and be subject  
19 to redemption as such ordinance shall provide. Obligations  
20 issued pursuant to this Act may be sold at public or private  
21 sale at such price as shall be determined by the corporate  
22 authorities of the municipalities. No referendum approval of  
23 the electors shall be required as a condition to the issuance  
24 of obligations pursuant to this Division except as provided  
25 in this Section.

26 In the event the municipality authorizes issuance of  
27 obligations pursuant to the authority of this Division  
28 secured by the full faith and credit of the municipality,  
29 which obligations are other than obligations which may be  
30 issued under home rule powers provided by Article VII,  
31 Section 6 of the Illinois Constitution, or pledges taxes  
32 pursuant to (b) or (c) of the second paragraph of this  
33 section, the ordinance authorizing the issuance of such  
34 obligations or pledging such taxes shall be published within

1 10 days after such ordinance has been passed in one or more  
2 newspapers, with general circulation within such  
3 municipality. The publication of the ordinance shall be  
4 accompanied by a notice of (1) the specific number of voters  
5 required to sign a petition requesting the question of the  
6 issuance of such obligations or pledging taxes to be  
7 submitted to the electors; (2) the time in which such  
8 petition must be filed; and (3) the date of the prospective  
9 referendum. The municipal clerk shall provide a petition  
10 form to any individual requesting one.

11 If no petition is filed with the municipal clerk, as  
12 hereinafter provided in this Section, within 30 days after  
13 the publication of the ordinance, the ordinance shall be in  
14 effect. But, if within that 30 day period a petition is  
15 filed with the municipal clerk, signed by electors in the  
16 municipality numbering 10% or more of the number of  
17 registered voters in the municipality, asking that the  
18 question of issuing obligations using full faith and credit  
19 of the municipality as security for the cost of paying for  
20 redevelopment project costs, or of pledging taxes for the  
21 payment of such obligations, or both, be submitted to the  
22 electors of the municipality, the corporate authorities of  
23 the municipality shall call a special election in the manner  
24 provided by law to vote upon that question, or, if a general,  
25 State or municipal election is to be held within a period of  
26 not less than 30 or more than 90 days from the date such  
27 petition is filed, shall submit the question at the next  
28 general, State or municipal election. If it appears upon the  
29 canvass of the election by the corporate authorities that a  
30 majority of electors voting upon the question voted in favor  
31 thereof, the ordinance shall be in effect, but if a majority  
32 of the electors voting upon the question are not in favor  
33 thereof, the ordinance shall not take effect.

34 The ordinance authorizing the obligations may provide

1 that the obligations shall contain a recital that they are  
2 issued pursuant to this Division, which recital shall be  
3 conclusive evidence of their validity and of the regularity  
4 of their issuance.

5 In the event the municipality authorizes issuance of  
6 obligations pursuant to this Section secured by the full  
7 faith and credit of the municipality, the ordinance  
8 authorizing the obligations may provide for the levy and  
9 collection of a direct annual tax upon all taxable property  
10 within the municipality sufficient to pay the principal  
11 thereof and interest thereon as it matures, which levy may be  
12 in addition to and exclusive of the maximum of all other  
13 taxes authorized to be levied by the municipality, which  
14 levy, however, shall be abated to the extent that monies from  
15 other sources are available for payment of the obligations  
16 and the municipality certifies the amount of said monies  
17 available to the county clerk.

18 A certified copy of such ordinance shall be filed with  
19 the county clerk of each county in which any portion of the  
20 municipality is situated, and shall constitute the authority  
21 for the extension and collection of the taxes to be deposited  
22 in the special tax allocation fund.

23 A municipality may also issue its obligations to refund  
24 in whole or in part, obligations theretofore issued by such  
25 municipality under the authority of this Act, whether at or  
26 prior to maturity, provided however, that the last maturity  
27 of the refunding obligations shall not be expressed to mature  
28 later than December 31 of the year in which the payment to  
29 the municipal treasurer as provided in subsection (b) of  
30 Section 11-74.4-8 of this Act is to be made with respect to  
31 ad valorem taxes levied in the twenty-third calendar year  
32 after the year in which the ordinance approving the  
33 redevelopment project area is adopted if the ordinance was  
34 adopted on or after January 15, 1981, and not later than

1 December 31 of the year in which the payment to the municipal  
2 treasurer as provided in subsection (b) of Section 11-74.4-8  
3 of this Act is to be made with respect to ad valorem taxes  
4 levied in the thirty-fifth calendar year after the year in  
5 which the ordinance approving the redevelopment project area  
6 is adopted (A) if the ordinance was adopted before January  
7 15, 1981, or (B) if the ordinance was adopted in December  
8 1983, April 1984, July 1985, or December 1989, or (C) if the  
9 ordinance was adopted in December, 1987 and the redevelopment  
10 project is located within one mile of Midway Airport, or (D)  
11 if the ordinance was adopted before January 1, 1987 by a  
12 municipality in Mason County, or (E) if the municipality is  
13 subject to the Local Government Financial Planning and  
14 Supervision Act or the Financially Distressed City Law, or  
15 (F) if the ordinance was adopted in December 1984 by the  
16 Village of Rosemont, or (G) if the ordinance was adopted on  
17 December 31, 1986 by a municipality located in Clinton County  
18 for which at least \$250,000 of tax increment bonds were  
19 authorized on June 17, 1997, or if the ordinance was adopted  
20 on December 31, 1986 by a municipality with a population in  
21 1990 of less than 3,600 that is located in a county with a  
22 population in 1990 of less than 34,000 and for which at least  
23 \$250,000 of tax increment bonds were authorized on June 17,  
24 1997, or (H) if the ordinance was adopted on October 5, 1982  
25 by the City of Kankakee, or (I) if the ordinance was adopted  
26 on December 29, 1986 by East St. Louis, or if the ordinance  
27 was adopted on November 12, 1991 by the Village of Sauget, or  
28 (J) if the ordinance was adopted on February 11, 1985 by the  
29 City of Rock Island, or (K) if the ordinance was adopted  
30 before December 18, 1986 by the City of Moline, or (L) if the  
31 ordinance was adopted in September 1988 by Sauk Village, or  
32 (M) if the ordinance was adopted in October 1993 by Sauk  
33 Village, or (N) if the ordinance was adopted on December 29,  
34 1986 by the City of Galva, or (O) if the ordinance was

1 adopted in March 1991 by the City of Centreville, or (P) ~~(B)~~  
2 if the ordinance was adopted on January 23, 1991 by the City  
3 of East St. Louis and, for redevelopment project areas for  
4 which bonds were issued before July 29, 1991, in connection  
5 with a redevelopment project in the area within the State  
6 Sales Tax Boundary and which were extended by municipal  
7 ordinance under subsection (n) of Section 11-74.4-3, the last  
8 maturity of the refunding obligations shall not be expressed  
9 to mature later than the date on which the redevelopment  
10 project area is terminated or December 31, 2013, whichever  
11 date occurs first.

12 In the event a municipality issues obligations under home  
13 rule powers or other legislative authority the proceeds of  
14 which are pledged to pay for redevelopment project costs, the  
15 municipality may, if it has followed the procedures in  
16 conformance with this division, retire said obligations from  
17 funds in the special tax allocation fund in amounts and in  
18 such manner as if such obligations had been issued pursuant  
19 to the provisions of this division.

20 All obligations heretofore or hereafter issued pursuant  
21 to this Act shall not be regarded as indebtedness of the  
22 municipality issuing such obligations or any other taxing  
23 district for the purpose of any limitation imposed by law.

24 (Source: P.A. 91-261, eff. 7-23-99; 91-477, eff. 8-11-99;  
25 91-478, eff. 11-1-99; 91-642, eff. 8-20-99; 91-763, eff.  
26 6-9-00; 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; revised  
27 10-10-01.)

28 (65 ILCS 5/11-95-7) (from Ch. 24, par. 11-95-7)

29 Sec. 11-95-7. Whenever a petition signed by at least 10%  
30 of the electors of a municipality with a population of less  
31 than 500,000 is filed with the municipal clerk the municipal  
32 clerk shall certify the question of the establishment,  
33 maintenance, and conduct of a recreation system for

1 submission to the electors at an election in accordance with  
 2 the general election law. ~~to--the--electors.~~ The petition  
 3 shall request the corporate authorities of the municipality  
 4 to establish, maintain, and conduct a supervised recreation  
 5 system and to levy an annual tax for the establishment,  
 6 conduct, and maintenance thereof. The petition shall  
 7 designate the minimum tax to be levied except that in no case  
 8 shall the tax be more than 0.09% ~~.09%~~ of the value, as  
 9 equalized or assessed by the Department of Revenue, of all  
 10 taxable property within the corporate limits of the  
 11 municipality.

12 The corporate authorities may accumulate funds from the  
 13 proceeds of such tax for the purpose of building, repairs and  
 14 improvements for recreation purposes in excess of current  
 15 requirements for such purposes but subject to the limitation  
 16 set herein.

17 (Source: P.A. 81-1489; 81-1509; revised 12-13-01.)

18 Section 35. The Metropolitan Water Reclamation District  
 19 Act is amended by setting forth and renumbering multiple  
 20 versions of Sections 283 and 285 as follows:

21 (70 ILCS 2605/283)

22 Sec. 283. District enlarged. Upon the effective date of  
 23 this amendatory Act of the 91st General Assembly, the  
 24 corporate limits of the Metropolitan Water Reclamation  
 25 District Act are extended to include within those limits the  
 26 following described tract of land, and that tract is annexed  
 27 to the District.

28 THAT PART OF SECTIONS 21, 28 AND 33, TOWNSHIP 42 NORTH,  
 29 RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS  
 30 FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF THE  
 31 NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 00  
 32 DEGREES 19 MINUTES 35 SECONDS EAST ALONG THE EAST LINE OF

1 THE SOUTHEAST QUARTER OF SAID SECTION 28, A DISTANCE OF  
2 2624.22 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 28;  
3 THENCE SOUTH 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG  
4 THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION  
5 33, A DISTANCE OF 643.38 FEET; THENCE SOUTH 89 DEGREES 40  
6 MINUTES 35 SECONDS WEST, A DISTANCE OF 1079.11 FEET TO A  
7 POINT ON A LINE 1079.10 FEET WEST OF AND PARALLEL WITH  
8 THE EAST LINE OF SAID SECTION 33; THENCE SOUTH 00 DEGREES  
9 04 MINUTES 45 SECONDS EAST ALONG SAID PARALLEL LINE, A  
10 DISTANCE OF 281.47 FEET; THENCE NORTH 89 DEGREES 40  
11 MINUTES 35 SECONDS EAST, A DISTANCE OF 1079.11 FEET TO A  
12 POINT ON THE EAST LINE OF SAID SECTION 33; THENCE SOUTH  
13 00 DEGREES 04 MINUTES 45 SECONDS EAST ALONG SAID EAST  
14 LINE, A DISTANCE OF 1707.93 FEET TO THE SOUTHEAST CORNER  
15 OF THE NORTHEAST QUARTER OF SAID SECTION 33; THENCE NORTH  
16 89 DEGREES 58 MINUTES 22 SECONDS WEST ALONG THE SOUTH  
17 LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 1079.10  
18 FEET TO A POINT ON A LINE 1079.10 FEET WEST OF AND  
19 PARALLEL WITH THE EAST LINE OF SAID SECTION 33; THENCE  
20 NORTH 00 DEGREES 04 MINUTES 45 SECONDS WEST ALONG SAID  
21 PARALLEL LINE, A DISTANCE OF 1313.07 FEET TO A POINT ON  
22 THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER  
23 OF SAID SECTION 33; THENCE SOUTH 89 DEGREES 51 MINUTES 05  
24 SECONDS WEST ALONG THE SOUTH LINE OF THE NORTH HALF OF  
25 SAID NORTHEAST QUARTER, A DISTANCE OF 1334.88 FEET;  
26 THENCE NORTH 22 DEGREES 20 MINUTES 04 SECONDS EAST A  
27 DISTANCE OF 241.05 FEET TO A POINT ON A NON-TANGENT  
28 CURVE; THENCE NORTHWESTERLY ALONG A CURVE CONCAVE  
29 NORTHEASTERLY AND HAVING A RADIUS OF 165.00 FEET AND A  
30 CHORD BEARING OF NORTH 42 DEGREES 58 MINUTES 45 SECONDS  
31 WEST, AN ARC LENGTH OF 91.17 FEET TO A POINT ON A  
32 NON-TANGENT LINE; THENCE SOUTH 62 DEGREES 51 MINUTES 00  
33 SECONDS WEST, A DISTANCE OF 135.00 FEET; THENCE NORTH 50  
34 DEGREES 00 MINUTES 12 SECONDS WEST, A DISTANCE OF 114.07

1 FEET TO A POINT ON THE EAST LINE OF ILLINOIS ROUTE 59;  
2 THENCE NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST ALONG  
3 SAID EAST LINE, A DISTANCE OF 523.87 FEET; THENCE SOUTH  
4 84 DEGREES 58 MINUTES 24 SECONDS EAST, A DISTANCE OF  
5 228.14 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE  
6 NORTHERLY ALONG A CURVE CONCAVE WESTERLY AND HAVING A  
7 RADIUS OF 1501.93 FEET AND A CHORD BEARING OF NORTH 01  
8 DEGREES 29 MINUTES 47 SECONDS WEST, AN ARC LENGTH OF  
9 341.98 FEET; THENCE SOUTH 81 DEGREES 58 MINUTES 50  
10 SECONDS WEST, A DISTANCE OF 221.47 FEET TO A POINT ON  
11 SAID EASTERLY RIGHT OF WAY LINE OF ILLINOIS ROUTE 59;  
12 THENCE NORTHERLY ALONG THE EAST LINE OF SAID ILLINOIS  
13 ROUTE 59 FOR THE FOLLOWING EIGHT COURSES; (1) THENCE  
14 NORTH 00 DEGREES 11 MINUTES 17 SECONDS WEST, A DISTANCE  
15 OF 193.36 FEET TO A POINT ON THE SOUTH LINE OF SAID  
16 SECTION 28; (2) THENCE NORTH 00 DEGREES 11 MINUTES 05  
17 SECONDS WEST, A DISTANCE OF 2637.83 FEET TO A POINT ON  
18 THE SOUTH LINE OF THE NORTH HALF OF SAID SECTION 28; (3)  
19 THENCE NORTH 00 DEGREES 12 MINUTES 10 SECONDS WEST, A  
20 DISTANCE OF 485.70 FEET TO A POINT ON A CURVE; (4) THENCE  
21 NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY  
22 HAVING A RADIUS OF 4724.70 FEET AND A CHORD BEARING OF  
23 NORTH 06 DEGREES 32 MINUTES 11 SECONDS EAST WITH AN ARC  
24 LENGTH OF 1111.22; (5) THENCE NORTH 13 DEGREES 16 MINUTES  
25 19 SECONDS EAST, A DISTANCE OF 303.90 FEET TO A POINT ON  
26 A CURVE; (6) THENCE NORTHERLY ALONG A NON-TANGENT CURVE  
27 CONCAVE WESTERLY HAVING A RADIUS OF 1482.40 FEET AND A  
28 CHORD BEARING OF NORTH 06 DEGREES 58 MINUTES 21 SECONDS  
29 WEST WITH AN ARC LENGTH OF 1047.56 FEET; (7) THENCE  
30 NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE EASTERLY  
31 HAVING A RADIUS OF 2242.01 FEET AND A CHORD BEARING OF  
32 NORTH 20 DEGREES 03 MINUTES 26 SECONDS EAST WITH AN ARC  
33 LENGTH OF 384.99 FEET; (8) THENCE NORTH 24 DEGREES 58  
34 MINUTES 30 SECONDS EAST, A DISTANCE OF 2212.09 FEET TO A

1 POINT ON THE NORTH LINE OF THE SOUTH HALF OF SAID SECTION  
2 21; THENCE SOUTH 89 DEGREES 51 MINUTES 08 SECONDS EAST  
3 ALONG SAID NORTH LINE, A DISTANCE OF 533.41 FEET; THENCE  
4 NORTH 00 DEGREES 21 MINUTES 39 SECONDS WEST, A DISTANCE  
5 OF 1131.30 FEET TO A POINT ON THE EAST LINE OF SAID  
6 ILLINOIS ROUTE 59; THENCE NORTHERLY ALONG SAID EAST LINE  
7 FOR THE FOLLOWING 3 COURSES; (1) THENCE NORTH 24 DEGREES  
8 58 MINUTES 30 SECONDS EAST, A DISTANCE OF 1195.93 FEET;  
9 (2) THENCE NORTH 27 DEGREES 49 MINUTES 55 SECONDS EAST, A  
10 DISTANCE OF 200.22 FEET; (3) THENCE NORTH 24 DEGREES 58  
11 MINUTES 12 SECONDS EAST, A DISTANCE OF 257.37 FEET TO A  
12 POINT ON THE NORTH LINE OF SAID SECTION 21; THENCE NORTH  
13 89 DEGREES 57 MINUTES 47 SECONDS EAST ALONG SAID NORTH  
14 LINE, A DISTANCE OF 134.37 FEET; THENCE SOUTH 36 DEGREES  
15 57 MINUTES 24 SECONDS WEST, A DISTANCE OF 285.13 FEET;  
16 THENCE SOUTH 00 DEGREES 14 MINUTES 47 SECONDS EAST, A  
17 DISTANCE OF 600.00 FEET; THENCE SOUTH 82 DEGREES 06  
18 MINUTES 19 SECONDS EAST, A DISTANCE OF 221.79 FEET TO A  
19 POINT ON A CURVE BEING THE WEST LINE OF BARTLETT ROAD;  
20 THENCE ALONG THE WEST LINE OF SAID BARTLETT ROAD FOR THE  
21 FOLLOWING SEVEN COURSES; (1) THENCE SOUTHERLY ALONG A  
22 NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF  
23 5779.65 FEET AND A CHORD BEARING OF SOUTH 06 DEGREES 40  
24 MINUTES 43 SECONDS WEST WITH AN ARC LENGTH OF 182.71  
25 FEET; (2) THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS  
26 WEST, A DISTANCE OF 13.94 FEET; (3) THENCE SOUTH 00  
27 DEGREES 09 MINUTES 31 SECONDS EAST, A DISTANCE OF 154.30  
28 FEET TO A POINT ON A CURVE; (4) THENCE SOUTHERLY ALONG A  
29 NON-TANGENT CURVE CONCAVE EASTERLY HAVING A RADIUS OF  
30 5779.65 FEET AND A CHORD BEARING OF SOUTH 02 DEGREES 02  
31 MINUTES 21 SECONDS WEST WITH AN ARC LENGTH 443.40 FEET;  
32 (5) THENCE NORTH 89 DEGREES 50 MINUTES 29 SECONDS EAST, A  
33 DISTANCE OF 17.00 FEET; (6) THENCE SOUTH 00 DEGREES 09  
34 MINUTES 31 SECONDS EAST, A DISTANCE OF 991.17 FEET; (7)

1           THENCE SOUTH 00 DEGREES 11 MINUTES 19 SECONDS EAST, A  
2           DISTANCE OF 389.83 FEET; THENCE NORTH 89 DEGREES 48  
3           MINUTES 41 SECONDS EAST, A DISTANCE OF 33.00 FEET TO A  
4           POINT ON THE EAST LINE OF SAID SECTION 21; THENCE SOUTH  
5           00 DEGREES 11 MINUTES 19 SECONDS EAST ALONG SAID EAST  
6           LINE, A DISTANCE OF 2245.24 FEET TO THE NORTHEAST CORNER  
7           OF SAID SECTION 28; THENCE NORTH 89 DEGREES 50 MINUTES 29  
8           SECONDS WEST ALONG THE NORTH LINE OF SAID SECTION 28, A  
9           DISTANCE OF 123.76 FEET TO A POINT ON A LINE 123.76 FEET  
10          WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHEAST  
11          QUARTER OF SAID SECTION 28; THENCE SOUTH 00 DEGREES 27  
12          MINUTES 50 SECONDS EAST ALONG SAID PARALLEL LINE; A  
13          DISTANCE OF 173.25 FEET TO A POINT ON A LINE 173.24 FEET  
14          SOUTH OF AND PARALLEL WITH THE NORTH LINE OF SAID SECTION  
15          28; THENCE SOUTH 89 DEGREES 50 MINUTES 29 SECONDS EAST  
16          ALONG SAID PARALLEL LINE, A DISTANCE OF 123.76 FEET TO A  
17          POINT ON THE EAST LINE OF SAID SECTION 28; THENCE SOUTH  
18          00 DEGREES 27 MINUTES 50 SECONDS EAST ALONG SAID EAST  
19          LINE, A DISTANCE OF 2454.80 FEET TO THE POINT OF  
20          BEGINNING, IN COOK COUNTY, ILLINOIS.

21          (Source: P.A. 91-945, eff. 2-9-01.)

22           (70 ILCS 2605/285)

23           Sec. 285. District enlarged. Upon the effective date of  
24          this amendatory Act of the 91st General Assembly, the  
25          corporate limits of the Metropolitan Water Reclamation  
26          District Act are extended to include within those limits the  
27          following described tracts of land, and those tracts are  
28          annexed to the District.

29           PARCEL 2:

30           THAT PART OF THE SOUTHWEST 1/4 OF SECTION 30 LYING SOUTH  
31           OF THE SOUTHERLY RIGHT OF WAY LINE OF ILLINOIS STATE  
32           ROUTE 72, COMMONLY KNOWN AS NEW HIGGINS ROAD, (EXCEPT THE  
33           WEST 190 FEET THEREOF) ALL IN TOWNSHIP 42 NORTH, RANGE 9,

1 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
2 ALSO THE NORTHWEST 1/4 OF SECTION 31 (EXCEPT THE WEST 190  
3 FEET THEREOF AND EXCEPT THE SOUTH 1501.64 FEET AS  
4 MEASURED ALONG THE EAST AND WEST LINES THEREOF), ALL IN  
5 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL  
6 MERIDIAN,  
7 ALSO COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST  
8 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF  
9 THE THIRD PRINCIPAL MERIDIAN, FOR A PLACE OF BEGINNING;  
10 THENCE SOUTH 0 DEGREES 12 MINUTES WEST 2640.0 FEET TO A  
11 FENCE CORNER AND THE CENTER OF SAID SECTION 31; THENCE  
12 SOUTH 89 DEGREES 54 MINUTES EAST 2640.70 FEET TO THE  
13 SOUTHEAST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 31;  
14 THENCE NORTHERLY ALONG A FENCE LINE 1306.73 FEET TO A  
15 FENCE CORNER; THENCE NORTH 89 DEGREES 20 MINUTES WEST  
16 ALONG A FENCE LINE 1318.55 FEET TO THE CENTER LINE OF A  
17 PUBLIC ROAD KNOWN AS BEVERLY LAKE ROAD; THENCE NORTH 0  
18 DEGREES 14 MINUTES WEST ALONG THE CENTER OF SAID ROAD  
19 958.02 FEET; THENCE NORTH 89 DEGREES 10 MINUTES WEST  
20 ALONG A CYCLONE FENCE 218.60 FEET TO A FENCE CORNER;  
21 THENCE NORTHERLY ALONG A CYCLONE FENCE 195.0 FEET TO A  
22 RIGHT OF WAY MONUMENT; THENCE NORTH 80 DEGREES 40 MINUTES  
23 WEST ALONG THE SOUTH RIGHT OF WAY OF ROUTE 72, 238.0 FEET  
24 TO A RIGHT OF WAY MONUMENT; THENCE NORTH 78 DEGREES 35  
25 MINUTES WEST ALONG THE SOUTH RIGHT OF ACCESS LINE OF SAID  
26 ROUTE 72, 507.0 FEET TO A RIGHT OF WAY MONUMENT; THENCE  
27 NORTH 76 DEGREES 12 MINUTES WEST ALONG THE SOUTH RIGHT OF  
28 WAY OF ROUTE 72, 336.50 FEET TO A CONCRETE RIGHT OF WAY  
29 MONUMENT ON THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION  
30 30; THENCE SOUTH 0 DEGREES 12 MINUTES WEST 49.31 FEET TO  
31 THE PLACE OF BEGINNING,  
32 (EXCEPT THAT PART LYING EAST OF THE CENTER LINE OF  
33 BEVERLY ROAD;  
34 AND EXCEPT THAT PART FALLING WITHIN THE FOLLOWING

1 DESCRIBED TRACT OF LAND:  
2 BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF  
3 BEVERLY ROAD AND THE RIGHT OF WAY LINE OF HIGGINS ROAD IN  
4 SECTION 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD  
5 PRINCIPAL MERIDIAN; THENCE SOUTHERLY ALONG THE CENTER  
6 LINE OF BEVERLY ROAD 165 FEET; THENCE WESTERLY 243.59  
7 FEET; THENCE NORTHERLY 195.81 FEET TO THE SOUTH RIGHT OF  
8 WAY LINE OF HIGGINS ROAD; THENCE SOUTHEASTERLY ALONG THE  
9 SOUTH RIGHT OF WAY LINE OF HIGGINS ROAD TO THE PLACE OF  
10 BEGINNING;  
11 AND EXCEPT THAT PART DEDICATED FOR BEVERLY ROAD BY PLAT  
12 OF DEDICATION RECORDED SEPTEMBER 16, 1988 AS DOCUMENT  
13 88424906),  
14 ALSO THE SOUTH 1501.64 FEET AS MEASURED ALONG THE EAST  
15 AND WEST LINES OF THE NORTHWEST 1/4 OF SECTION 31 (EXCEPT  
16 THE WEST 190 FEET THEREOF), ALL IN TOWNSHIP 42 NORTH,  
17 RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
18 ALSO THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTH  
19 10 RODS OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; THE  
20 NORTH 1/2 OF THE SOUTHWEST 1/4 AND THE NORTH 10 RODS OF  
21 THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 ALL IN SECTION 31,  
22 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL  
23 MERIDIAN, (EXCEPT THEREFROM THE WEST 190 FEET OF THE  
24 NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 31 AND  
25 EXCEPT THE SOUTH 75.00 FEET OF THE WEST 211.00 FEET OF  
26 THE EAST 370.75 FEET OF THE NORTHEAST 1/4 OF THE  
27 SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9,  
28 EAST OF THE THIRD PRINCIPAL MERIDIAN, AND EXCEPT THE  
29 NORTH 10 RODS (165.00 FEET) OF THE WEST 211.00 FEET OF  
30 THE EAST 370.75 FEET OF THE SOUTHEAST 1/4 OF THE  
31 SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE 9,  
32 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,  
33 ILLINOIS.  
34 ALSO THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION

1 31, TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD  
 2 PRINCIPAL MERIDIAN (EXCEPT THE WEST 190 FEET THEREOF AND  
 3 EXCEPT THAT PART OF THE SOUTHWEST 1/4 OF SECTION 31,  
 4 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL  
 5 MERIDIAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH  
 6 LINE OF SAID SECTION WHICH IS 190.0 FEET EAST OF THE  
 7 SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG A  
 8 STRAIGHT LINE 190.0 FEET EAST OF AND PARALLEL WITH THE  
 9 WEST LINE OF SAID SECTION FOR A DISTANCE OF 150.0 FEET;  
 10 THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID  
 11 SECTION WHICH IS 250.0 FEET EAST OF THE POINT OF  
 12 BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF SAID  
 13 SECTION 250.0 FEET TO THE POINT OF BEGINNING), IN COOK  
 14 COUNTY, ILLINOIS.

15 ALSO THAT PART OF THE SOUTHWEST 1/4 OF SECTION 31,  
 16 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL  
 17 MERIDIAN, DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH  
 18 LINE OF SAID SECTION WHICH IS 190.0 FEET EAST OF THE  
 19 SOUTHWEST CORNER OF SAID SECTION; THENCE NORTH ALONG A  
 20 STRAIGHT LINE 190.0 FEET EAST OF AND PARALLEL WITH THE  
 21 WEST LINE OF SAID SECTION FOR A DISTANCE OF 150.0 FEET;  
 22 THENCE SOUTHEASTERLY TO A POINT ON THE SOUTH LINE OF SAID  
 23 SECTION WHICH IS 250.0 FEET EAST OF THE POINT OF  
 24 BEGINNING; THENCE WEST ALONG THE SOUTH LINE OF SAID  
 25 SECTION 250.0 FEET TO THE POINT OF BEGINNING, IN COOK  
 26 COUNTY, ILLINOIS.

27 ALSO THAT PART OF SECTION 5, TOWNSHIP 41 NORTH, RANGE 9,  
 28 EAST OF THE THIRD PRINCIPAL MERIDIAN, LYING NORTHERLY OF  
 29 THE NORTHERLY LINE OF PREMISES CONVEYED TO THE ILLINOIS  
 30 STATE TOLL HIGHWAY COMMISSION BY WARRANTY DEED DATED JUNE  
 31 11, 1956 AND RECORDED JUNE 12, 1956 AS DOCUMENT NUMBER  
 32 16607889 AND LYING EASTERLY OF THE PREMISES CONVEYED TO  
 33 COMMONWEALTH EDISON COMPANY BY WARRANTY DEED DATED  
 34 JANUARY 2, 1963 AND RECORDED JANUARY 7, 1963 AS DOCUMENT

1 NUMBER 18690041, AND LYING WESTERLY OF THE EAST LINE OF  
2 THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31,  
3 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL  
4 MERIDIAN, EXTENDED SOUTHERLY TO THE AFORESAID NORTHERLY  
5 LINE OF ILLINOIS STATE TOLL HIGHWAY,  
6 ALSO THAT PART OF THE NORTHEAST 1/4 OF SECTION 31,  
7 TOWNSHIP 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL  
8 MERIDIAN, DESCRIBED AS FOLLOWS:  
9 BEGINNING AT THE INTERSECTION OF THE CENTER LINE OF  
10 BEVERLY ROAD AND THE SOUTH RIGHT OF WAY LINE OF HIGGINS  
11 ROAD; THENCE SOUTHERLY ALONG THE CENTER LINE OF BEVERLY  
12 ROAD 165 FEET; THENCE WESTERLY 243.59 FEET; THENCE  
13 NORTHERLY 195.81 FEET TO THE SOUTH RIGHT OF WAY LINE OF  
14 HIGGINS ROAD; THENCE SOUTHERLY ALONG THE SOUTH RIGHT OF  
15 WAY LINE OF HIGGINS ROAD TO THE PLACE OF BEGINNING, ALL  
16 IN COOK COUNTY, ILLINOIS.

17 PARCEL 3:  
18 THE SOUTH 70 RODS (1155.00 FEET) OF THE SOUTHEAST 1/4 OF  
19 THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE  
20 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
21 ALSO THE SOUTH 70 RODS (1155.00 FEET) OF THE SOUTHWEST  
22 1/4 OF THE SOUTHEAST 1/4 OF SECTION 31, TOWNSHIP 42  
23 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN  
24 (EXCEPTING THAT PART THEREOF LYING EAST AND SOUTH OF THE  
25 WEST AND NORTH LINES OF THE LAND CONVEYED TO THE ILLINOIS  
26 STATE TOLL HIGHWAY AUTHORITY BY DEED RECORDED JULY 29,  
27 1994 AS DOCUMENT NO. 94-667,873, SAID WEST AND NORTH  
28 LINES DESCRIBED AS COMMENCING AT THE SOUTHEAST CORNER OF  
29 SAID SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER FOR A  
30 POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 47 MINUTES 33  
31 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 31 A  
32 DISTANCE OF 32.56 FEET; THENCE NORTH 06 DEGREES 06  
33 MINUTES 43 SECONDS WEST 297.65 FEET; THENCE NORTH 00  
34 DEGREES 52 MINUTES 23 SECONDS EAST 400.65 FEET; THENCE

1 SOUTH 89 DEGREES 54 MINUTES 16 SECONDS EAST 58.81 FEET TO  
2 THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHEAST  
3 QUARTER),  
4 ALSO ALL THAT PART OF FRACTIONAL SECTION 5, TOWNSHIP 41  
5 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
6 LYING (i) NORTHERLY OF THE NORTHERLY LINE OF THE PREMISES  
7 CONVEYED TO THE ILLINOIS STATE TOLL HIGHWAY COMMISSION BY  
8 DEED RECORDED JUNE 12, 1956 AS DOCUMENT NO. 16607889;  
9 (ii) EASTERLY OF THE EAST LINE OF THE SOUTHWEST 1/4 OF  
10 THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 42 NORTH, RANGE  
11 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, EXTENDED  
12 SOUTHERLY TO THE AFORESAID NORTHERLY LINE OF THE ILLINOIS  
13 STATE TOLL HIGHWAY; AND (iii) WESTERLY OF THE EAST 279.0  
14 FEET OF SAID SECTION 5, EXCEPTING THEREFROM THE FOLLOWING  
15 DESCRIBED TRACT CONVEYED TO THE ILLINOIS STATE TOLL  
16 HIGHWAY AUTHORITY BY DEED RECORDED JULY 29, 1994 AS  
17 DOCUMENT NO. 94-667,873:  
18 COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 5;  
19 THENCE SOUTH 89 DEGREES 58 MINUTES 08 SECONDS WEST ALONG  
20 THE NORTH LINE OF SAID SECTION 5 A DISTANCE OF 279.00  
21 FEET TO THE WEST LINE OF THE EAST 279.00 FEET OF SAID  
22 SECTION 5 FOR A POINT OF BEGINNING; THENCE CONTINUING  
23 SOUTH 89 DEGREES 58 MINUTES 08 SECONDS WEST ALONG SAID  
24 NORTH LINE 13.53 FEET; THENCE SOUTH 06 DEGREES 06 MINUTES  
25 43 SECONDS EAST 61.86 FEET TO THE NORTH RIGHT OF WAY LINE  
26 OF THE NORTHERN ILLINOIS TOLL HIGHWAY AS CONVEYED BY DEED  
27 DOCUMENT NO. 16607889 RECORDED JUNE 12, 1956; THENCE  
28 NORTH 89 DEGREES 51 MINUTES 14 SECONDS EAST ALONG SAID  
29 NORTH RIGHT OF WAY LINE 6.71 FEET TO SAID WEST LINE OF  
30 THE EAST 279.00 FEET; THENCE NORTH 00 DEGREES 13 MINUTES  
31 12 SECONDS EAST ALONG SAID WEST LINE 61.50 FEET TO THE  
32 POINT OF BEGINNING;  
33 SAID PREMISES ALSO BEING CAPABLE OF BEING LEGALLY  
34 DESCRIBED AS FOLLOWS:

1 THAT PART OF FRACTIONAL SECTION 5, TOWNSHIP 41 NORTH,  
2 RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING (i)  
3 NORTHERLY OF THE PREMISES CONVEYED TO THE ILLINOIS STATE  
4 TOLL HIGHWAY COMMISSION BY DEED RECORDED JUNE 12, 1956 AS  
5 DOCUMENT NO. 16607889; (ii) EAST OF THE WEST LINE OF THE  
6 SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 31,  
7 TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL  
8 MERIDIAN, EXTENDED STRAIGHT SOUTH; AND (iii) WESTERLY OF  
9 THE FOLLOWING DESCRIBED LINE; BEGINNING AT A POINT ON THE  
10 NORTH LINE OF SAID FRACTIONAL SECTION 5, 13.53 FEET WEST  
11 OF THE WEST LINE OF THE EAST 279.00 FEET OF SAID  
12 FRACTIONAL SECTION 5; AND THENCE SOUTHEASTERLY ALONG A  
13 STRAIGHT LINE 61.86 FEET, MORE OR LESS, TO A POINT ON THE  
14 NORTHERLY LINE OF SAID PREMISES CONVEYED BY DOCUMENT NO.  
15 16607889, 6.71 FEET WESTERLY OF SAID WEST LINE OF THE  
16 EAST 279.00 FEET OF FRACTIONAL SECTION 5, ALL IN COOK  
17 COUNTY, ILLINOIS.

18 PARCEL 4:

19 THAT PART OF THE FOLLOWING DESCRIBED TRACT:  
20 THAT PART OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 41  
21 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
22 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER  
23 OF SAID FRACTIONAL SECTION 5; THENCE EAST ALONG THE NORTH  
24 LINE OF SAID FRACTIONAL SECTION 5, 1128.36 FEET, MORE OR  
25 LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE  
26 COMPANY (NOW COMMONWEALTH EDISON COMPANY) BY DEED  
27 DOCUMENT NO. 9693090 RECORDED JUNE 21, 1927; THENCE  
28 SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PUBLIC  
29 SERVICE COMPANY 3725.69 FEET, MORE OR LESS, TO THE CENTER  
30 LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 9202301  
31 RECORDED MARCH 10, 1926; THENCE WESTERLY ALONG SAID  
32 CENTER LINE OF SHOE FACTORY ROAD 1079.49 FEET, MORE OR  
33 LESS, TO A POINT ON THE CENTER LINE OF SHOE FACTORY ROAD  
34 BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943, 75.40

1 FEET EASTERLY OF THE POINT OF INTERSECTION OF THE EAST  
2 LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND  
3 SAID CENTER LINE OF SHOE FACTORY ROAD AS MEASURED ALONG  
4 SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY  
5 ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A  
6 POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6,  
7 33.00 FEET WEST OF THE AFORESAID NORTHWEST CORNER OF  
8 FRACTIONAL SECTION 5; AND THENCE EAST ALONG SAID NORTH  
9 LINE OF FRACTIONAL SECTION 6, 33.00 FEET TO THE CORNER OF  
10 BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF  
11 THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE  
12 TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS  
13 STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY  
14 RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED; THAT LIES  
15 EAST OF A LINE DRAWN AT AN ANGLE OF SOUTH 1 DEGREE 30  
16 MINUTES EAST FROM THE NORTHWEST CORNER OF FRACTIONAL  
17 SECTION 5.

18 PARCEL 5:

19 THAT PART OF THE FOLLOWING DESCRIBED TRACT:  
20 THAT PART OF FRACTIONAL SECTIONS 5 AND 6, TOWNSHIP 41  
21 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
22 DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER  
23 OF SAID FRACTIONAL SECTION 5; THENCE EAST ALONG THE NORTH  
24 LINE OF SAID FRACTIONAL SECTION 5, 1128.36 FEET, MORE OR  
25 LESS, TO THE WESTERLY RIGHT-OF-WAY LINE OF PUBLIC SERVICE  
26 COMPANY (NOW COMMONWEALTH EDISON COMPANY) BY DEED  
27 DOCUMENT NO. 9693090 RECORDED JUNE 21, 1927; THENCE  
28 SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF PUBLIC  
29 SERVICE COMPANY 3725.69 FEET, MORE OR LESS, TO THE CENTER  
30 LINE OF SHOE FACTORY ROAD BY DOCUMENT NO. 9202301  
31 RECORDED MARCH 10, 1926; THENCE WESTERLY ALONG SAID  
32 CENTER LINE OF SHOE FACTORY ROAD 1079.49 FEET, MORE OR  
33 LESS, TO A POINT ON THE CENTER LINE OF SHOE FACTORY ROAD  
34 BY DOCUMENT NO. 13018010 RECORDED JANUARY 15, 1943, 75.40

1 FEET EASTERLY OF THE POINT OF INTERSECTION OF THE EAST  
2 LINE OF SECTION 7 IN THE AFORESAID TOWNSHIP AND RANGE AND  
3 SAID CENTER LINE OF SHOE FACTORY ROAD AS MEASURED ALONG  
4 SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY  
5 ALONG A STRAIGHT LINE 3828.58 FEET, MORE OR LESS, TO A  
6 POINT ON THE NORTH LINE OF SAID FRACTIONAL SECTION 6,  
7 33.00 FEET WEST OF THE AFORESAID NORTHWEST CORNER OF  
8 FRACTIONAL SECTION 5; AND THENCE EAST ALONG SAID NORTH  
9 LINE OF FRACTIONAL SECTION 6, 33.00 FEET TO THE CORNER OF  
10 BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF  
11 THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE  
12 TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS  
13 STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY  
14 RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED;  
15 WHICH LIES WEST OF A LINE DRAWN AT AN ANGLE OF SOUTH 1€  
16 30' EAST FROM THE NORTHWEST CORNER OF FRACTIONAL SECTION  
17 5,  
18 ALSO THAT PART OF FRACTIONAL SECTION 6, TOWNSHIP 41  
19 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN,  
20 DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF  
21 INTERSECTION OF THE EAST LINE OF SECTION 7 IN THE  
22 AFORESAID TOWNSHIP AND RANGE AND THE CENTER LINE OF SHOE  
23 FACTORY ROAD BY DOCUMENT NO. 13018010 RECORDED JANUARY  
24 15, 1943; THENCE WESTERLY ALONG SAID CENTER LINE OF SHOE  
25 FACTORY ROAD 208.65 FEET, MORE OR LESS, TO A POINT ON THE  
26 EASTERLY LINE OF THE L. CURCE FARM BY DOCUMENT NO.  
27 16785517 RECORDED DECEMBER 20, 1956 EXTENDED SOUTHERLY TO  
28 SAID CENTER LINE OF SHOE FACTORY ROAD; THENCE NORTHERLY  
29 ALONG SAID EASTERLY LINE OF THE L. CURCE FARM EXTENDED  
30 SOUTHERLY AND SAID EASTERLY LINE OF THE L. CURCE FARM  
31 3827.48 FEET, MORE OR LESS, TO A POINT ON THE NORTH LINE  
32 OF SAID FRACTIONAL SECTION 6, 238.48 FEET WEST OF THE  
33 NORTHWEST CORNER OF FRACTIONAL SECTION 5 IN THE AFORESAID  
34 TOWNSHIP AND RANGE; THENCE EAST ALONG SAID NORTH LINE OF

1 SECTION 6, 205.48 FEET, MORE OR LESS, TO A POINT 33.00  
 2 FEET WEST OF SAID NORTHWEST CORNER OF FRACTIONAL SECTION  
 3 5; THENCE SOUTHERLY ALONG A STRAIGHT LINE 3828.58 FEET,  
 4 MORE OR LESS, TO A POINT ON SAID CENTER LINE OF SHOE  
 5 FACTORY ROAD 75.40 FEET EASTERLY OF THE POINT OF  
 6 BEGINNING AS MEASURED ALONG SAID CENTER LINE OF SHOE  
 7 FACTORY ROAD; AND THENCE WESTERLY ALONG SAID CENTER LINE  
 8 OF SHOE FACTORY ROAD 75.40 FEET TO THE POINT OF  
 9 BEGINNING, EXCEPT THAT PART THEREOF LYING SOUTHERLY OF  
 10 THE NORTHERLY RIGHT-OF-WAY LINE OF THE ILLINOIS STATE  
 11 TOLL HIGHWAY AS CONVEYED TO OR TAKEN BY THE ILLINOIS  
 12 STATE TOLL HIGHWAY COMMISSION, AS SAID NORTHERLY  
 13 RIGHT-OF-WAY LINE IS OCCUPIED AND MONUMENTED, ALL IN COOK  
 14 COUNTY, ILLINOIS.

15 (Source: P.A. 91-945, eff. 2-9-01.)

16 (70 ILCS 2605/286)

17 Sec. 286. 283- District enlarged. Upon the effective  
 18 date of this amendatory Act of the 91st General Assembly, the  
 19 corporate limits of the Metropolitan Water Reclamation  
 20 District are extended to include within those limits the  
 21 following described tracts of land that are annexed to the  
 22 District:

23 Parcel 1:

24 The Northwest 1/4 of the Northeast 1/4 of Section 15,  
 25 Township 35 North, Range 14, East of the Third Principal  
 26 Meridian (except the South 66 feet thereof conveyed to  
 27 Chicago District Pipeline Company, a corporation by deed  
 28 recorded as document 14832873 and except the North 49.50  
 29 feet of the South 115.5 of the East 660.0 feet thereof,  
 30 conveyed to Chicago District Pipeline Company, a  
 31 corporation, by deed recorded on September 3, 1958 as  
 32 document 17306418).

33 Parcel 2:

1 The South 66 feet of the Northwest 1/4 of the Northeast  
2 1/4 of Section 15, Township 35 North, Range 14 East of  
3 the Third Principal Meridian in Cook County, Illinois.

4 Parcel 3:

5 The South 66 feet of the Northeast 1/4 of the Northeast  
6 1/4 of Section 15, Township 35 North, Range 14 East of  
7 the Third Principal Meridian, in Cook County, Illinois.

8 Parcel 4:

9 That part of the Northeast quarter of the Northeast  
10 quarter of Section 15, Township 35 North, Range 14 East  
11 of the Third Principal Meridian, Cook County, Illinois,  
12 described as follows: commencing at the Northeast corner  
13 of said Northeast quarter; thence South 89 degrees 11  
14 minutes 17 seconds West along the North line of said  
15 Northeast quarter a distance of 604.04 feet to the point  
16 of beginning; thence South 00 degrees 58 minutes 21  
17 seconds East a distance of 1209.86 feet to an iron rod on  
18 the North line of the South 115.50 feet of the Northeast  
19 quarter of the Northeast quarter of said Section 15;  
20 thence South 89 degrees 13 minutes 25 seconds West along  
21 last said North line a distance of 720.22 feet to an iron  
22 rod on the West line of the Northeast quarter of the  
23 Northeast quarter of said Section 15; thence North 00  
24 degrees 58 minutes 21 seconds West along last said West  
25 line a distance of 1209.41 feet to an iron rod being the  
26 Northwest corner of the Northeast quarter of the  
27 Northeast quarter of said Section 15; thence North 89  
28 degrees 11 minutes 17 seconds East along the North line  
29 of said Northeast quarter a distance of 720.22 feet to  
30 the point of beginning, containing 20.00 acres.

31 (Source: P.A. 91-942, eff. 2-9-01; revised 3-19-01.)

32 (70 ILCS 2605/287)

33 Sec. 287. 285. District enlarged. Upon the effective

1 date of this amendatory Act of the 92nd General Assembly, the  
2 corporate limits of the Metropolitan Water Reclamation  
3 District are extended to include within those limits the  
4 following described tract of land, and that tract is annexed  
5 to the District.

6 THAT PART OF THE NORTH HALF OF SECTION 8, TOWNSHIP 41  
7 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED  
8 AS FOLLOWS:

9 COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 8,  
10 THENCE SOUTH 00 DEGREES 29 MINUTES 11 SECONDS WEST  
11 (ILLINOIS STATE PLACE GRID - EAST ZONE), ALONG THE WEST  
12 LINE OF SAID SECTION 8, AS MONUMENTED, A DISTANCE OF  
13 1138.22 FEET TO THE CENTERLINE OF SHOE FACTORY ROAD PER  
14 DOCUMENT NUMBER 12259969; THENCE THE FOLLOWING ONE COURSE  
15 AND DISTANCE ALONG SAID CENTERLINE, SOUTH 89 DEGREES 56  
16 MINUTES 54 SECONDS EAST A DISTANCE OF 75.47 FEET TO THE  
17 SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO COOK  
18 COUNTY ILLINOIS BY DOCUMENT NUMBER 14665399, THENCE NORTH  
19 01 DEGREE 16 MINUTES 56 SECONDS WEST, ALONG THE EAST LINE  
20 OF SAID PARCEL, A DISTANCE OF 50.01 FEET TO THE NORTHEAST  
21 CORNER OF SAID PARCEL; THENCE SOUTH 89 DEGREES 56 MINUTES  
22 54 SECONDS EAST A DISTANCE OF 95.80 FEET TO A POINT OF  
23 CURVATURE; THENCE EASTERLY ALONG THE ARC OF A TANGENTIAL  
24 CURVE, CONCAVE TO THE NORTH AND HAVING A RADIUS OF  
25 4000.00 FEET, A DISTANCE OF 697.96 FEET TO A POINT OF  
26 TANGENCY; THENCE NORTH 80 DEGREES 03 MINUTES 14 SECONDS  
27 EAST A DISTANCE OF 286.47 FEET TO THE WEST LINE OF THE  
28 190.00 FOOT-WIDE COMED PARCEL, AS MONUMENTED AND  
29 OCCUPIED, PER DOCUMENT NUMBERS 9693094, 9693090 AND  
30 18690041, POINT ALSO BEING THE NORTHWEST CORNER OF A  
31 PARCEL OF LAND CONVEYED FOR PUBLIC RIGHT-OF-WAY PURPOSES  
32 PER DOCUMENT NUMBER 14176170, ALSO BEING THE POINT OF  
33 BEGINNING; THENCE CONTINUING NORTH 80 DEGREES 03 MINUTES  
34 14 SECONDS EAST, ALONG THE NORTH LINE OF SAID

1 RIGHT-OF-WAY PARCEL, A DISTANCE OF 152.32 FEET TO THE  
 2 NORTHEAST CORNER THEREOF; THENCE SOUTH 00 DEGREES 04  
 3 MINUTES 04 SECONDS WEST, ALONG THE EAST LINE OF SAID  
 4 PARCEL, A DISTANCE OF 50.77 FEET TO THE NORTHWEST CORNER  
 5 OF BERNER ESTATES, ACCORDING TO THE PLAT THEREOF RECORDED  
 6 FEBRUARY 7, 1958 AS DOCUMENT NUMBER 17129065; THENCE  
 7 NORTH 80 DEGREES 03 MINUTES 14 SECONDS EAST, ALONG THE  
 8 NORTH LINE THEREOF, A DISTANCE OF 66.01 FEET; THENCE  
 9 SOUTH 00 DEGREES 04 MINUTES 04 SECONDS WEST A DISTANCE OF  
 10 50.77 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SHOE  
 11 FACTORY AS DEDICATED BY SAID BERNER ESTATES; THENCE SOUTH  
 12 80 DEGREES 03 MINUTES 14 SECONDS WEST, ALONG SAID  
 13 SOUTHERLY LINE AND THE SOUTH LINE OF THE AFOREMENTIONED  
 14 RIGHT-OF-WAY PARCEL PER DOCUMENT 14176170, A DISTANCE OF  
 15 218.33 FEET TO THE WEST LINE OF SAID PARCEL PER DOCUMENT  
 16 NUMBER 14176170; THENCE NORTH 00 DEGREES 04 MINUTES 04  
 17 SECONDS EAST, ALONG SAID WEST LINE, A DISTANCE OF 101.55  
 18 FEET TO THE POINT OF BEGINNING, CONTAINING 0.4254 ACRES ,  
 19 MORE OR LESS, AND LYING IN COOK COUNTY, ILLINOIS.

20 (Source: P.A. 92-143, eff. 7-24-01; revised 9-13-01.)

21 Section 36. The Regional Transportation Authority Act is  
 22 amended by changing Section 4.03 as follows:

23 (70 ILCS 3615/4.03) (from Ch. 111 2/3, par. 704.03)

24 Sec. 4.03. Taxes.

25 (a) In order to carry out any of the powers or purposes  
 26 of the Authority, the Board may by ordinance adopted with the  
 27 concurrence of 9 of the then Directors, impose throughout the  
 28 metropolitan region any or all of the taxes provided in this  
 29 Section. Except as otherwise provided in this Act, taxes  
 30 imposed under this Section and civil penalties imposed  
 31 incident thereto shall be collected and enforced by the State  
 32 Department of Revenue. The Department shall have the power to

1 administer and enforce the taxes and to determine all rights  
2 for refunds for erroneous payments of the taxes.

3 (b) The Board may impose a public transportation tax  
4 upon all persons engaged in the metropolitan region in the  
5 business of selling at retail motor fuel for operation of  
6 motor vehicles upon public highways. The tax shall be at a  
7 rate not to exceed 5% of the gross receipts from the sales of  
8 motor fuel in the course of the business. As used in this  
9 Act, the term "motor fuel" shall have the same meaning as in  
10 the Motor Fuel Tax Law Act. The Board may provide for  
11 details of the tax. The provisions of any tax shall conform,  
12 as closely as may be practicable, to the provisions of the  
13 Municipal Retailers Occupation Tax Act, including without  
14 limitation, conformity to penalties with respect to the tax  
15 imposed and as to the powers of the State Department of  
16 Revenue to promulgate and enforce rules and regulations  
17 relating to the administration and enforcement of the  
18 provisions of the tax imposed, except that reference in the  
19 Act to any municipality shall refer to the Authority and the  
20 tax shall be imposed only with regard to receipts from sales  
21 of motor fuel in the metropolitan region, at rates as limited  
22 by this Section.

23 (c) In connection with the tax imposed under paragraph  
24 (b) of this Section the Board may impose a tax upon the  
25 privilege of using in the metropolitan region motor fuel for  
26 the operation of a motor vehicle upon public highways, the  
27 tax to be at a rate not in excess of the rate of tax imposed  
28 under paragraph (b) of this Section. The Board may provide  
29 for details of the tax.

30 (d) The Board may impose a motor vehicle parking tax  
31 upon the privilege of parking motor vehicles at off-street  
32 parking facilities in the metropolitan region at which a fee  
33 is charged, and may provide for reasonable classifications in  
34 and exemptions to the tax, for administration and enforcement

1     thereof and for civil penalties and refunds thereunder and  
2     may provide criminal penalties thereunder, the maximum  
3     penalties not to exceed the maximum criminal penalties  
4     provided in the Retailers' Occupation Tax Act. The Authority  
5     may collect and enforce the tax itself or by contract with  
6     any unit of local government. The State Department of  
7     Revenue shall have no responsibility for the collection and  
8     enforcement unless the Department agrees with the Authority  
9     to undertake the collection and enforcement. As used in this  
10    paragraph, the term "parking facility" means a parking area  
11    or structure having parking spaces for more than 2 vehicles  
12    at which motor vehicles are permitted to park in return for  
13    an hourly, daily, or other periodic fee, whether publicly or  
14    privately owned, but does not include parking spaces on a  
15    public street, the use of which is regulated by parking  
16    meters.

17       (e) The Board may impose a Regional Transportation  
18    Authority Retailers' Occupation Tax upon all persons engaged  
19    in the business of selling tangible personal property at  
20    retail in the metropolitan region. In Cook County the tax  
21    rate shall be 1% of the gross receipts from sales of food for  
22    human consumption that is to be consumed off the premises  
23    where it is sold (other than alcoholic beverages, soft drinks  
24    and food that has been prepared for immediate consumption)  
25    and prescription and nonprescription medicines, drugs,  
26    medical appliances and insulin, urine testing materials,  
27    syringes and needles used by diabetics, and 3/4% of the gross  
28    receipts from other taxable sales made in the course of that  
29    business. In DuPage, Kane, Lake, McHenry, and Will Counties,  
30    the tax rate shall be 1/4% of the gross receipts from all  
31    taxable sales made in the course of that business. The tax  
32    imposed under this Section and all civil penalties that may  
33    be assessed as an incident thereof shall be collected and  
34    enforced by the State Department of Revenue. The Department

1 shall have full power to administer and enforce this Section;  
2 to collect all taxes and penalties so collected in the manner  
3 hereinafter provided; and to determine all rights to credit  
4 memoranda arising on account of the erroneous payment of tax  
5 or penalty hereunder. In the administration of, and  
6 compliance with this Section, the Department and persons who  
7 are subject to this Section shall have the same rights,  
8 remedies, privileges, immunities, powers and duties, and be  
9 subject to the same conditions, restrictions, limitations,  
10 penalties, exclusions, exemptions and definitions of terms,  
11 and employ the same modes of procedure, as are prescribed in  
12 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65  
13 (in respect to all provisions therein other than the State  
14 rate of tax), 2c, 3 (except as to the disposition of taxes  
15 and penalties collected), 4, 5, 5a, 5b, 5c, 5d, 5e, 5f, 5g,  
16 5h, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12 and 13  
17 of the Retailers' Occupation Tax Act and Section 3-7 of the  
18 Uniform Penalty and Interest Act, as fully as if those  
19 provisions were set forth herein.

20 Persons subject to any tax imposed under the authority  
21 granted in this Section may reimburse themselves for their  
22 seller's tax liability hereunder by separately stating the  
23 tax as an additional charge, which charge may be stated in  
24 combination in a single amount with State taxes that sellers  
25 are required to collect under the Use Tax Act, under any  
26 bracket schedules the Department may prescribe.

27 Whenever the Department determines that a refund should  
28 be made under this Section to a claimant instead of issuing a  
29 credit memorandum, the Department shall notify the State  
30 Comptroller, who shall cause the warrant to be drawn for the  
31 amount specified, and to the person named, in the  
32 notification from the Department. The refund shall be paid  
33 by the State Treasurer out of the Regional Transportation  
34 Authority tax fund established under paragraph (n) of this

1 Section.

2 If a tax is imposed under this subsection (e), a tax  
3 shall also be imposed under subsections (f) and (g) of this  
4 Section.

5 For the purpose of determining whether a tax authorized  
6 under this Section is applicable, a retail sale by a producer  
7 of coal or other mineral mined in Illinois, is a sale at  
8 retail at the place where the coal or other mineral mined in  
9 Illinois is extracted from the earth. This paragraph does not  
10 apply to coal or other mineral when it is delivered or  
11 shipped by the seller to the purchaser at a point outside  
12 Illinois so that the sale is exempt under the Federal  
13 Constitution as a sale in interstate or foreign commerce.

14 Nothing in this Section shall be construed to authorize  
15 the Regional Transportation Authority to impose a tax upon  
16 the privilege of engaging in any business that under the  
17 Constitution of the United States may not be made the subject  
18 of taxation by this State.

19 (f) If a tax has been imposed under paragraph (e), a  
20 Regional Transportation Authority Service Occupation Tax  
21 shall also be imposed upon all persons engaged, in the  
22 metropolitan region in the business of making sales of  
23 service, who as an incident to making the sales of service,  
24 transfer tangible personal property within the metropolitan  
25 region, either in the form of tangible personal property or  
26 in the form of real estate as an incident to a sale of  
27 service. In Cook County, the tax rate shall be: (1) 1% of  
28 the serviceman's cost price of food prepared for immediate  
29 consumption and transferred incident to a sale of service  
30 subject to the service occupation tax by an entity licensed  
31 under the Hospital Licensing Act or the Nursing Home Care Act  
32 that is located in the metropolitan region; (2) 1% of the  
33 selling price of food for human consumption that is to be  
34 consumed off the premises where it is sold (other than

1 alcoholic beverages, soft drinks and food that has been  
2 prepared for immediate consumption) and prescription and  
3 nonprescription medicines, drugs, medical appliances and  
4 insulin, urine testing materials, syringes and needles used  
5 by diabetics; and (3) 3/4% of the selling price from other  
6 taxable sales of tangible personal property transferred. In  
7 DuPage, Kane, Lake, McHenry and Will Counties the rate shall  
8 be 1/4% of the selling price of all tangible personal  
9 property transferred.

10 The tax imposed under this paragraph and all civil  
11 penalties that may be assessed as an incident thereof shall  
12 be collected and enforced by the State Department of Revenue.  
13 The Department shall have full power to administer and  
14 enforce this paragraph; to collect all taxes and penalties  
15 due hereunder; to dispose of taxes and penalties collected in  
16 the manner hereinafter provided; and to determine all rights  
17 to credit memoranda arising on account of the erroneous  
18 payment of tax or penalty hereunder. In the administration  
19 of and compliance with this paragraph, the Department and  
20 persons who are subject to this paragraph shall have the same  
21 rights, remedies, privileges, immunities, powers and duties,  
22 and be subject to the same conditions, restrictions,  
23 limitations, penalties, exclusions, exemptions and  
24 definitions of terms, and employ the same modes of procedure,  
25 as are prescribed in Sections 1a-1, 2, 2a, 3 through 3-50 (in  
26 respect to all provisions therein other than the State rate  
27 of tax), 4 (except that the reference to the State shall be  
28 to the Authority), 5, 7, 8 (except that the jurisdiction to  
29 which the tax shall be a debt to the extent indicated in that  
30 Section 8 shall be the Authority), 9 (except as to the  
31 disposition of taxes and penalties collected, and except that  
32 the returned merchandise credit for this tax may not be taken  
33 against any State tax), 10, 11, 12 (except the reference  
34 therein to Section 2b of the Retailers' Occupation Tax Act),

1 13 (except that any reference to the State shall mean the  
2 Authority), the first paragraph of Section 15, 16, 17, 18, 19  
3 and 20 of the Service Occupation Tax Act and Section 3-7 of  
4 the Uniform Penalty and Interest Act, as fully as if those  
5 provisions were set forth herein.

6 Persons subject to any tax imposed under the authority  
7 granted in this paragraph may reimburse themselves for their  
8 serviceman's tax liability hereunder by separately stating  
9 the tax as an additional charge, that charge may be stated in  
10 combination in a single amount with State tax that servicemen  
11 are authorized to collect under the Service Use Tax Act,  
12 under any bracket schedules the Department may prescribe.

13 Whenever the Department determines that a refund should  
14 be made under this paragraph to a claimant instead of issuing  
15 a credit memorandum, the Department shall notify the State  
16 Comptroller, who shall cause the warrant to be drawn for the  
17 amount specified, and to the person named in the notification  
18 from the Department. The refund shall be paid by the State  
19 Treasurer out of the Regional Transportation Authority tax  
20 fund established under paragraph (n) of this Section.

21 Nothing in this paragraph shall be construed to authorize  
22 the Authority to impose a tax upon the privilege of engaging  
23 in any business that under the Constitution of the United  
24 States may not be made the subject of taxation by the State.

25 (g) If a tax has been imposed under paragraph (e), a tax  
26 shall also be imposed upon the privilege of using in the  
27 metropolitan region, any item of tangible personal property  
28 that is purchased outside the metropolitan region at retail  
29 from a retailer, and that is titled or registered with an  
30 agency of this State's government. In Cook County the tax  
31 rate shall be 3/4% of the selling price of the tangible  
32 personal property, as "selling price" is defined in the Use  
33 Tax Act. In DuPage, Kane, Lake, McHenry and Will counties  
34 the tax rate shall be 1/4% of the selling price of the

1 tangible personal property, as "selling price" is defined in  
2 the Use Tax Act. The tax shall be collected from persons  
3 whose Illinois address for titling or registration purposes  
4 is given as being in the metropolitan region. The tax shall  
5 be collected by the Department of Revenue for the Regional  
6 Transportation Authority. The tax must be paid to the State,  
7 or an exemption determination must be obtained from the  
8 Department of Revenue, before the title or certificate of  
9 registration for the property may be issued. The tax or proof  
10 of exemption may be transmitted to the Department by way of  
11 the State agency with which, or the State officer with whom,  
12 the tangible personal property must be titled or registered  
13 if the Department and the State agency or State officer  
14 determine that this procedure will expedite the processing of  
15 applications for title or registration.

16 The Department shall have full power to administer and  
17 enforce this paragraph; to collect all taxes, penalties and  
18 interest due hereunder; to dispose of taxes, penalties and  
19 interest collected in the manner hereinafter provided; and to  
20 determine all rights to credit memoranda or refunds arising  
21 on account of the erroneous payment of tax, penalty or  
22 interest hereunder. In the administration of and compliance  
23 with this paragraph, the Department and persons who are  
24 subject to this paragraph shall have the same rights,  
25 remedies, privileges, immunities, powers and duties, and be  
26 subject to the same conditions, restrictions, limitations,  
27 penalties, exclusions, exemptions and definitions of terms  
28 and employ the same modes of procedure, as are prescribed in  
29 Sections 2 (except the definition of "retailer maintaining a  
30 place of business in this State"), 3 through 3-80 (except  
31 provisions pertaining to the State rate of tax, and except  
32 provisions concerning collection or refunding of the tax by  
33 retailers), 4, 11, 12, 12a, 14, 15, 19 (except the portions  
34 pertaining to claims by retailers and except the last

1 paragraph concerning refunds), 20, 21 and 22 of the Use Tax  
2 Act, and are not inconsistent with this paragraph, as fully  
3 as if those provisions were set forth herein.

4 Whenever the Department determines that a refund should  
5 be made under this paragraph to a claimant instead of issuing  
6 a credit memorandum, the Department shall notify the State  
7 Comptroller, who shall cause the order to be drawn for the  
8 amount specified, and to the person named in the notification  
9 from the Department. The refund shall be paid by the State  
10 Treasurer out of the Regional Transportation Authority tax  
11 fund established under paragraph (n) of this Section.

12 (h) The Authority may impose a replacement vehicle tax  
13 of \$50 on any passenger car as defined in Section 1-157 of  
14 the Illinois Vehicle Code purchased within the metropolitan  
15 region by or on behalf of an insurance company to replace a  
16 passenger car of an insured person in settlement of a total  
17 loss claim. The tax imposed may not become effective before  
18 the first day of the month following the passage of the  
19 ordinance imposing the tax and receipt of a certified copy of  
20 the ordinance by the Department of Revenue. The Department  
21 of Revenue shall collect the tax for the Authority in  
22 accordance with Sections 3-2002 and 3-2003 of the Illinois  
23 Vehicle Code.

24 The Department shall immediately pay over to the State  
25 Treasurer, ex officio, as trustee, all taxes collected  
26 hereunder. On or before the 25th day of each calendar month,  
27 the Department shall prepare and certify to the Comptroller  
28 the disbursement of stated sums of money to the Authority.  
29 The amount to be paid to the Authority shall be the amount  
30 collected hereunder during the second preceding calendar  
31 month by the Department, less any amount determined by the  
32 Department to be necessary for the payment of refunds.  
33 Within 10 days after receipt by the Comptroller of the  
34 disbursement certification to the Authority provided for in

1 this Section to be given to the Comptroller by the  
2 Department, the Comptroller shall cause the orders to be  
3 drawn for that amount in accordance with the directions  
4 contained in the certification.

5 (i) The Board may not impose any other taxes except as  
6 it may from time to time be authorized by law to impose.

7 (j) A certificate of registration issued by the State  
8 Department of Revenue to a retailer under the Retailers'  
9 Occupation Tax Act or under the Service Occupation Tax Act  
10 shall permit the registrant to engage in a business that is  
11 taxed under the tax imposed under paragraphs (b), (e), (f) or  
12 (g) of this Section and no additional registration shall be  
13 required under the tax. A certificate issued under the Use  
14 Tax Act or the Service Use Tax Act shall be applicable with  
15 regard to any tax imposed under paragraph (c) of this  
16 Section.

17 (k) The provisions of any tax imposed under paragraph  
18 (c) of this Section shall conform as closely as may be  
19 practicable to the provisions of the Use Tax Act, including  
20 without limitation conformity as to penalties with respect to  
21 the tax imposed and as to the powers of the State Department  
22 of Revenue to promulgate and enforce rules and regulations  
23 relating to the administration and enforcement of the  
24 provisions of the tax imposed. The taxes shall be imposed  
25 only on use within the metropolitan region and at rates as  
26 provided in the paragraph.

27 (l) The Board in imposing any tax as provided in  
28 paragraphs (b) and (c) of this Section, shall, after seeking  
29 the advice of the State Department of Revenue, provide means  
30 for retailers, users or purchasers of motor fuel for purposes  
31 other than those with regard to which the taxes may be  
32 imposed as provided in those paragraphs to receive refunds of  
33 taxes improperly paid, which provisions may be at variance  
34 with the refund provisions as applicable under the Municipal

1 Retailers Occupation Tax Act. The State Department of  
2 Revenue may provide for certificates of registration for  
3 users or purchasers of motor fuel for purposes other than  
4 those with regard to which taxes may be imposed as provided  
5 in paragraphs (b) and (c) of this Section to facilitate the  
6 reporting and nontaxability of the exempt sales or uses.

7 (m) Any ordinance imposing or discontinuing any tax  
8 under this Section shall be adopted and a certified copy  
9 thereof filed with the Department on or before June 1,  
10 whereupon the Department of Revenue shall proceed to  
11 administer and enforce this Section on behalf of the Regional  
12 Transportation Authority as of September 1 next following  
13 such adoption and filing. Beginning January 1, 1992, an  
14 ordinance or resolution imposing or discontinuing the tax  
15 hereunder shall be adopted and a certified copy thereof filed  
16 with the Department on or before the first day of July,  
17 whereupon the Department shall proceed to administer and  
18 enforce this Section as of the first day of October next  
19 following such adoption and filing. Beginning January 1,  
20 1993, an ordinance or resolution imposing or discontinuing  
21 the tax hereunder shall be adopted and a certified copy  
22 thereof filed with the Department on or before the first day  
23 of October, whereupon the Department shall proceed to  
24 administer and enforce this Section as of the first day of  
25 January next following such adoption and filing.

26 (n) The State Department of Revenue shall, upon  
27 collecting any taxes as provided in this Section, pay the  
28 taxes over to the State Treasurer as trustee for the  
29 Authority. The taxes shall be held in a trust fund outside  
30 the State Treasury. On or before the 25th day of each  
31 calendar month, the State Department of Revenue shall prepare  
32 and certify to the Comptroller of the State of Illinois the  
33 amount to be paid to the Authority, which shall be the then  
34 balance in the fund, less any amount determined by the

1 Department to be necessary for the payment of refunds. The  
2 State Department of Revenue shall also certify to the  
3 Authority the amount of taxes collected in each County other  
4 than Cook County in the metropolitan region less the amount  
5 necessary for the payment of refunds to taxpayers in the  
6 County. With regard to the County of Cook, the certification  
7 shall specify the amount of taxes collected within the City  
8 of Chicago less the amount necessary for the payment of  
9 refunds to taxpayers in the City of Chicago and the amount  
10 collected in that portion of Cook County outside of Chicago  
11 less the amount necessary for the payment of refunds to  
12 taxpayers in that portion of Cook County outside of Chicago.  
13 Within 10 days after receipt by the Comptroller of the  
14 certification of the amount to be paid to the Authority, the  
15 Comptroller shall cause an order to be drawn for the payment  
16 for the amount in accordance with the direction in the  
17 certification.

18 In addition to the disbursement required by the preceding  
19 paragraph, an allocation shall be made in July 1991 and each  
20 year thereafter to the Regional Transportation Authority.  
21 The allocation shall be made in an amount equal to the  
22 average monthly distribution during the preceding calendar  
23 year (excluding the 2 months of lowest receipts) and the  
24 allocation shall include the amount of average monthly  
25 distribution from the Regional Transportation Authority  
26 Occupation and Use Tax Replacement Fund. The distribution  
27 made in July 1992 and each year thereafter under this  
28 paragraph and the preceding paragraph shall be reduced by the  
29 amount allocated and disbursed under this paragraph in the  
30 preceding calendar year. The Department of Revenue shall  
31 prepare and certify to the Comptroller for disbursement the  
32 allocations made in accordance with this paragraph.

33 (o) Failure to adopt a budget ordinance or otherwise to  
34 comply with Section 4.01 of this Act or to adopt a Five-year

1 Program or otherwise to comply with paragraph (b) of Section  
2 2.01 of this Act shall not affect the validity of any tax  
3 imposed by the Authority otherwise in conformity with law.

4 (p) At no time shall a public transportation tax or  
5 motor vehicle parking tax authorized under paragraphs (b),  
6 (c) and (d) of this Section be in effect at the same time as  
7 any retailers' occupation, use or service occupation tax  
8 authorized under paragraphs (e), (f) and (g) of this Section  
9 is in effect.

10 Any taxes imposed under the authority provided in  
11 paragraphs (b), (c) and (d) shall remain in effect only until  
12 the time as any tax authorized by paragraphs (e), (f) or (g)  
13 of this Section are imposed and becomes effective. Once any  
14 tax authorized by paragraphs (e), (f) or (g) is imposed the  
15 Board may not reimpose taxes as authorized in paragraphs (b),  
16 (c) and (d) of the Section unless any tax authorized by  
17 paragraphs (e), (f) or (g) of this Section becomes  
18 ineffective by means other than an ordinance of the Board.

19 (q) Any existing rights, remedies and obligations  
20 (including enforcement by the Regional Transportation  
21 Authority) arising under any tax imposed under paragraphs  
22 (b), (c) or (d) of this Section shall not be affected by the  
23 imposition of a tax under paragraphs (e), (f) or (g) of this  
24 Section.

25 (Source: P.A. 91-51, eff. 6-30-99; 92-221, eff. 8-2-01;  
26 revised 12-07-01.)

27 Section 37. The School Code is amended by changing  
28 Sections 1D-1, 2-3.35, 14-9.01, 18-8.05, 22-27, and 34A-403.1  
29 and renumbering Section 14-1.09.02 as follows:

30 (105 ILCS 5/1D-1)

31 Sec. 1D-1. Block grant funding.

32 (a) For fiscal year 1996 and each fiscal year

1 thereafter, the State Board of Education shall award to a  
2 school district having a population exceeding 500,000  
3 inhabitants a general education block grant and an  
4 educational services block grant, determined as provided in  
5 this Section, in lieu of distributing to the district  
6 separate State funding for the programs described in  
7 subsections (b) and (c). The provisions of this Section,  
8 however, do not apply to any federal funds that the district  
9 is entitled to receive. In accordance with Section 2-3.32,  
10 all block grants are subject to an audit. Therefore, block  
11 grant receipts and block grant expenditures shall be recorded  
12 to the appropriate fund code for the designated block grant.

13 (b) The general education block grant shall include the  
14 following programs: REI Initiative, Summer Bridges, Preschool  
15 At Risk, K-6 Comprehensive Arts, School Improvement Support,  
16 Urban Education, Scientific Literacy, Substance Abuse  
17 Prevention, Second Language Planning, Staff Development,  
18 Outcomes and Assessment, K-6 Reading Improvement, Truants'  
19 Optional Education, Hispanic Programs, Agriculture Education,  
20 Gifted Education, Parental Education, Prevention Initiative,  
21 Report Cards, and Criminal Background Investigations.  
22 Notwithstanding any other provision of law, all amounts paid  
23 under the general education block grant from State  
24 appropriations to a school district in a city having a  
25 population exceeding 500,000 inhabitants shall be  
26 appropriated and expended by the board of that district for  
27 any of the programs included in the block grant or any of the  
28 board's lawful purposes.

29 (c) The educational services block grant shall include  
30 the following programs: Bilingual, Regular and Vocational  
31 Transportation, State Lunch and Free Breakfast Program,  
32 Special Education (Personnel, Extraordinary, Transportation,  
33 Orphanage, Private Tuition), Summer School, Educational  
34 Service Centers, and Administrator's Academy. This

1 subsection (c) does not relieve the district of its  
2 obligation to provide the services required under a program  
3 that is included within the educational services block grant.  
4 It is the intention of the General Assembly in enacting the  
5 provisions of this subsection (c) to relieve the district of  
6 the administrative burdens that impede efficiency and  
7 accompany single-program funding. The General Assembly  
8 encourages the board to pursue mandate waivers pursuant to  
9 Section 2-3.25g.

10 (d) For fiscal year 1996 and each fiscal year  
11 thereafter, the amount of the district's block grants shall  
12 be determined as follows: (i) with respect to each program  
13 that is included within each block grant, the district shall  
14 receive an amount equal to the same percentage of the current  
15 fiscal year appropriation made for that program as the  
16 percentage of the appropriation received by the district from  
17 the 1995 fiscal year appropriation made for that program, and  
18 (ii) the total amount that is due the district under the  
19 block grant shall be the aggregate of the amounts that the  
20 district is entitled to receive for the fiscal year with  
21 respect to each program that is included within the block  
22 grant that the State Board of Education shall award the  
23 district under this Section for that fiscal year. In the  
24 case of the Summer Bridges program, the amount of the  
25 district's block grant shall be equal to 44% of the amount of  
26 the current fiscal year appropriation made for that program.

27 (e) The district is not required to file any application  
28 or other claim in order to receive the block grants to which  
29 it is entitled under this Section. The State Board of  
30 Education shall make payments to the district of amounts due  
31 under the district's block grants on a schedule determined by  
32 the State Board of Education.

33 (f) A school district to which this Section applies  
34 shall report to the State Board of Education on its use of

1 the block grants in such form and detail as the State Board  
2 of Education may specify.

3 (g) This paragraph provides for the treatment of block  
4 grants under Article 1C for purposes of calculating the  
5 amount of block grants for a district under this Section.  
6 Those block grants under Article 1C ~~1E~~ are, for this purpose,  
7 treated as included in the amount of appropriation for the  
8 various programs set forth in paragraph (b) above. The  
9 appropriation in each current fiscal year for each block  
10 grant under Article 1C shall be treated for these purposes as  
11 appropriations for the individual program included in that  
12 block grant. The proportion of each block grant so allocated  
13 to each such program included in it shall be the proportion  
14 which the appropriation for that program was of all  
15 appropriations for such purposes now in that block grant, in  
16 fiscal 1995.

17 (Source: P.A. 90-566, eff. 1-2-98; 90-653, eff. 7-29-98;  
18 91-711, eff. 7-1-00; revised 12-04-01.)

19 (105 ILCS 5/2-3.35) (from Ch. 122, par. 2-3.35)  
20 Sec. 2-3.35. Department of School District Organization.  
21 To establish a Department of School District Organization to  
22 assist local school districts in studying school district  
23 organization problems so as to improve educational  
24 opportunities for the students and:

25 (1) To provide consultant service to local school  
26 districts to help them determine and understand the  
27 necessary quality educational program needed for the  
28 youth of today, and the necessary services and resources  
29 to develop and support it.

30 (2) To provide consultant service to school  
31 districts that need to reorganize through consolidation,  
32 joint agreements, etc., in order to provide for a quality  
33 educational program.

1           (3) To provide consultant service to school  
 2 districts needing help to solve internal organizational  
 3 problems that must be solved to provide a quality  
 4 educational program.

5           (4) To provide information annually to the School  
 6 Problems Commission regarding progress made in improving  
 7 school district organization as well as school district  
 8 reorganization. Such factual information should provide  
 9 a basis for legislation to solve organizational problems  
 10 for school districts when they cannot or will not be  
 11 solved at the local school district level.

12           (5) May make area surveys of strengths and  
 13 weaknesses of local school districts and recommend, where  
 14 necessary, a course of action to meet adequate standards.

15 (Source: Laws 1967, p. 2639; revised 12-06-01.)

16 (105 ILCS 5/14-1.09.2)

17 Sec. 14-1.09.2. ~~14-1.09.02.~~ School Social Work Services.  
 18 In the public schools, social work services may be provided  
 19 by qualified specialists who hold Type 73 School Service  
 20 Personnel Certificates endorsed for school social work issued  
 21 by the State Teacher Certification Board.

22 School social work services may include, but are not  
 23 limited to:

24           (1) Identifying students in need of special  
 25 education services by conducting a social-developmental  
 26 study in a case study evaluation;

27           (2) Developing and implementing comprehensive  
 28 interventions with students, parents, and teachers that  
 29 will enhance student adjustment to, and performance in,  
 30 the school setting;

31           (3) Consulting and collaborating with teachers and  
 32 other school personnel regarding behavior management and  
 33 intervention plans and inclusion in support of special

1 education students in regular classroom settings;

2 (4) Counseling with students, parents, and teachers  
3 in accordance with the rules and regulations governing  
4 provision of related services, provided that parent  
5 permission must be obtained in writing before a student  
6 participates in a group counseling session;

7 (5) Acting as a liaison between the public schools  
8 and community resources;

9 (6) Developing and implementing school-based  
10 prevention programs including mediation and violence  
11 prevention;

12 (7) Providing crisis intervention within the school  
13 setting;

14 (8) Supervising school social work interns enrolled  
15 in school social work programs that meet the standards  
16 established by the State Board of Education;

17 (9) Providing parent education and counseling as  
18 appropriate in relation to the child's educational  
19 assessment; and

20 (10) Assisting in completing a functional  
21 behavioral assessment, as well as assisting in the  
22 development of nonaversive behavioral intervention  
23 strategies.

24 Nothing in this Section prohibits other certified  
25 professionals from providing any of the services listed in  
26 this Section for which they are appropriately trained.

27 (Source: P.A. 92-362, eff. 8-15-01; revised 10-9-01.)

28 (105 ILCS 5/14-9.01) (from Ch. 122, par. 14-9.01)

29 Sec. 14-9.01. Qualifications of teachers, other  
30 professional personnel and necessary workers. No person  
31 shall be employed to teach any class or program authorized by  
32 this Article who does not hold a valid teacher's certificate  
33 as provided by law and unless he has had such special

1 training as the State Board of Education may require. No  
2 special certificate or endorsement to a special certificate  
3 issued under Section ~~21-4~~ 21-4 on or after July 1, 1994,  
4 shall be valid for teaching students with visual disabilities  
5 unless the person to whom the certificate or endorsement is  
6 issued has attained satisfactory performance on an  
7 examination that is designed to assess competency in Braille  
8 reading and writing skills according to standards that the  
9 State Board of Education may adopt. Evidence of successfully  
10 completing the examination of Braille reading and writing  
11 skills must be submitted to the State Board of Education  
12 prior to an applicant's examination of the subject matter  
13 knowledge test required under Section 21-1a. Beginning July  
14 1, 1995, in addition to other requirements, a candidate for a  
15 teaching certification in the area of the deaf and hard of  
16 hearing granted by the Illinois State Board of Education for  
17 teaching deaf and hard of hearing students in grades  
18 pre-school through grade 12 must demonstrate a minimum  
19 proficiency in sign language as determined by the Illinois  
20 State Board of Education. All other professional personnel  
21 employed in any class, service, or program authorized by this  
22 Article shall hold such certificates and shall have had such  
23 special training as the State Board of Education may require;  
24 provided that in a school district organized under Article  
25 34, the school district may employ speech and language  
26 pathologists who are licensed under the Illinois  
27 Speech-Language Pathology and Audiology Practice Act but who  
28 do not hold a certificate issued under the School Code if the  
29 district certifies that a chronic shortage of certified  
30 personnel exists. Nothing contained in this Act prohibits  
31 the school board from employing necessary workers to assist  
32 the teacher with the special educational facilities, except  
33 that all such necessary workers must have had such training  
34 as the State Board of Education may require.

1           No later than January 1, 1993, the State Board of  
2 Education shall develop, in consultation with the Advisory  
3 Council on the Education of Children with Disabilities and  
4 the Advisory Council on Bilingual Education, rules governing  
5 the qualifications for certification of teachers and school  
6 service personnel providing services to limited English  
7 proficient students receiving special education and related  
8 services.

9           The employment of any teacher in a special education  
10 program provided for in Sections 14-1.01 to 14-14.01,  
11 inclusive, shall be subject to the provisions of Sections  
12 24-11 to 24-16, inclusive. Any teacher employed in a special  
13 education program, prior to the effective date of this  
14 amendatory Act of 1987, in which 2 or more districts  
15 participate shall enter upon contractual continued service in  
16 each of the participating districts subject to the provisions  
17 of Sections 24-11 to 24-16, inclusive.

18           (Source: P.A. 88-45; 88-49; 88-670, eff. 12-2-94; 89-397,  
19 eff. 8-20-95; 89-636, eff. 8-9-96; 89-698, eff. 1-14-97;  
20 revised 1-7-02.)

21           (105 ILCS 5/18-8.05)

22           Sec. 18-8.05. Basis for apportionment of general State  
23 financial aid and supplemental general State aid to the  
24 common schools for the 1998-1999 and subsequent school years.

25           (A) General Provisions.

26           (1) The provisions of this Section apply to the  
27 1998-1999 and subsequent school years. The system of general  
28 State financial aid provided for in this Section is designed  
29 to assure that, through a combination of State financial aid  
30 and required local resources, the financial support provided  
31 each pupil in Average Daily Attendance equals or exceeds a  
32 prescribed per pupil Foundation Level. This formula approach  
33 imputes a level of per pupil Available Local Resources and

1 provides for the basis to calculate a per pupil level of  
2 general State financial aid that, when added to Available  
3 Local Resources, equals or exceeds the Foundation Level. The  
4 amount of per pupil general State financial aid for school  
5 districts, in general, varies in inverse relation to  
6 Available Local Resources. Per pupil amounts are based upon  
7 each school district's Average Daily Attendance as that term  
8 is defined in this Section.

9 (2) In addition to general State financial aid, school  
10 districts with specified levels or concentrations of pupils  
11 from low income households are eligible to receive  
12 supplemental general State financial aid grants as provided  
13 pursuant to subsection (H). The supplemental State aid grants  
14 provided for school districts under subsection (H) shall be  
15 appropriated for distribution to school districts as part of  
16 the same line item in which the general State financial aid  
17 of school districts is appropriated under this Section.

18 (3) To receive financial assistance under this Section,  
19 school districts are required to file claims with the State  
20 Board of Education, subject to the following requirements:

21 (a) Any school district which fails for any given  
22 school year to maintain school as required by law, or to  
23 maintain a recognized school is not eligible to file for  
24 such school year any claim upon the Common School Fund.  
25 In case of nonrecognition of one or more attendance  
26 centers in a school district otherwise operating  
27 recognized schools, the claim of the district shall be  
28 reduced in the proportion which the Average Daily  
29 Attendance in the attendance center or centers bear to  
30 the Average Daily Attendance in the school district. A  
31 "recognized school" means any public school which meets  
32 the standards as established for recognition by the State  
33 Board of Education. A school district or attendance  
34 center not having recognition status at the end of a

1 school term is entitled to receive State aid payments due  
2 upon a legal claim which was filed while it was  
3 recognized.

4 (b) School district claims filed under this Section  
5 are subject to Sections 18-9, 18-10, and 18-12, except as  
6 otherwise provided in this Section.

7 (c) If a school district operates a full year  
8 school under Section 10-19.1, the general State aid to  
9 the school district shall be determined by the State  
10 Board of Education in accordance with this Section as  
11 near as may be applicable.

12 (d) (Blank).

13 (4) Except as provided in subsections (H) and (L), the  
14 board of any district receiving any of the grants provided  
15 for in this Section may apply those funds to any fund so  
16 received for which that board is authorized to make  
17 expenditures by law.

18 School districts are not required to exert a minimum  
19 Operating Tax Rate in order to qualify for assistance under  
20 this Section.

21 (5) As used in this Section the following terms, when  
22 capitalized, shall have the meaning ascribed herein:

23 (a) "Average Daily Attendance": A count of pupil  
24 attendance in school, averaged as provided for in  
25 subsection (C) and utilized in deriving per pupil  
26 financial support levels.

27 (b) "Available Local Resources": A computation of  
28 local financial support, calculated on the basis of  
29 Average Daily Attendance and derived as provided pursuant  
30 to subsection (D).

31 (c) "Corporate Personal Property Replacement  
32 Taxes": Funds paid to local school districts pursuant to  
33 "An Act in relation to the abolition of ad valorem  
34 personal property tax and the replacement of revenues

1 lost thereby, and amending and repealing certain Acts and  
2 parts of Acts in connection therewith", certified August  
3 14, 1979, as amended (Public Act 81-1st S.S.-1).

4 (d) "Foundation Level": A prescribed level of per  
5 pupil financial support as provided for in subsection  
6 (B).

7 (e) "Operating Tax Rate": All school district  
8 property taxes extended for all purposes, except Bond and  
9 Interest, Summer School, Rent, Capital Improvement, and  
10 Vocational Education Building purposes.

11 (B) Foundation Level.

12 (1) The Foundation Level is a figure established by the  
13 State representing the minimum level of per pupil financial  
14 support that should be available to provide for the basic  
15 education of each pupil in Average Daily Attendance. As set  
16 forth in this Section, each school district is assumed to  
17 exert a sufficient local taxing effort such that, in  
18 combination with the aggregate of general State financial aid  
19 provided the district, an aggregate of State and local  
20 resources are available to meet the basic education needs of  
21 pupils in the district.

22 (2) For the 1998-1999 school year, the Foundation Level  
23 of support is \$4,225. For the 1999-2000 school year, the  
24 Foundation Level of support is \$4,325. For the 2000-2001  
25 school year, the Foundation Level of support is \$4,425.

26 (3) For the 2001-2002 school year and each school year  
27 thereafter, the Foundation Level of support is \$4,560 or such  
28 greater amount as may be established by law by the General  
29 Assembly.

30 (C) Average Daily Attendance.

31 (1) For purposes of calculating general State aid  
32 pursuant to subsection (E), an Average Daily Attendance  
33 figure shall be utilized. The Average Daily Attendance

1 figure for formula calculation purposes shall be the monthly  
2 average of the actual number of pupils in attendance of each  
3 school district, as further averaged for the best 3 months of  
4 pupil attendance for each school district. In compiling the  
5 figures for the number of pupils in attendance, school  
6 districts and the State Board of Education shall, for  
7 purposes of general State aid funding, conform attendance  
8 figures to the requirements of subsection (F).

9 (2) The Average Daily Attendance figures utilized in  
10 subsection (E) shall be the requisite attendance data for the  
11 school year immediately preceding the school year for which  
12 general State aid is being calculated or the average of the  
13 attendance data for the 3 preceding school years, whichever  
14 is greater. The Average Daily Attendance figures utilized in  
15 subsection (H) shall be the requisite attendance data for the  
16 school year immediately preceding the school year for which  
17 general State aid is being calculated.

18 (D) Available Local Resources.

19 (1) For purposes of calculating general State aid  
20 pursuant to subsection (E), a representation of Available  
21 Local Resources per pupil, as that term is defined and  
22 determined in this subsection, shall be utilized. Available  
23 Local Resources per pupil shall include a calculated dollar  
24 amount representing local school district revenues from local  
25 property taxes and from Corporate Personal Property  
26 Replacement Taxes, expressed on the basis of pupils in  
27 Average Daily Attendance.

28 (2) In determining a school district's revenue from  
29 local property taxes, the State Board of Education shall  
30 utilize the equalized assessed valuation of all taxable  
31 property of each school district as of September 30 of the  
32 previous year. The equalized assessed valuation utilized  
33 shall be obtained and determined as provided in subsection  
34 (G).

1           (3) For school districts maintaining grades kindergarten  
2 through 12, local property tax revenues per pupil shall be  
3 calculated as the product of the applicable equalized  
4 assessed valuation for the district multiplied by 3.00%, and  
5 divided by the district's Average Daily Attendance figure.  
6 For school districts maintaining grades kindergarten through  
7 8, local property tax revenues per pupil shall be calculated  
8 as the product of the applicable equalized assessed valuation  
9 for the district multiplied by 2.30%, and divided by the  
10 district's Average Daily Attendance figure. For school  
11 districts maintaining grades 9 through 12, local property tax  
12 revenues per pupil shall be the applicable equalized assessed  
13 valuation of the district multiplied by 1.05%, and divided by  
14 the district's Average Daily Attendance figure.

15           (4) The Corporate Personal Property Replacement Taxes  
16 paid to each school district during the calendar year 2 years  
17 before the calendar year in which a school year begins,  
18 divided by the Average Daily Attendance figure for that  
19 district, shall be added to the local property tax revenues  
20 per pupil as derived by the application of the immediately  
21 preceding paragraph (3). The sum of these per pupil figures  
22 for each school district shall constitute Available Local  
23 Resources as that term is utilized in subsection (E) in the  
24 calculation of general State aid.

25           (E) Computation of General State Aid.

26           (1) For each school year, the amount of general State  
27 aid allotted to a school district shall be computed by the  
28 State Board of Education as provided in this subsection.

29           (2) For any school district for which Available Local  
30 Resources per pupil is less than the product of 0.93 times  
31 the Foundation Level, general State aid for that district  
32 shall be calculated as an amount equal to the Foundation  
33 Level minus Available Local Resources, multiplied by the  
34 Average Daily Attendance of the school district.

1           (3) For any school district for which Available Local  
2 Resources per pupil is equal to or greater than the product  
3 of 0.93 times the Foundation Level and less than the product  
4 of 1.75 times the Foundation Level, the general State aid per  
5 pupil shall be a decimal proportion of the Foundation Level  
6 derived using a linear algorithm. Under this linear  
7 algorithm, the calculated general State aid per pupil shall  
8 decline in direct linear fashion from 0.07 times the  
9 Foundation Level for a school district with Available Local  
10 Resources equal to the product of 0.93 times the Foundation  
11 Level, to 0.05 times the Foundation Level for a school  
12 district with Available Local Resources equal to the product  
13 of 1.75 times the Foundation Level. The allocation of  
14 general State aid for school districts subject to this  
15 paragraph 3 shall be the calculated general State aid per  
16 pupil figure multiplied by the Average Daily Attendance of  
17 the school district.

18           (4) For any school district for which Available Local  
19 Resources per pupil equals or exceeds the product of 1.75  
20 times the Foundation Level, the general State aid for the  
21 school district shall be calculated as the product of \$218  
22 multiplied by the Average Daily Attendance of the school  
23 district.

24           (5) The amount of general State aid allocated to a  
25 school district for the 1999-2000 school year meeting the  
26 requirements set forth in paragraph (4) of subsection (G)  
27 shall be increased by an amount equal to the general State  
28 aid that would have been received by the district for the  
29 1998-1999 school year by utilizing the Extension Limitation  
30 Equalized Assessed Valuation as calculated in paragraph (4)  
31 of subsection (G) less the general State aid allotted for the  
32 1998-1999 school year. This amount shall be deemed a one  
33 time increase, and shall not affect any future general State  
34 aid allocations.

1 (F) Compilation of Average Daily Attendance.

2 (1) Each school district shall, by July 1 of each year,  
3 submit to the State Board of Education, on forms prescribed  
4 by the State Board of Education, attendance figures for the  
5 school year that began in the preceding calendar year. The  
6 attendance information so transmitted shall identify the  
7 average daily attendance figures for each month of the school  
8 year, except that any days of attendance in August shall be  
9 added to the month of September and any days of attendance in  
10 June shall be added to the month of May.

11 Except as otherwise provided in this Section, days of  
12 attendance by pupils shall be counted only for sessions of  
13 not less than 5 clock hours of school work per day under  
14 direct supervision of: (i) teachers, or (ii) non-teaching  
15 personnel or volunteer personnel when engaging in  
16 non-teaching duties and supervising in those instances  
17 specified in subsection (a) of Section 10-22.34 and paragraph  
18 10 of Section 34-18, with pupils of legal school age and in  
19 kindergarten and grades 1 through 12.

20 Days of attendance by tuition pupils shall be accredited  
21 only to the districts that pay the tuition to a recognized  
22 school.

23 (2) Days of attendance by pupils of less than 5 clock  
24 hours of school shall be subject to the following provisions  
25 in the compilation of Average Daily Attendance.

26 (a) Pupils regularly enrolled in a public school  
27 for only a part of the school day may be counted on the  
28 basis of 1/6 day for every class hour of instruction of  
29 40 minutes or more attended pursuant to such enrollment,  
30 unless a pupil is enrolled in a block-schedule format of  
31 80 minutes or more of instruction, in which case the  
32 pupil may be counted on the basis of the proportion of  
33 minutes of school work completed each day to the minimum  
34 number of minutes that school work is required to be held

1           that day.

2           (b) Days of attendance may be less than 5 clock  
3 hours on the opening and closing of the school term, and  
4 upon the first day of pupil attendance, if preceded by a  
5 day or days utilized as an institute or teachers'  
6 workshop.

7           (c) A session of 4 or more clock hours may be  
8 counted as a day of attendance upon certification by the  
9 regional superintendent, and approved by the State  
10 Superintendent of Education to the extent that the  
11 district has been forced to use daily multiple sessions.

12           (d) A session of 3 or more clock hours may be  
13 counted as a day of attendance (1) when the remainder of  
14 the school day or at least 2 hours in the evening of that  
15 day is utilized for an in-service training program for  
16 teachers, up to a maximum of 5 days per school year of  
17 which a maximum of 4 days of such 5 days may be used for  
18 parent-teacher conferences, provided a district conducts  
19 an in-service training program for teachers which has  
20 been approved by the State Superintendent of Education;  
21 or, in lieu of 4 such days, 2 full days may be used, in  
22 which event each such day may be counted as a day of  
23 attendance; and (2) when days in addition to those  
24 provided in item (1) are scheduled by a school pursuant  
25 to its school improvement plan adopted under Article 34  
26 or its revised or amended school improvement plan adopted  
27 under Article 2, provided that (i) such sessions of 3 or  
28 more clock hours are scheduled to occur at regular  
29 intervals, (ii) the remainder of the school days in which  
30 such sessions occur are utilized for in-service training  
31 programs or other staff development activities for  
32 teachers, and (iii) a sufficient number of minutes of  
33 school work under the direct supervision of teachers are  
34 added to the school days between such regularly scheduled

1 sessions to accumulate not less than the number of  
2 minutes by which such sessions of 3 or more clock hours  
3 fall short of 5 clock hours. Any full days used for the  
4 purposes of this paragraph shall not be considered for  
5 computing average daily attendance. Days scheduled for  
6 in-service training programs, staff development  
7 activities, or parent-teacher conferences may be  
8 scheduled separately for different grade levels and  
9 different attendance centers of the district.

10 (e) A session of not less than one clock hour of  
11 teaching hospitalized or homebound pupils on-site or by  
12 telephone to the classroom may be counted as 1/2 day of  
13 attendance, however these pupils must receive 4 or more  
14 clock hours of instruction to be counted for a full day  
15 of attendance.

16 (f) A session of at least 4 clock hours may be  
17 counted as a day of attendance for first grade pupils,  
18 and pupils in full day kindergartens, and a session of 2  
19 or more hours may be counted as 1/2 day of attendance by  
20 pupils in kindergartens which provide only 1/2 day of  
21 attendance.

22 (g) For children with disabilities who are below  
23 the age of 6 years and who cannot attend 2 or more clock  
24 hours because of their disability or immaturity, a  
25 session of not less than one clock hour may be counted as  
26 1/2 day of attendance; however for such children whose  
27 educational needs so require a session of 4 or more clock  
28 hours may be counted as a full day of attendance.

29 (h) A recognized kindergarten which provides for  
30 only 1/2 day of attendance by each pupil shall not have  
31 more than 1/2 day of attendance counted in any one day.  
32 However, kindergartens may count 2 1/2 days of attendance  
33 in any 5 consecutive school days. When a pupil attends  
34 such a kindergarten for 2 half days on any one school

1 day, the pupil shall have the following day as a day  
2 absent from school, unless the school district obtains  
3 permission in writing from the State Superintendent of  
4 Education. Attendance at kindergartens which provide for  
5 a full day of attendance by each pupil shall be counted  
6 the same as attendance by first grade pupils. Only the  
7 first year of attendance in one kindergarten shall be  
8 counted, except in case of children who entered the  
9 kindergarten in their fifth year whose educational  
10 development requires a second year of kindergarten as  
11 determined under the rules and regulations of the State  
12 Board of Education.

13 (G) Equalized Assessed Valuation Data.

14 (1) For purposes of the calculation of Available Local  
15 Resources required pursuant to subsection (D), the State  
16 Board of Education shall secure from the Department of  
17 Revenue the value as equalized or assessed by the Department  
18 of Revenue of all taxable property of every school district,  
19 together with (i) the applicable tax rate used in extending  
20 taxes for the funds of the district as of September 30 of the  
21 previous year and (ii) the limiting rate for all school  
22 districts subject to property tax extension limitations as  
23 imposed under the Property Tax Extension Limitation Law.

24 This equalized assessed valuation, as adjusted further by  
25 the requirements of this subsection, shall be utilized in the  
26 calculation of Available Local Resources.

27 (2) The equalized assessed valuation in paragraph (1)  
28 shall be adjusted, as applicable, in the following manner:

29 (a) For the purposes of calculating State aid under  
30 this Section, with respect to any part of a school  
31 district within a redevelopment project area in respect  
32 to which a municipality has adopted tax increment  
33 allocation financing pursuant to the Tax Increment  
34 Allocation Redevelopment Act, Sections 11-74.4-1 through

1 11-74.4-11 of the Illinois Municipal Code or the  
2 Industrial Jobs Recovery Law, Sections 11-74.6-1 through  
3 11-74.6-50 of the Illinois Municipal Code, no part of the  
4 current equalized assessed valuation of real property  
5 located in any such project area which is attributable to  
6 an increase above the total initial equalized assessed  
7 valuation of such property shall be used as part of the  
8 equalized assessed valuation of the district, until such  
9 time as all redevelopment project costs have been paid,  
10 as provided in Section 11-74.4-8 of the Tax Increment  
11 Allocation Redevelopment Act or in Section 11-74.6-35 of  
12 the Industrial Jobs Recovery Law. For the purpose of the  
13 equalized assessed valuation of the district, the total  
14 initial equalized assessed valuation or the current  
15 equalized assessed valuation, whichever is lower, shall  
16 be used until such time as all redevelopment project  
17 costs have been paid.

18 (b) The real property equalized assessed valuation  
19 for a school district shall be adjusted by subtracting  
20 from the real property value as equalized or assessed by  
21 the Department of Revenue for the district an amount  
22 computed by dividing the amount of any abatement of taxes  
23 under Section 18-170 of the Property Tax Code by 3.00%  
24 for a district maintaining grades kindergarten through  
25 12, by 2.30% for a district maintaining grades  
26 kindergarten through 8, or by 1.05% for a district  
27 maintaining grades 9 through 12 and adjusted by an amount  
28 computed by dividing the amount of any abatement of taxes  
29 under subsection (a) of Section 18-165 of the Property  
30 Tax Code by the same percentage rates for district type  
31 as specified in this subparagraph (b).

32 (3) For the 1999-2000 school year and each school year  
33 thereafter, if a school district meets all of the criteria of  
34 this subsection (G)(3), the school district's Available Local

1 Resources shall be calculated under subsection (D) using the  
2 district's Extension Limitation Equalized Assessed Valuation  
3 as calculated under this subsection (G)(3).

4 For purposes of this subsection (G)(3) the following  
5 terms shall have the following meanings:

6 "Budget Year": The school year for which general  
7 State aid is calculated and awarded under subsection (E).

8 "Base Tax Year": The property tax levy year used to  
9 calculate the Budget Year allocation of general State  
10 aid.

11 "Preceding Tax Year": The property tax levy year  
12 immediately preceding the Base Tax Year.

13 "Base Tax Year's Tax Extension": The product of the  
14 equalized assessed valuation utilized by the County Clerk  
15 in the Base Tax Year multiplied by the limiting rate as  
16 calculated by the County Clerk and defined in the  
17 Property Tax Extension Limitation Law.

18 "Preceding Tax Year's Tax Extension": The product of  
19 the equalized assessed valuation utilized by the County  
20 Clerk in the Preceding Tax Year multiplied by the  
21 Operating Tax Rate as defined in subsection (A).

22 "Extension Limitation Ratio": A numerical ratio,  
23 certified by the County Clerk, in which the numerator is  
24 the Base Tax Year's Tax Extension and the denominator is  
25 the Preceding Tax Year's Tax Extension.

26 "Operating Tax Rate": The operating tax rate as  
27 defined in subsection (A).

28 If a school district is subject to property tax extension  
29 limitations as imposed under the Property Tax Extension  
30 Limitation Law, the State Board of Education shall calculate  
31 the Extension Limitation Equalized Assessed Valuation of that  
32 district. For the 1999-2000 school year, the Extension  
33 Limitation Equalized Assessed Valuation of a school district  
34 as calculated by the State Board of Education shall be equal

1 to the product of the district's 1996 Equalized Assessed  
2 Valuation and the district's Extension Limitation Ratio. For  
3 the 2000-2001 school year and each school year thereafter,  
4 the Extension Limitation Equalized Assessed Valuation of a  
5 school district as calculated by the State Board of Education  
6 shall be equal to the product of the Equalized Assessed  
7 Valuation last used in the calculation of general State aid  
8 and the district's Extension Limitation Ratio. If the  
9 Extension Limitation Equalized Assessed Valuation of a school  
10 district as calculated under this subsection (G)(3) is less  
11 than the district's equalized assessed valuation as  
12 calculated pursuant to subsections (G)(1) and (G)(2), then  
13 for purposes of calculating the district's general State aid  
14 for the Budget Year pursuant to subsection (E), that  
15 Extension Limitation Equalized Assessed Valuation shall be  
16 utilized to calculate the district's Available Local  
17 Resources under subsection (D).

18 (4) For the purposes of calculating general State aid  
19 for the 1999-2000 school year only, if a school district  
20 experienced a triennial reassessment on the equalized  
21 assessed valuation used in calculating its general State  
22 financial aid apportionment for the 1998-1999 school year,  
23 the State Board of Education shall calculate the Extension  
24 Limitation Equalized Assessed Valuation that would have been  
25 used to calculate the district's 1998-1999 general State aid.  
26 This amount shall equal the product of the equalized assessed  
27 valuation used to calculate general State aid for the  
28 1997-1998 school year and the district's Extension Limitation  
29 Ratio. If the Extension Limitation Equalized Assessed  
30 Valuation of the school district as calculated under this  
31 paragraph (4) is less than the district's equalized assessed  
32 valuation utilized in calculating the district's 1998-1999  
33 general State aid allocation, then for purposes of  
34 calculating the district's general State aid pursuant to

1 paragraph (5) of subsection (E), that Extension Limitation  
2 Equalized Assessed Valuation shall be utilized to calculate  
3 the district's Available Local Resources.

4 (5) For school districts having a majority of their  
5 equalized assessed valuation in any county except Cook,  
6 DuPage, Kane, Lake, McHenry, or Will, if the amount of  
7 general State aid allocated to the school district for the  
8 1999-2000 school year under the provisions of subsection (E),  
9 (H), and (J) of this Section is less than the amount of  
10 general State aid allocated to the district for the 1998-1999  
11 school year under these subsections, then the general State  
12 aid of the district for the 1999-2000 school year only shall  
13 be increased by the difference between these amounts. The  
14 total payments made under this paragraph (5) shall not exceed  
15 \$14,000,000. Claims shall be prorated if they exceed  
16 \$14,000,000.

17 (H) Supplemental General State Aid.

18 (1) In addition to the general State aid a school  
19 district is allotted pursuant to subsection (E), qualifying  
20 school districts shall receive a grant, paid in conjunction  
21 with a district's payments of general State aid, for  
22 supplemental general State aid based upon the concentration  
23 level of children from low-income households within the  
24 school district. Supplemental State aid grants provided for  
25 school districts under this subsection shall be appropriated  
26 for distribution to school districts as part of the same line  
27 item in which the general State financial aid of school  
28 districts is appropriated under this Section. For purposes of  
29 this subsection, the term "Low-Income Concentration Level"  
30 shall be the low-income eligible pupil count from the most  
31 recently available federal census divided by the Average  
32 Daily Attendance of the school district. If, however, (i) the  
33 percentage decrease from the 2 most recent federal censuses  
34 in the low-income eligible pupil count of a high school

1 district with fewer than 400 students exceeds by 75% or more  
2 the percentage change in the total low-income eligible pupil  
3 count of contiguous elementary school districts, whose  
4 boundaries are coterminous with the high school district, or  
5 (ii) a high school district within 2 counties and serving 5  
6 elementary school districts, whose boundaries are coterminous  
7 with the high school district, has a percentage decrease from  
8 the 2 most recent federal censuses in the low-income eligible  
9 pupil count and there is a percentage increase in the total  
10 low-income eligible pupil count of a majority of the  
11 elementary school districts in excess of 50% from the 2 most  
12 recent federal censuses, then the high school district's  
13 low-income eligible pupil count from the earlier federal  
14 census shall be the number used as the low-income eligible  
15 pupil count for the high school district, for purposes of  
16 this subsection (H). The changes made to this paragraph (1)  
17 by Public Act 92-28 ~~this-amendatory-Act-of-the-92nd-General~~  
18 ~~Assembly~~ shall apply to supplemental general State aid grants  
19 paid in fiscal year 1999 and in each fiscal year thereafter  
20 and to any State aid payments made in fiscal year 1994  
21 through fiscal year 1998 pursuant to subsection 1(n) of  
22 Section 18-8 of this Code (which was repealed on July 1,  
23 1998), and any high school district that is affected by  
24 Public Act 92-28 ~~this--amendatory--Act-of-the-92nd-General~~  
25 ~~Assembly~~ is entitled to a recomputation of its supplemental  
26 general State aid grant or State aid paid in any of those  
27 fiscal years. This recomputation shall not be affected by  
28 any other funding.

29 (2) Supplemental general State aid pursuant to this  
30 subsection (H) shall be provided as follows for the  
31 1998-1999, 1999-2000, and 2000-2001 school years only:

32 (a) For any school district with a Low Income  
33 Concentration Level of at least 20% and less than 35%,  
34 the grant for any school year shall be \$800 multiplied by

1 the low income eligible pupil count.

2 (b) For any school district with a Low Income  
3 Concentration Level of at least 35% and less than 50%,  
4 the grant for the 1998-1999 school year shall be \$1,100  
5 multiplied by the low income eligible pupil count.

6 (c) For any school district with a Low Income  
7 Concentration Level of at least 50% and less than 60%,  
8 the grant for the 1998-99 school year shall be \$1,500  
9 multiplied by the low income eligible pupil count.

10 (d) For any school district with a Low Income  
11 Concentration Level of 60% or more, the grant for the  
12 1998-99 school year shall be \$1,900 multiplied by the low  
13 income eligible pupil count.

14 (e) For the 1999-2000 school year, the per pupil  
15 amount specified in subparagraphs (b), (c), and (d)  
16 immediately above shall be increased to \$1,243, \$1,600,  
17 and \$2,000, respectively.

18 (f) For the 2000-2001 school year, the per pupil  
19 amounts specified in subparagraphs (b), (c), and (d)  
20 immediately above shall be \$1,273, \$1,640, and \$2,050,  
21 respectively.

22 (2.5) Supplemental general State aid pursuant to this  
23 subsection (H) shall be provided as follows for the 2001-2002  
24 school year and each school year thereafter:

25 (a) For any school district with a Low Income  
26 Concentration Level of less than 10%, the grant for each  
27 school year shall be \$355 multiplied by the low income  
28 eligible pupil count.

29 (b) For any school district with a Low Income  
30 Concentration Level of at least 10% and less than 20%,  
31 the grant for each school year shall be \$675 multiplied  
32 by the low income eligible pupil count.

33 (c) For any school district with a Low Income  
34 Concentration Level of at least 20% and less than 35%,

1 the grant for each school year shall be \$1,190 multiplied  
2 by the low income eligible pupil count.

3 (d) For any school district with a Low Income  
4 Concentration Level of at least 35% and less than 50%,  
5 the grant for each school year shall be \$1,333 multiplied  
6 by the low income eligible pupil count.

7 (e) For any school district with a Low Income  
8 Concentration Level of at least 50% and less than 60%,  
9 the grant for each school year shall be \$1,680 multiplied  
10 by the low income eligible pupil count.

11 (f) For any school district with a Low Income  
12 Concentration Level of 60% or more, the grant for each  
13 school year shall be \$2,080 multiplied by the low income  
14 eligible pupil count.

15 (3) School districts with an Average Daily Attendance of  
16 more than 1,000 and less than 50,000 that qualify for  
17 supplemental general State aid pursuant to this subsection  
18 shall submit a plan to the State Board of Education prior to  
19 October 30 of each year for the use of the funds resulting  
20 from this grant of supplemental general State aid for the  
21 improvement of instruction in which priority is given to  
22 meeting the education needs of disadvantaged children. Such  
23 plan shall be submitted in accordance with rules and  
24 regulations promulgated by the State Board of Education.

25 (4) School districts with an Average Daily Attendance of  
26 50,000 or more that qualify for supplemental general State  
27 aid pursuant to this subsection shall be required to  
28 distribute from funds available pursuant to this Section, no  
29 less than \$261,000,000 in accordance with the following  
30 requirements:

31 (a) The required amounts shall be distributed to  
32 the attendance centers within the district in proportion  
33 to the number of pupils enrolled at each attendance  
34 center who are eligible to receive free or reduced-price

1 lunches or breakfasts under the federal Child Nutrition  
2 Act of 1966 and under the National School Lunch Act  
3 during the immediately preceding school year.

4 (b) The distribution of these portions of  
5 supplemental and general State aid among attendance  
6 centers according to these requirements shall not be  
7 compensated for or contravened by adjustments of the  
8 total of other funds appropriated to any attendance  
9 centers, and the Board of Education shall utilize funding  
10 from one or several sources in order to fully implement  
11 this provision annually prior to the opening of school.

12 (c) Each attendance center shall be provided by the  
13 school district a distribution of noncategorical funds  
14 and other categorical funds to which an attendance center  
15 is entitled under law in order that the general State aid  
16 and supplemental general State aid provided by  
17 application of this subsection supplements rather than  
18 supplants the noncategorical funds and other categorical  
19 funds provided by the school district to the attendance  
20 centers.

21 (d) Any funds made available under this subsection  
22 that by reason of the provisions of this subsection are  
23 not required to be allocated and provided to attendance  
24 centers may be used and appropriated by the board of the  
25 district for any lawful school purpose.

26 (e) Funds received by an attendance center pursuant  
27 to this subsection shall be used by the attendance center  
28 at the discretion of the principal and local school  
29 council for programs to improve educational opportunities  
30 at qualifying schools through the following programs and  
31 services: early childhood education, reduced class size  
32 or improved adult to student classroom ratio, enrichment  
33 programs, remedial assistance, attendance improvement,  
34 and other educationally beneficial expenditures which

1 supplement the regular and basic programs as determined  
2 by the State Board of Education. Funds provided shall not  
3 be expended for any political or lobbying purposes as  
4 defined by board rule.

5 (f) Each district subject to the provisions of this  
6 subdivision (H)(4) shall submit an acceptable plan to  
7 meet the educational needs of disadvantaged children, in  
8 compliance with the requirements of this paragraph, to  
9 the State Board of Education prior to July 15 of each  
10 year. This plan shall be consistent with the decisions of  
11 local school councils concerning the school expenditure  
12 plans developed in accordance with part 4 of Section  
13 34-2.3. The State Board shall approve or reject the plan  
14 within 60 days after its submission. If the plan is  
15 rejected, the district shall give written notice of  
16 intent to modify the plan within 15 days of the  
17 notification of rejection and then submit a modified plan  
18 within 30 days after the date of the written notice of  
19 intent to modify. Districts may amend approved plans  
20 pursuant to rules promulgated by the State Board of  
21 Education.

22 Upon notification by the State Board of Education  
23 that the district has not submitted a plan prior to July  
24 15 or a modified plan within the time period specified  
25 herein, the State aid funds affected by that plan or  
26 modified plan shall be withheld by the State Board of  
27 Education until a plan or modified plan is submitted.

28 If the district fails to distribute State aid to  
29 attendance centers in accordance with an approved plan,  
30 the plan for the following year shall allocate funds, in  
31 addition to the funds otherwise required by this  
32 subsection, to those attendance centers which were  
33 underfunded during the previous year in amounts equal to  
34 such underfunding.

1           For purposes of determining compliance with this  
2 subsection in relation to the requirements of attendance  
3 center funding, each district subject to the provisions  
4 of this subsection shall submit as a separate document by  
5 December 1 of each year a report of expenditure data for  
6 the prior year in addition to any modification of its  
7 current plan. If it is determined that there has been a  
8 failure to comply with the expenditure provisions of this  
9 subsection regarding contravention or supplanting, the  
10 State Superintendent of Education shall, within 60 days  
11 of receipt of the report, notify the district and any  
12 affected local school council. The district shall within  
13 45 days of receipt of that notification inform the State  
14 Superintendent of Education of the remedial or corrective  
15 action to be taken, whether by amendment of the current  
16 plan, if feasible, or by adjustment in the plan for the  
17 following year. Failure to provide the expenditure  
18 report or the notification of remedial or corrective  
19 action in a timely manner shall result in a withholding  
20 of the affected funds.

21           The State Board of Education shall promulgate rules  
22 and regulations to implement the provisions of this  
23 subsection. No funds shall be released under this  
24 subdivision (H)(4) to any district that has not submitted  
25 a plan that has been approved by the State Board of  
26 Education.

27       (I) General State Aid for Newly Configured School Districts.

28           (1) For a new school district formed by combining  
29 property included totally within 2 or more previously  
30 existing school districts, for its first year of existence  
31 the general State aid and supplemental general State aid  
32 calculated under this Section shall be computed for the new  
33 district and for the previously existing districts for which  
34 property is totally included within the new district. If the

1 computation on the basis of the previously existing districts  
2 is greater, a supplementary payment equal to the difference  
3 shall be made for the first 4 years of existence of the new  
4 district.

5 (2) For a school district which annexes all of the  
6 territory of one or more entire other school districts, for  
7 the first year during which the change of boundaries  
8 attributable to such annexation becomes effective for all  
9 purposes as determined under Section 7-9 or 7A-8, the general  
10 State aid and supplemental general State aid calculated under  
11 this Section shall be computed for the annexing district as  
12 constituted after the annexation and for the annexing and  
13 each annexed district as constituted prior to the annexation;  
14 and if the computation on the basis of the annexing and  
15 annexed districts as constituted prior to the annexation is  
16 greater, a supplementary payment equal to the difference  
17 shall be made for the first 4 years of existence of the  
18 annexing school district as constituted upon such annexation.

19 (3) For 2 or more school districts which annex all of  
20 the territory of one or more entire other school districts,  
21 and for 2 or more community unit districts which result upon  
22 the division (pursuant to petition under Section 11A-2) of  
23 one or more other unit school districts into 2 or more parts  
24 and which together include all of the parts into which such  
25 other unit school district or districts are so divided, for  
26 the first year during which the change of boundaries  
27 attributable to such annexation or division becomes effective  
28 for all purposes as determined under Section 7-9 or 11A-10,  
29 as the case may be, the general State aid and supplemental  
30 general State aid calculated under this Section shall be  
31 computed for each annexing or resulting district as  
32 constituted after the annexation or division and for each  
33 annexing and annexed district, or for each resulting and  
34 divided district, as constituted prior to the annexation or

1 division; and if the aggregate of the general State aid and  
2 supplemental general State aid as so computed for the  
3 annexing or resulting districts as constituted after the  
4 annexation or division is less than the aggregate of the  
5 general State aid and supplemental general State aid as so  
6 computed for the annexing and annexed districts, or for the  
7 resulting and divided districts, as constituted prior to the  
8 annexation or division, then a supplementary payment equal to  
9 the difference shall be made and allocated between or among  
10 the annexing or resulting districts, as constituted upon such  
11 annexation or division, for the first 4 years of their  
12 existence. The total difference payment shall be allocated  
13 between or among the annexing or resulting districts in the  
14 same ratio as the pupil enrollment from that portion of the  
15 annexed or divided district or districts which is annexed to  
16 or included in each such annexing or resulting district bears  
17 to the total pupil enrollment from the entire annexed or  
18 divided district or districts, as such pupil enrollment is  
19 determined for the school year last ending prior to the date  
20 when the change of boundaries attributable to the annexation  
21 or division becomes effective for all purposes. The amount  
22 of the total difference payment and the amount thereof to be  
23 allocated to the annexing or resulting districts shall be  
24 computed by the State Board of Education on the basis of  
25 pupil enrollment and other data which shall be certified to  
26 the State Board of Education, on forms which it shall provide  
27 for that purpose, by the regional superintendent of schools  
28 for each educational service region in which the annexing and  
29 annexed districts, or resulting and divided districts are  
30 located.

31 (3.5) Claims for financial assistance under this  
32 subsection (I) shall not be recomputed except as expressly  
33 provided under this Section.

34 (4) Any supplementary payment made under this subsection

1 (I) shall be treated as separate from all other payments made  
2 pursuant to this Section.

3 (J) Supplementary Grants in Aid.

4 (1) Notwithstanding any other provisions of this  
5 Section, the amount of the aggregate general State aid in  
6 combination with supplemental general State aid under this  
7 Section for which each school district is eligible shall be  
8 no less than the amount of the aggregate general State aid  
9 entitlement that was received by the district under Section  
10 18-8 (exclusive of amounts received under subsections 5(p)  
11 and 5(p-5) of that Section) for the 1997-98 school year,  
12 pursuant to the provisions of that Section as it was then in  
13 effect. If a school district qualifies to receive a  
14 supplementary payment made under this subsection (J), the  
15 amount of the aggregate general State aid in combination with  
16 supplemental general State aid under this Section which that  
17 district is eligible to receive for each school year shall be  
18 no less than the amount of the aggregate general State aid  
19 entitlement that was received by the district under Section  
20 18-8 (exclusive of amounts received under subsections 5(p)  
21 and 5(p-5) of that Section) for the 1997-1998 school year,  
22 pursuant to the provisions of that Section as it was then in  
23 effect.

24 (2) If, as provided in paragraph (1) of this subsection  
25 (J), a school district is to receive aggregate general State  
26 aid in combination with supplemental general State aid under  
27 this Section for the 1998-99 school year and any subsequent  
28 school year that in any such school year is less than the  
29 amount of the aggregate general State aid entitlement that  
30 the district received for the 1997-98 school year, the school  
31 district shall also receive, from a separate appropriation  
32 made for purposes of this subsection (J), a supplementary  
33 payment that is equal to the amount of the difference in the  
34 aggregate State aid figures as described in paragraph (1).

1 (3) (Blank).

2 (K) Grants to Laboratory and Alternative Schools.

3 In calculating the amount to be paid to the governing  
4 board of a public university that operates a laboratory  
5 school under this Section or to any alternative school that  
6 is operated by a regional superintendent of schools, the  
7 State Board of Education shall require by rule such reporting  
8 requirements as it deems necessary.

9 As used in this Section, "laboratory school" means a  
10 public school which is created and operated by a public  
11 university and approved by the State Board of Education. The  
12 governing board of a public university which receives funds  
13 from the State Board under this subsection (K) may not  
14 increase the number of students enrolled in its laboratory  
15 school from a single district, if that district is already  
16 sending 50 or more students, except under a mutual agreement  
17 between the school board of a student's district of residence  
18 and the university which operates the laboratory school. A  
19 laboratory school may not have more than 1,000 students,  
20 excluding students with disabilities in a special education  
21 program.

22 As used in this Section, "alternative school" means a  
23 public school which is created and operated by a Regional  
24 Superintendent of Schools and approved by the State Board of  
25 Education. Such alternative schools may offer courses of  
26 instruction for which credit is given in regular school  
27 programs, courses to prepare students for the high school  
28 equivalency testing program or vocational and occupational  
29 training. A regional superintendent of schools may contract  
30 with a school district or a public community college district  
31 to operate an alternative school. An alternative school  
32 serving more than one educational service region may be  
33 established by the regional superintendents of schools of the  
34 affected educational service regions. An alternative school

1 serving more than one educational service region may be  
2 operated under such terms as the regional superintendents of  
3 schools of those educational service regions may agree.

4 Each laboratory and alternative school shall file, on  
5 forms provided by the State Superintendent of Education, an  
6 annual State aid claim which states the Average Daily  
7 Attendance of the school's students by month. The best 3  
8 months' Average Daily Attendance shall be computed for each  
9 school. The general State aid entitlement shall be computed  
10 by multiplying the applicable Average Daily Attendance by the  
11 Foundation Level as determined under this Section.

12 (L) Payments, Additional Grants in Aid and Other  
13 Requirements.

14 (1) For a school district operating under the financial  
15 supervision of an Authority created under Article 34A, the  
16 general State aid otherwise payable to that district under  
17 this Section, but not the supplemental general State aid,  
18 shall be reduced by an amount equal to the budget for the  
19 operations of the Authority as certified by the Authority to  
20 the State Board of Education, and an amount equal to such  
21 reduction shall be paid to the Authority created for such  
22 district for its operating expenses in the manner provided in  
23 Section 18-11. The remainder of general State school aid for  
24 any such district shall be paid in accordance with Article  
25 34A when that Article provides for a disposition other than  
26 that provided by this Article.

27 (2) (Blank).

28 (3) Summer school. Summer school payments shall be made  
29 as provided in Section 18-4.3.

30 (M) Education Funding Advisory Board.

31 The Education Funding Advisory Board, hereinafter in this  
32 subsection (M) referred to as the "Board", is hereby created.  
33 The Board shall consist of 5 members who are appointed by the

1 Governor, by and with the advice and consent of the Senate.  
2 The members appointed shall include representatives of  
3 education, business, and the general public. One of the  
4 members so appointed shall be designated by the Governor at  
5 the time the appointment is made as the chairperson of the  
6 Board. The initial members of the Board may be appointed any  
7 time after the effective date of this amendatory Act of 1997.  
8 The regular term of each member of the Board shall be for 4  
9 years from the third Monday of January of the year in which  
10 the term of the member's appointment is to commence, except  
11 that of the 5 initial members appointed to serve on the  
12 Board, the member who is appointed as the chairperson shall  
13 serve for a term that commences on the date of his or her  
14 appointment and expires on the third Monday of January, 2002,  
15 and the remaining 4 members, by lots drawn at the first  
16 meeting of the Board that is held after all 5 members are  
17 appointed, shall determine 2 of their number to serve for  
18 terms that commence on the date of their respective  
19 appointments and expire on the third Monday of January, 2001,  
20 and 2 of their number to serve for terms that commence on the  
21 date of their respective appointments and expire on the third  
22 Monday of January, 2000. All members appointed to serve on  
23 the Board shall serve until their respective successors are  
24 appointed and confirmed. Vacancies shall be filled in the  
25 same manner as original appointments. If a vacancy in  
26 membership occurs at a time when the Senate is not in  
27 session, the Governor shall make a temporary appointment  
28 until the next meeting of the Senate, when he or she shall  
29 appoint, by and with the advice and consent of the Senate, a  
30 person to fill that membership for the unexpired term. If  
31 the Senate is not in session when the initial appointments  
32 are made, those appointments shall be made as in the case of  
33 vacancies.

34 The Education Funding Advisory Board shall be deemed

1 established, and the initial members appointed by the  
2 Governor to serve as members of the Board shall take office,  
3 on the date that the Governor makes his or her appointment of  
4 the fifth initial member of the Board, whether those initial  
5 members are then serving pursuant to appointment and  
6 confirmation or pursuant to temporary appointments that are  
7 made by the Governor as in the case of vacancies.

8 The State Board of Education shall provide such staff  
9 assistance to the Education Funding Advisory Board as is  
10 reasonably required for the proper performance by the Board  
11 of its responsibilities.

12 For school years after the 2000-2001 school year, the  
13 Education Funding Advisory Board, in consultation with the  
14 State Board of Education, shall make recommendations as  
15 provided in this subsection (M) to the General Assembly for  
16 the foundation level under subdivision (B)(3) of this Section  
17 and for the supplemental general State aid grant level under  
18 subsection (H) of this Section for districts with high  
19 concentrations of children from poverty. The recommended  
20 foundation level shall be determined based on a methodology  
21 which incorporates the basic education expenditures of  
22 low-spending schools exhibiting high academic performance.  
23 The Education Funding Advisory Board shall make such  
24 recommendations to the General Assembly on January 1 of odd  
25 numbered years, beginning January 1, 2001.

26 (N) (Blank).

27 (O) References.

28 (1) References in other laws to the various subdivisions  
29 of Section 18-8 as that Section existed before its repeal and  
30 replacement by this Section 18-8.05 shall be deemed to refer  
31 to the corresponding provisions of this Section 18-8.05, to  
32 the extent that those references remain applicable.

33 (2) References in other laws to State Chapter 1 funds

1 shall be deemed to refer to the supplemental general State  
2 aid provided under subsection (H) of this Section.

3 (Source: P.A. 91-24, eff. 7-1-99; 91-93, eff. 7-9-99; 91-96,  
4 eff. 7-9-99; 91-111, eff. 7-14-99; 91-357, eff. 7-29-99;  
5 91-533, eff. 8-13-99; 92-7, eff. 6-29-01; 92-16, eff.  
6 6-28-01; 92-28, eff. 7-1-01; 92-29, eff. 7-1-01; 92-269, eff.  
7 8-7-01; revised 8-7-01.)

8 (105 ILCS 5/22-27)

9 Sec. 22-27. World War II and Korean Conflict veterans;  
10 diplomas.

11 (a) Upon the request, the school board of any district  
12 that maintains grades 10 through 12 may award a diploma to  
13 any honorably discharged veteran who:

14 (1) served in the armed forces of the United States  
15 during World War II or the Korean Conflict;

16 (2) resided within an area currently within the  
17 district;

18 (3) left high school before graduating in order to  
19 serve in the armed forces of the United States; and

20 (4) has not received a high school diploma.

21 (b) The State Board of Education and the Department of  
22 Veterans' Affairs may issue rules consistent with the  
23 provisions of this Section that are necessary to implement  
24 this Section.

25 (Source: P.A. 92-446, eff. 1-1-02; revised 12-04-01.)

26 (105 ILCS 5/34A-403.1)

27 Sec. 34A-403.1. Fiscal year 1994 contracts.  
28 Notwithstanding any provision of this Article to the  
29 contrary, the failure of a Board to have a Financial Plan  
30 approved by the School Finance Authority within 90 days after  
31 the effective date of this amendatory Act of 1993 shall not  
32 impair the Board's power to enter into any contract or other

1 obligation or the Authority's powers and responsibilities  
2 under Sections 34A-404, 34A-405 34-405, and 34A-405.2 or in  
3 any other way affect the operations of the Board.

4 (Source: P.A. 88-511; revised 12-07-01.)

5 Section 38. The Public Community College Act is amended  
6 by renumbering and changing Section 3.25.2 as follows:

7 (110 ILCS 805/3-25.2) (from Ch. 122, par. 103-25.2)

8 Sec. 3-25.2. Armed forces recruiting and training.  
9 ~~3-25-2-~~

10 (a) To provide, on an equal basis, access to the campus  
11 to the official recruiting representatives of the armed  
12 forces of Illinois and the United States for the purpose of  
13 informing students of the educational and career  
14 opportunities available in the military if the board has  
15 provided such access to persons or groups whose purpose is to  
16 acquaint students with educational or occupational  
17 opportunities available to them. The board is not required  
18 to give greater notice regarding the right of access to  
19 recruiting representatives than is given to other persons and  
20 groups.

21 (b) To not bar or exclude from its curriculum, campus,  
22 or school facilities any armed forces training program or  
23 organization operated under the authority of the United  
24 States government because the program or organization  
25 complies with rules, regulations, or policies of the United  
26 States government or any agency, branch, or department  
27 thereof.

28 (Source: P.A. 87-788; revised 12-04-01.)

29 Section 39. The Nurses in Advancement Law is amended by  
30 changing Section 1-20 as follows:

1 (110 ILCS 970/1-20) (from Ch. 144, par. 2781-20)  
2 Sec. 1-20. Scholarship requirements. It shall be lawful  
3 for any organization to condition any loan or grant upon the  
4 recipient's executing an agreement to commit not more than 5  
5 years of his or her professional career to the goals  
6 specifically outlined within the agreement including a  
7 requirement that recipient practice nursing or medicine in  
8 specifically designated practice and geographic areas.

9 Any agreement executed by an organization and any  
10 recipient of loan or grant assistance shall contain a  
11 provision for liquidated damages to be paid for any breach  
12 ~~breeeh~~ of any provision of the agreement, or any commitment  
13 contained therein, together with attorney's fees and costs  
14 for the enforcement thereof. Any such covenant shall be  
15 valid and enforceable in the courts of this State as  
16 liquidated damages and shall not be considered a penalty,  
17 provided that the provision for liquidated damages does not  
18 exceed \$2,500 for each year remaining for the performance of  
19 the agreement.

20 This Section shall not be construed as pertaining to or  
21 limiting any liquidated damages resulting from scholarships  
22 awarded under the Family Practice Residency Act.

23 (Source: P.A. 87-633; revised 12-04-01.)

24 Section 40. The Illinois Banking Act is amended by  
25 changing Sections 14 and 48 as follows:

26 (205 ILCS 5/14) (from Ch. 17, par. 321)

27 Sec. 14. Stock. Unless otherwise provided for in this  
28 Act provisions of general application to stock of a state  
29 bank shall be as follows:

30 (1) All banks shall have their capital divided into  
31 shares of a par value of not less than \$1 each and not more  
32 than \$100 each, however, the par value of shares of a bank

1 effecting a reverse stock split pursuant to item (8) of  
2 subsection (a) of Section 17 may temporarily exceed this  
3 limit provided it conforms to the limits immediately after  
4 the reverse stock split is completed. No issue of capital  
5 stock or preferred stock shall be valid until not less than  
6 the par value of all such stock so issued shall be paid in  
7 and notice thereof by the president, a vice-president or  
8 cashier of the bank has been transmitted to the Commissioner.  
9 In the case of an increase in capital stock by the  
10 declaration of a stock dividend, the capitalization of  
11 retained earnings effected by such stock dividend shall  
12 constitute the payment for such shares required by the  
13 preceding sentence, provided that the surplus of said bank  
14 after such stock dividend shall be at least equal to fifty  
15 per cent of the capital as increased. The charter shall not  
16 limit or deny the voting power of the shares of any class of  
17 stock except as provided in Section 15(3) of this Act.

18 (2) Pursuant to action taken in accordance with the  
19 requirements of Section 17, a bank may issue preferred stock  
20 of one or more classes as shall be approved by the  
21 Commissioner as hereinafter provided, and make such amendment  
22 to its charter as may be necessary for this purpose; but in  
23 the case of any newly organized bank which has not yet issued  
24 capital stock the requirements of Section 17 shall not apply.

25 (3) Without limiting the authority herein contained a  
26 bank, when so provided in its charter and when approved by  
27 the Commissioner, may issue shares of preferred stock:

28 (a) Subject to the right of the bank to redeem any  
29 of such shares at not exceeding the price fixed by the  
30 charter for the redemption thereof;

31 (b) Subject to the provisions of subsection (8) of  
32 this Section 14 entitling the holders thereof to  
33 cumulative or noncumulative dividends;

34 (c) Having preference over any other class or

1 classes of shares as to the payment of dividends;

2 (d) Having preference as to the assets of the bank  
3 over any other class or classes of shares upon the  
4 voluntary or involuntary liquidation of the bank;

5 (e) Convertible into shares of any other class of  
6 stock, provided that preferred shares shall not be  
7 converted into shares of a different par value unless  
8 that part of the capital of the bank represented by such  
9 preferred shares is at the time of the conversion equal  
10 to the aggregate par value of the shares into which the  
11 preferred shares are to be converted.

12 (4) If any part of the capital of a bank consists of  
13 preferred stock, the determination of whether or not the  
14 capital of such bank is impaired and the amount of such  
15 impairment shall be based upon the par value of its stock  
16 even though the amount which the holders of such preferred  
17 stock shall be entitled to receive in the event of retirement  
18 or liquidation shall be in excess of the par value of such  
19 preferred stock.

20 (5) Pursuant to action taken in accordance with the  
21 requirements of Section 17 of this Act, a state bank may  
22 provide for a specified number of authorized but unissued  
23 shares of capital stock for one or more of the following  
24 purposes:

25 (a) Reserved for issuance under stock option plan  
26 or plans to directors, officers or employees;

27 (b) Reserved for issuance upon conversion of  
28 convertible preferred stock issued pursuant to and in  
29 compliance with the provisions of subsections (2) and (3)  
30 of this Section 14.

31 (c) Reserved for issuance upon conversion of  
32 convertible debentures or other convertible evidences of  
33 indebtedness issued by a state bank, provided always that  
34 the terms of such conversion have been approved by the

1 Commissioner;

2 (d) Reserved for issuance by the declaration of a  
3 stock dividend. If and when any shares of capital stock  
4 are proposed to be authorized and reserved for any of the  
5 purposes set forth in subparagraphs (a), (b) or (c)  
6 above, the notice of the meeting, whether special or  
7 annual, of stockholders at which such proposition is to  
8 be considered shall be accompanied by a statement setting  
9 forth or summarizing the terms upon which the shares of  
10 capital stock so reserved are to be issued, and the  
11 extent to which any preemptive rights of stockholders are  
12 inapplicable to the issuance of the shares so reserved or  
13 to the convertible preferred stock or convertible  
14 debentures or other convertible evidences of  
15 indebtedness, and the approving vote of the holders of at  
16 least two-thirds of the outstanding shares of stock  
17 entitled to vote at such meeting of the terms of such  
18 issuance shall be requisite for the adoption of any  
19 amendment providing for the reservation of authorized but  
20 unissued shares for any of said purposes. Nothing in this  
21 subsection (5) contained shall be deemed to authorize the  
22 issuance of any capital stock for a consideration less  
23 than the par value thereof.

24 (6) Upon written application to the Commissioner 60 days  
25 prior to the proposed purchase and receipt of the written  
26 approval of the Commissioner, a state bank may purchase and  
27 hold as treasury stock such amounts of the total number of  
28 issued and outstanding shares of its capital and preferred  
29 stock outstanding as the Commissioner determines is  
30 consistent with safety and soundness of the bank. The  
31 Commissioner may specify the manner of accounting for the  
32 treasury stock and the form of notice prior to ultimate  
33 disposition of the shares. Except as authorized in this  
34 subsection, it shall not be lawful for a state bank to

1 purchase or hold any additional such shares or securities  
2 described in subsection (2) of Section 37 unless necessary to  
3 prevent loss upon a debt previously contracted in good faith,  
4 in which event such shares or securities so purchased or  
5 acquired shall, within 6 months from the time of purchase or  
6 acquisition, be sold or disposed of at public or private  
7 sale. Any state bank which intends to purchase and hold  
8 treasury stock as authorized in this subsection (6) shall  
9 file a written application with the Commissioner 60 days  
10 prior to any such proposed purchase. The application shall  
11 state the number of shares to be purchased, the consideration  
12 for the shares, the name and address of the person from whom  
13 the shares are to be purchased, if known, and the total  
14 percentage of its issued and outstanding shares to be held by  
15 the bank after the purchase. The total consideration paid by  
16 a state bank for treasury stock shall reduce capital and  
17 surplus of the bank for purposes of Sections of this Act  
18 relating to lending and investment limits which require  
19 computation of capital and surplus. After considering and  
20 approving an application to purchase and hold treasury stock  
21 under this subsection, the Commissioner may waive or reduce  
22 the balance of the 60 day application period. The  
23 Commissioner may specify the form of the application for  
24 approval to acquire treasury stock and promulgate rules and  
25 regulations for the administration of this subsection (6). A  
26 state bank may<sup>7</sup> acquire or resell its own ~~owns~~ shares as  
27 treasury stock pursuant to this subsection (6) without a  
28 change in its charter pursuant to Section 17. Such stock may  
29 be held for any purpose permitted in subsection (5) of this  
30 Section 14 or may be resold upon such reasonable terms as the  
31 board of directors may determine provided notice is given to  
32 the Commissioner prior to the resale of such stock.

33 (7) During the time that a state bank shall continue its  
34 banking business, it shall not withdraw or permit to be

1 withdrawn, either in the form of dividends or otherwise, any  
2 portion of its capital, but nothing in this subsection shall  
3 prevent a reduction or change of the capital stock or the  
4 preferred stock under the provisions of Sections 17 through  
5 30 of this Act, a purchase of treasury stock under the  
6 provisions of subsection (6) of this Section 14 or a  
7 redemption of preferred stock pursuant to charter provisions  
8 therefor.

9 (8) (a) Subject to the provisions of this Act, the board  
10 of directors of a state bank from time to time may  
11 declare a dividend of so much of the net profits of such  
12 bank as it shall judge expedient, but each bank before  
13 the declaration of a dividend shall carry at least  
14 one-tenth of its net profits since the date of the  
15 declaration of the last preceding dividend, or since the  
16 issuance of its charter in the case of its first  
17 dividend, to its surplus until the same shall be equal to  
18 its capital.

19 (b) No dividends shall be paid by a state bank  
20 while it continues its banking business to an amount  
21 greater than its net profits then on hand, deducting  
22 first therefrom its losses and bad debts. All debts due  
23 to a state bank on which interest is past due and unpaid  
24 for a period of 6 months or more, unless the same are  
25 well secured and in the process of collection, shall be  
26 considered bad debts.

27 (9) A State bank may, but shall not be obliged to, issue  
28 a certificate for a fractional share, and, by action of its  
29 board of directors, may in lieu thereof, pay cash equal to  
30 the value of the fractional share. A certificate for a  
31 fractional share shall entitle the holder to exercise  
32 fractional voting rights, to receive dividends, and to  
33 participate in any of the assets of the bank in the event of  
34 liquidation.

1 (Source: P.A. 92-483, eff. 8-23-01; revised 12-07-01.)

2 (205 ILCS 5/48) (from Ch. 17, par. 359)

3 Sec. 48. Commissioner's powers; duties. The Commissioner  
4 shall have the powers and authority, and is charged with the  
5 duties and responsibilities designated in this Act, and a  
6 State bank shall not be subject to any other visitorial power  
7 other than as authorized by this Act, except those vested in  
8 the courts, or upon prior consultation with the Commissioner,  
9 a foreign bank regulator with an appropriate supervisory  
10 interest in the parent or affiliate of a state bank. In the  
11 performance of the Commissioner's duties:

12 (1) The Commissioner shall call for statements from all  
13 State banks as provided in Section 47 at least one time  
14 during each calendar quarter.

15 (2) (a) The Commissioner, as often as the Commissioner  
16 shall deem necessary or proper, and no less frequently than  
17 18 months following the preceding examination, shall appoint  
18 a suitable person or persons to make an examination of the  
19 affairs of every State bank, except that for every eligible  
20 State bank, as defined by regulation, the Commissioner in  
21 lieu of the examination may accept on an alternating basis  
22 the examination made by the eligible State bank's appropriate  
23 federal banking agency pursuant to Section 111 of the Federal  
24 Deposit Insurance Corporation Improvement Act of 1991,  
25 provided the appropriate federal banking agency has made such  
26 an examination. A person so appointed shall not be a  
27 stockholder or officer or employee of any bank which that  
28 person may be directed to examine, and shall have powers to  
29 make a thorough examination into all the affairs of the bank  
30 and in so doing to examine any of the officers or agents or  
31 employees thereof on oath and shall make a full and detailed  
32 report of the condition of the bank to the Commissioner. In  
33 making the examination the examiners shall include an

1 examination of the affairs of all the affiliates of the bank,  
2 as defined in subsection (b) of Section 35.2 of this Act, or  
3 subsidiaries of the bank as shall be necessary to disclose  
4 fully the conditions of the subsidiaries or affiliates, the  
5 relations between the bank and the subsidiaries or affiliates  
6 and the effect of those relations upon the affairs of the  
7 bank, and in connection therewith shall have power to examine  
8 any of the officers, directors, agents, or employees of the  
9 subsidiaries or affiliates on oath. After May 31, 1997, the  
10 Commissioner may enter into cooperative agreements with state  
11 regulatory authorities of other states to provide for  
12 examination of State bank branches in those states, and the  
13 Commissioner may accept reports of examinations of State bank  
14 branches from those state regulatory authorities. These  
15 cooperative agreements may set forth the manner in which the  
16 other state regulatory authorities may be compensated for  
17 examinations prepared for and submitted to the Commissioner.

18 (b) After May 31, 1997, the Commissioner is authorized  
19 to examine, as often as the Commissioner shall deem necessary  
20 or proper, branches of out-of-state banks. The Commissioner  
21 may establish and may assess fees to be paid to the  
22 Commissioner for examinations under this subsection (b). The  
23 fees shall be borne by the out-of-state bank, unless the fees  
24 are borne by the state regulatory authority that chartered  
25 the out-of-state bank, as determined by a cooperative  
26 agreement between the Commissioner and the state regulatory  
27 authority that chartered the out-of-state bank.

28 (2.5) Whenever any State bank, any subsidiary or  
29 affiliate of a State bank, or after May 31, 1997, any branch  
30 of an out-of-state bank causes to be performed, by contract  
31 or otherwise, any bank services for itself, whether on or off  
32 its premises:

33 (a) that performance shall be subject to  
34 examination by the Commissioner to the same extent as if

1 services were being performed by the bank or, after May  
2 31, 1997, branch of the out-of-state bank itself on its  
3 own premises; and

4 (b) the bank or, after May 31, 1997, branch of the  
5 out-of-state bank shall notify the Commissioner of the  
6 existence of a service relationship. The notification  
7 shall be submitted with the first statement of condition  
8 (as required by Section 47 of this Act) due after the  
9 making of the service contract or the performance of the  
10 service, whichever occurs first. The Commissioner shall  
11 be notified of each subsequent contract in the same  
12 manner.

13 For purposes of this subsection (2.5), the term "bank  
14 services" means services such as sorting and posting of  
15 checks and deposits, computation and posting of interest and  
16 other credits and charges, preparation and mailing of checks,  
17 statements, notices, and similar items, or any other  
18 clerical, bookkeeping, accounting, statistical, or similar  
19 functions performed for a State bank, including but not  
20 limited to electronic data processing related to those bank  
21 services.

22 (3) The expense of administering this Act, including the  
23 expense of the examinations of State banks as provided in  
24 this Act, shall to the extent of the amounts resulting from  
25 the fees provided for in paragraphs (a), (a-2), and (b) of  
26 this subsection (3) be assessed against and borne by the  
27 State banks:

28 (a) Each bank shall pay to the Commissioner a Call  
29 Report Fee which shall be paid in quarterly installments  
30 equal to one-fourth of the sum of the annual fixed fee of  
31 \$800, plus a variable fee based on the assets shown on  
32 the quarterly statement of condition delivered to the  
33 Commissioner in accordance with Section 47 for the  
34 preceding quarter according to the following schedule:

1           16¢ per \$1,000 of the first \$5,000,000 of total assets,  
2           15¢ per \$1,000 of the next \$20,000,000 of total assets,  
3           13¢ per \$1,000 of the next \$75,000,000 of total assets,  
4           9¢ per \$1,000 of the next \$400,000,000 of total assets,  
5           7¢ per \$1,000 of the next \$500,000,000 of total assets,  
6           and 5¢ per \$1,000 of all assets in excess of  
7           \$1,000,000,000, of the State bank. The Call Report Fee  
8           shall be calculated by the Commissioner and billed to the  
9           banks for remittance at the time of the quarterly  
10          statements of condition provided for in Section 47. The  
11          Commissioner may require payment of the fees provided in  
12          this Section by an electronic transfer of funds or an  
13          automatic debit of an account of each of the State banks.  
14          In case more than one examination of any bank is deemed  
15          by the Commissioner to be necessary in any examination  
16          frequency cycle specified in subsection 2(a) of this  
17          Section, and is performed at his direction, the  
18          Commissioner may assess a reasonable additional fee to  
19          recover the cost of the additional examination; provided,  
20          however, that an examination conducted at the request of  
21          the State Treasurer pursuant to the Uniform Disposition  
22          of Unclaimed Property Act shall not be deemed to be an  
23          additional examination under this Section. In lieu of the  
24          method and amounts set forth in this paragraph (a) for  
25          the calculation of the Call Report Fee, the Commissioner  
26          may specify by rule that the Call Report Fees provided by  
27          this Section may be assessed semiannually or some other  
28          period and may provide in the rule the formula to be used  
29          for calculating and assessing the periodic Call Report  
30          Fees to be paid by State banks.

31                 (a-1) If in the opinion of the Commissioner an  
32                 emergency exists or appears likely, the Commissioner may  
33                 assign an examiner or examiners to monitor the affairs of  
34                 a State bank with whatever frequency he deems

1 appropriate, including but not limited to a daily basis.  
2 The reasonable and necessary expenses of the Commissioner  
3 during the period of the monitoring shall be borne by the  
4 subject bank. The Commissioner shall furnish the State  
5 bank a statement of time and expenses if requested to do  
6 so within 30 days of the conclusion of the monitoring  
7 period.

8 (a-2) On and after January 1, 1990, the reasonable  
9 and necessary expenses of the Commissioner during  
10 examination of the performance of electronic data  
11 processing services under subsection (2.5) shall be borne  
12 by the banks for which the services are provided. An  
13 amount, based upon a fee structure prescribed by the  
14 Commissioner, shall be paid by the banks or, after May  
15 31, 1997, branches of out-of-state banks receiving the  
16 electronic data processing services along with the Call  
17 Report Fee assessed under paragraph (a) of this  
18 subsection (3).

19 (a-3) After May 31, 1997, the reasonable and  
20 necessary expenses of the Commissioner during examination  
21 of the performance of electronic data processing services  
22 under subsection (2.5) at or on behalf of branches of  
23 out-of-state banks shall be borne by the out-of-state  
24 banks, unless those expenses are borne by the state  
25 regulatory authorities that chartered the out-of-state  
26 banks, as determined by cooperative agreements between  
27 the Commissioner and the state regulatory authorities  
28 that chartered the out-of-state banks.

29 (b) "Fiscal year" for purposes of this Section 48  
30 is defined as a period beginning July 1 of any year and  
31 ending June 30 of the next year. The Commissioner shall  
32 receive for each fiscal year, commencing with the fiscal  
33 year ending June 30, 1987, a contingent fee equal to the  
34 lesser of the aggregate of the fees paid by all State

1 banks under paragraph (a) of subsection (3) for that  
2 year, or the amount, if any, whereby the aggregate of the  
3 administration expenses, as defined in paragraph (c), for  
4 that fiscal year exceeds the sum of the aggregate of the  
5 fees payable by all State banks for that year under  
6 paragraph (a) of subsection (3), plus any amounts  
7 transferred into the Bank and Trust Company Fund from the  
8 State Pensions Fund for that year, plus all other amounts  
9 collected by the Commissioner for that year under any  
10 other provision of this Act, plus the aggregate of all  
11 fees collected for that year by the Commissioner under  
12 the Corporate Fiduciary Act, excluding the receivership  
13 fees provided for in Section 5-10 of the Corporate  
14 Fiduciary Act, and the Foreign Banking Office Act. The  
15 aggregate amount of the contingent fee thus arrived at  
16 for any fiscal year shall be apportioned amongst,  
17 assessed upon, and paid by the State banks and foreign  
18 banking corporations, respectively, in the same  
19 proportion that the fee of each under paragraph (a) of  
20 subsection (3), respectively, for that year bears to the  
21 aggregate for that year of the fees collected under  
22 paragraph (a) of subsection (3). The aggregate amount of  
23 the contingent fee, and the portion thereof to be  
24 assessed upon each State bank and foreign banking  
25 corporation, respectively, shall be determined by the  
26 Commissioner and shall be paid by each, respectively,  
27 within 120 days of the close of the period for which the  
28 contingent fee is computed and is payable, and the  
29 Commissioner shall give 20 days advance notice of the  
30 amount of the contingent fee payable by the State bank  
31 and of the date fixed by the Commissioner for payment of  
32 the fee.

33 (c) The "administration expenses" for any fiscal  
34 year shall mean the ordinary and contingent expenses for

1           that year incident to making the examinations provided  
2           for by, and for otherwise administering, this Act, the  
3           Corporate Fiduciary Act, excluding the expenses paid from  
4           the Corporate Fiduciary Receivership account in the Bank  
5           and Trust Company Fund, the Foreign Banking Office Act,  
6           the Electronic Fund Transfer Act, and the Illinois Bank  
7           Examiners' Education Foundation Act, including all  
8           salaries and other compensation paid for personal  
9           services rendered for the State by officers or employees  
10          of the State, including the Commissioner and the Deputy  
11          Commissioners, all expenditures for telephone and  
12          telegraph charges, postage and postal charges, office  
13          stationery, supplies and services, and office furniture  
14          and equipment, including typewriters and copying and  
15          duplicating machines and filing equipment, surety bond  
16          premiums, and travel expenses of those officers and  
17          employees, employees, expenditures or charges for the  
18          acquisition, enlargement or improvement of, or for the  
19          use of, any office space, building, or structure, or  
20          expenditures for the maintenance thereof or for  
21          furnishing heat, light, or power with respect thereto,  
22          all to the extent that those expenditures are directly  
23          incidental to such examinations or administration. The  
24          Commissioner shall not be required by paragraphs (c) or  
25          (d-1) of this subsection (3) to maintain in any fiscal  
26          year's budget appropriated reserves for accrued vacation  
27          and accrued sick leave that is required to be paid to  
28          employees of the Commissioner upon termination of their  
29          service with the Commissioner in an amount that is more  
30          than is reasonably anticipated to be necessary for any  
31          anticipated turnover in employees, whether due to normal  
32          attrition or due to layoffs, terminations, or  
33          resignations.

34                 (d) The aggregate of all fees collected by the

1 Commissioner under this Act, the Corporate Fiduciary Act,  
2 or the Foreign Banking Office Act on and after July 1,  
3 1979, shall be paid promptly after receipt of the same,  
4 accompanied by a detailed statement thereof, into the  
5 State treasury and shall be set apart in a special fund  
6 to be known as the "Bank and Trust Company Fund", except  
7 as provided in paragraph (c) of subsection (11) of this  
8 Section. All earnings received from investments of funds  
9 in the Bank and Trust Company Fund shall be deposited in  
10 the Bank and Trust Company Fund and may be used for the  
11 same purposes as fees deposited in that Fund. The amount  
12 from time to time deposited into the Bank and Trust  
13 Company Fund shall be used to offset the ordinary  
14 administrative expenses of the Commissioner of Banks and  
15 Real Estate as defined in this Section. Nothing in this  
16 amendatory Act of 1979 shall prevent continuing the  
17 practice of paying expenses involving salaries,  
18 retirement, social security, and State-paid insurance  
19 premiums of State officers by appropriations from the  
20 General Revenue Fund. However, the General Revenue Fund  
21 shall be reimbursed for those payments made on and after  
22 July 1, 1979, by an annual transfer of funds from the  
23 Bank and Trust Company Fund.

24 (d-1) Adequate funds shall be available in the Bank  
25 and Trust Company Fund to permit the timely payment of  
26 administration expenses. In each fiscal year the total  
27 administration expenses shall be deducted from the total  
28 fees collected by the Commissioner and the remainder  
29 transferred into the Cash Flow Reserve Account, unless  
30 the balance of the Cash Flow Reserve Account prior to the  
31 transfer equals or exceeds one-fourth of the total  
32 initial appropriations from the Bank and Trust Company  
33 Fund for the subsequent year, in which case the remainder  
34 shall be credited to State banks and foreign banking

1 corporations and applied against their fees for the  
2 subsequent year. The amount credited to each State bank  
3 and foreign banking corporation shall be in the same  
4 proportion as the Call Report Fees paid by each for the  
5 year bear to the total Call Report Fees collected for the  
6 year. If, after a transfer to the Cash Flow Reserve  
7 Account is made or if no remainder is available for  
8 transfer, the balance of the Cash Flow Reserve Account is  
9 less than one-fourth of the total initial appropriations  
10 for the subsequent year and the amount transferred is  
11 less than 5% of the total Call Report Fees for the year,  
12 additional amounts needed to make the transfer equal to  
13 5% of the total Call Report Fees for the year shall be  
14 apportioned amongst, assessed upon, and paid by the State  
15 banks and foreign banking corporations in the same  
16 proportion that the Call Report Fees of each,  
17 respectively, for the year bear to the total Call Report  
18 Fees collected for the year. The additional amounts  
19 assessed shall be transferred into the Cash Flow Reserve  
20 Account. For purposes of this paragraph (d-1), the  
21 calculation of the fees collected by the Commissioner  
22 shall exclude the receivership fees provided for in  
23 Section 5-10 of the Corporate Fiduciary Act.

24 (e) The Commissioner may upon request certify to  
25 any public record in his keeping and shall have authority  
26 to levy a reasonable charge for issuing certifications of  
27 any public record in his keeping.

28 (f) In addition to fees authorized elsewhere in  
29 this Act, the Commissioner may, in connection with a  
30 review, approval, or provision of a service, levy a  
31 reasonable charge to recover the cost of the review,  
32 approval, or service.

33 (4) Nothing contained in this Act shall be construed to  
34 limit the obligation relative to examinations and reports of

1 any State bank, deposits in which are to any extent insured  
2 by the United States or any agency thereof, nor to limit in  
3 any way the powers of the Commissioner with reference to  
4 examinations and reports of that bank.

5 (5) The nature and condition of the assets in or  
6 investment of any bonus, pension, or profit sharing plan for  
7 officers or employees of every State bank or, after May 31,  
8 1997, branch of an out-of-state bank shall be deemed to be  
9 included in the affairs of that State bank or branch of an  
10 out-of-state bank subject to examination by the Commissioner  
11 under the provisions of subsection (2) of this Section, and  
12 if the Commissioner shall find from an examination that the  
13 condition of or operation of the investments or assets of the  
14 plan is unlawful, fraudulent, or unsafe, or that any trustee  
15 has abused his trust, the Commissioner shall, if the  
16 situation so found by the Commissioner shall not be corrected  
17 to his satisfaction within 60 days after the Commissioner has  
18 given notice to the board of directors of the State bank or  
19 out-of-state bank of his findings, report the facts to the  
20 Attorney General who shall thereupon institute proceedings  
21 against the State bank or out-of-state bank, the board of  
22 directors thereof, or the trustees under such plan as the  
23 nature of the case may require.

24 (6) The Commissioner shall have the power:

25 (a) To promulgate reasonable rules for the purpose  
26 of administering the provisions of this Act.

27 (a-5) To impose conditions on any approval issued  
28 by the Commissioner if he determines that the conditions  
29 are necessary or appropriate. These conditions shall be  
30 imposed in writing and shall continue in effect for the  
31 period prescribed by the Commissioner.

32 (b) To issue orders against any person, if the  
33 Commissioner has reasonable cause to believe that an  
34 unsafe or unsound banking practice has occurred, is

1 occurring, or is about to occur, if any person has  
2 violated, is violating, or is about to violate any law,  
3 rule, or written agreement with the Commissioner, or for  
4 the purpose of administering the provisions of this Act,  
5 and any rule promulgated in accordance with this Act.

6 (b-1) To enter into agreements with a bank  
7 establishing a program to correct the condition of the  
8 bank or its practices.

9 (c) To appoint hearing officers to execute any of  
10 the powers granted to the Commissioner under this Section  
11 for the purpose of administering this Act and any rule  
12 promulgated in accordance with this Act and otherwise to  
13 authorize, in writing, an officer or employee of the  
14 Office of Banks and Real Estate to exercise his powers  
15 under this Act.

16 (d) To subpoena witnesses, to compel their  
17 attendance, to administer an oath, to examine any person  
18 under oath, and to require the production of any relevant  
19 books, papers, accounts, and documents in the course of  
20 and pursuant to any investigation being conducted, or any  
21 action being taken, by the Commissioner in respect of any  
22 matter relating to the duties imposed upon, or the powers  
23 vested in, the Commissioner under the provisions of this  
24 Act or any rule promulgated in accordance with this Act.

25 (e) To conduct hearings.

26 (7) Whenever, in the opinion of the Commissioner, any  
27 director, officer, employee, or agent of a State bank or any  
28 subsidiary or bank holding company of the bank or, after May  
29 31, 1997, of any branch of an out-of-state bank or any  
30 subsidiary or bank holding company of the bank shall have  
31 violated any law, rule, or order relating to that bank or any  
32 subsidiary or bank holding company of the bank, shall have  
33 obstructed or impeded any examination or investigation by the  
34 Commissioner, shall have engaged in an unsafe or unsound

1 practice in conducting the business of that bank or any  
2 subsidiary or bank holding company of the bank, or shall have  
3 violated any law or engaged or participated in any unsafe or  
4 unsound practice in connection with any financial institution  
5 or other business entity such that the character and fitness  
6 of the director, officer, employee, or agent does not assure  
7 reasonable promise of safe and sound operation of the State  
8 bank, the Commissioner may issue an order of removal. If, in  
9 the opinion of the Commissioner, any former director,  
10 officer, employee, or agent of a State bank or any subsidiary  
11 or bank holding company of the bank, prior to the termination  
12 of his or her service with that bank or any subsidiary or  
13 bank holding company of the bank, violated any law, rule, or  
14 order relating to that State bank or any subsidiary or bank  
15 holding company of the bank, obstructed or impeded any  
16 examination or investigation by the Commissioner, engaged in  
17 an unsafe or unsound practice in conducting the business of  
18 that bank or any subsidiary or bank holding company of the  
19 bank, or violated any law or engaged or participated in any  
20 unsafe or unsound practice in connection with any financial  
21 institution or other business entity such that the character  
22 and fitness of the director, officer, employee, or agent  
23 would not have assured reasonable promise of safe and sound  
24 operation of the State bank, the Commissioner may issue an  
25 order prohibiting that person from further service with a  
26 bank or any subsidiary or bank holding company of the bank as  
27 a director, officer, employee, or agent. An order issued  
28 pursuant to this subsection shall be served upon the  
29 director, officer, employee, or agent. A copy of the order  
30 shall be sent to each director of the bank affected by  
31 registered mail. The person affected by the action may  
32 request a hearing before the State Banking Board within 10  
33 days after receipt of the order. The hearing shall be held  
34 by the Board within 30 days after the request has been

1 received by the Board. The Board shall make a determination  
2 approving, modifying, or disapproving the order of the  
3 Commissioner as its final administrative decision. If a  
4 hearing is held by the Board, the Board shall make its  
5 determination within 60 days from the conclusion of the  
6 hearing. Any person affected by a decision of the Board under  
7 this subsection (7) of Section 48 of this Act may have the  
8 decision reviewed only under and in accordance with the  
9 Administrative Review Law and the rules adopted pursuant  
10 thereto. A copy of the order shall also be served upon the  
11 bank of which he is a director, officer, employee, or agent,  
12 whereupon he shall cease to be a director, officer, employee,  
13 or agent of that bank. The Commissioner may institute a  
14 civil action against the director, officer, or agent of the  
15 State bank or, after May 31, 1997, of the branch of the  
16 out-of-state bank against whom any order provided for by this  
17 subsection (7) of this Section 48 has been issued, and  
18 against the State bank or, after May 31, 1997, out-of-state  
19 bank, to enforce compliance with or to enjoin any violation  
20 of the terms of the order. Any person who has been the  
21 subject of an order of removal or an order of prohibition  
22 issued by the Commissioner under this subsection or Section  
23 5-6 of the Corporate Fiduciary Act may not thereafter serve  
24 as director, officer, employee, or agent of any State bank or  
25 of any branch of any out-of-state bank, or of any corporate  
26 fiduciary, as defined in Section 1-5.05 of the Corporate  
27 Fiduciary Act, or of any other entity that is subject to  
28 licensure or regulation by the Commissioner or the Office of  
29 Banks and Real Estate unless the Commissioner has granted  
30 prior approval in writing.

31 For purposes of this paragraph (7), "bank holding  
32 company" has the meaning prescribed in Section 2 of the  
33 Illinois Bank Holding Company Act of 1957.

34 (8) The Commissioner may impose civil penalties of up to

1 \$10,000 against any person for each violation of any  
2 provision of this Act, any rule promulgated in accordance  
3 with this Act, any order of the Commissioner, or any other  
4 action which in the Commissioner's discretion is an unsafe or  
5 unsound banking practice.

6 (9) The Commissioner may impose civil penalties of up to  
7 \$100 against any person for the first failure to comply with  
8 reporting requirements set forth in the report of examination  
9 of the bank and up to \$200 for the second and subsequent  
10 failures to comply with those reporting requirements.

11 (10) All final administrative decisions of the  
12 Commissioner hereunder shall be subject to judicial review  
13 pursuant to the provisions of the Administrative Review Law.  
14 For matters involving administrative review, venue shall be  
15 in either Sangamon County or Cook County.

16 (11) The endowment fund for the Illinois Bank Examiners'  
17 Education Foundation shall be administered as follows:

18 (a) (Blank).

19 (b) The Foundation is empowered to receive  
20 voluntary contributions, gifts, grants, bequests, and  
21 donations on behalf of the Illinois Bank Examiners'  
22 Education Foundation from national banks and other  
23 persons for the purpose of funding the endowment of the  
24 Illinois Bank Examiners' Education Foundation.

25 (c) The aggregate of all special educational fees  
26 collected by the Commissioner and property received by  
27 the Commissioner on behalf of the Illinois Bank  
28 Examiners' Education Foundation under this subsection  
29 (11) on or after June 30, 1986, shall be either (i)  
30 promptly paid after receipt of the same, accompanied by a  
31 detailed statement thereof, into the State Treasury and  
32 shall be set apart in a special fund to be known as "The  
33 Illinois Bank Examiners' Education Fund" to be invested  
34 by either the Treasurer of the State of Illinois in the

1 Public Treasurers' Investment Pool or in any other  
2 investment he is authorized to make or by the Illinois  
3 State Board of Investment as the board of trustees of the  
4 Illinois Bank Examiners' Education Foundation may direct  
5 or (ii) deposited into an account maintained in a  
6 commercial bank or corporate fiduciary in the name of the  
7 Illinois Bank Examiners' Education Foundation pursuant to  
8 the order and direction of the Board of Trustees of the  
9 Illinois Bank Examiners' Education Foundation.

10 (12) (Blank).

11 (Source: P.A. 91-16, eff. 7-1-99; 92-20, eff. 7-1-01; 92-483,  
12 eff. 8-23-01; revised 9-10-01.)

13 Section 41. The Illinois Savings and Loan Act of 1985 is  
14 amended by changing Section 3-10 as follows:

15 (205 ILCS 105/3-10) (from Ch. 17, par. 3303-10)

16 Sec. 3-10. Prohibited Activities. No officer, director,  
17 employee or agent of an association shall knowingly:

18 (a) Receive any property of the association  
19 otherwise than in the payment for a just demand and, with  
20 intent to defraud, omit to make or cause or direct to be  
21 made a full and true entry thereof in its books and  
22 accounts;

23 (b) Concur in omitting to make any material entry  
24 of the receipt or possession of association property in  
25 the books and accounts of the association;

26 (c) Subject to the provisions of Section ~~7-4~~ 7-1-3,  
27 make any loan to, or purchase any loan or investment  
28 from, the Commissioner or any supervisor, examiner,  
29 employee, expert or other special assistant employed or  
30 appointed by the Commissioner, or knowingly concur in the  
31 making or purchasing of such loan or investment; and

32 (d) Directly or indirectly grant, give or transfer,

1 or cause the same to be granted, given or transferred, or  
 2 concur in the granting, giving or transferring to the  
 3 Commissioner or any supervisor, examiner, employee,  
 4 expert or other special assistant employed or appointed  
 5 by the Commissioner any sum of money or any property as a  
 6 gift, reward, inducement, loan or otherwise.

7 (Source: P.A. 84-543; revised 12-07-01.)

8 Section 42. The Banking Emergencies Act is amended by  
 9 changing Section 1 as follows:

10 (205 ILCS 610/1) (from Ch. 17, par. 1001)

11 Sec. 1. Definitions. A. As used in this Act, unless the  
 12 context otherwise requires:

13 (1) "Commissioner" means the officer of this State  
 14 designated by law to exercise supervision over banks and  
 15 trust companies, and any other person lawfully exercising  
 16 such powers.

17 (2) "Bank" includes commercial banks, trust companies  
 18 and any branch thereof lawfully carrying on the business of  
 19 banking and, to the extent that the provisions hereof are not  
 20 inconsistent with and do not infringe upon paramount Federal  
 21 law, also includes national banks.

22 (3) "Officers" means the person or persons designated by  
 23 the board of directors, to act for the bank in carrying out  
 24 the provisions of this Act or, in the absence of any such  
 25 designation or of the officer or officers so designated, the  
 26 president or any other officer currently in charge of the  
 27 bank or of the office or offices in question.

28 (4) "Office" means any place at which a bank transacts  
 29 its business or conducts operations related to its business.

30 (5) "Emergency" means any condition or occurrence which  
 31 may interfere physically with the conduct of normal business  
 32 operations at one or more or all of the offices of a bank, or

1 which poses an imminent or existing threat to the safety or  
 2 security of persons or property, or both at one or more or  
 3 all of the offices of a bank. Without limiting the  
 4 generality of the foregoing, an emergency may arise as a  
 5 result of any one or more of the following: natural  
 6 disasters; civil strife; power failures; computer failures;  
 7 interruption of communication facilities; robbery or  
 8 attempted robbery.

9 (Source: P.A. 92-483, eff. 8-23-01; revised 10-10-01.)

10 Section 43. The Corporate Fiduciary Act is amended by  
 11 changing the heading of Article IVA as follows:

12 (205 ILCS 620/Article IVA heading)

13 ARTICLE IVA. MULTISTATE TRUST ACTIVITIES

14 Section 44. The Transmitters of Money Act is amended by  
 15 changing Section 92 as follows:

16 (205 ILCS 657/92)

17 Sec. 92. Receivership.

18 (a) If the Director determines that a licensee is  
 19 insolvent or is violating this Act, he or she may appoint a  
 20 receiver. Under the direction of the Director, the receiver  
 21 shall, for the purpose of receivership, take possession of  
 22 and title to the books, records, and assets of the licensee.  
 23 The Director may require the receiver to provide security in  
 24 an amount the Director deems proper. Upon appointment of the  
 25 receiver, the Director shall have published, once each week  
 26 for 4 consecutive weeks in a newspaper having a general  
 27 circulation in the community, a notice informing all persons  
 28 who have claims against the licensee to present them to the  
 29 receiver. Within 10 days after the receiver takes possession,  
 30 the licensee may apply to the Circuit Court of Sangamon

1 County to enjoin further proceedings. The receiver may  
2 operate the business until the Director determines that  
3 possession should be restored to the licensee or that the  
4 business should be liquidated.

5 (b) If the Director determines that a business in  
6 receivership should be liquidated, he or she shall direct the  
7 Attorney General to file a complaint in the Circuit Court of  
8 the county in which the business is located, in the name of  
9 the People of the State of Illinois, for the orderly  
10 liquidation and dissolution of the business and for an  
11 injunction restraining the licensee and its officers and  
12 directors from continuing the operation of the business.  
13 Within 30 days after the day the Director determines that the  
14 business should be liquidated, the receiver shall file with  
15 the Director and with the clerk of the court that has charge  
16 of the liquidation a correct list of all creditors, as shown  
17 by the licensee's books and records, who have not presented  
18 their claims. The list shall state the amount of the claim  
19 after allowing all just credits, deductions, and set-offs as  
20 shown by the licensee's books. These claims shall be deemed  
21 proven unless some interested party files an objection within  
22 the time fixed by the Director or court that has charge of  
23 the liquidation.

24 (c) The General Assembly finds and declares that  
25 transmitters of money debt--management--services provide  
26 important and vital services to Illinois citizens. It is  
27 therefore declared to be the policy of this State that  
28 customers who receive these services must be protected from  
29 interruptions of services. To carry out this policy and to  
30 insure that customers of a licensee are protected if it is  
31 determined that a business in receivership should be  
32 liquidated, the Director shall make a distribution of moneys  
33 collected by the receiver in the following order of priority:

34 (1) Allowed claims for the actual necessary

1 expenses of the receivership of the business being  
2 liquidated, including:

3 (A) reasonable receiver's fees and receiver's  
4 attorney's fees approved by the Director;

5 (B) all expenses of any preliminary or other  
6 examinations into the condition of the receivership;

7 (C) all expenses incurred by the Director that  
8 are incident to possession and control of any  
9 property or records of the licensee's business; and

10 (D) reasonable expenses incurred by the  
11 Director as the result of business agreements or  
12 contractual arrangements necessary to insure that  
13 the services of the licensee are delivered to the  
14 community without interruption. These business  
15 agreements or contractual arrangements may include,  
16 but are not limited to, agreements made by the  
17 Director, or by the receiver with the approval of  
18 the Director, with banks, bonding companies, and  
19 other types of financial institutions.

20 (2) Allowed unsecured claims for wages or salaries,  
21 excluding vacation, severance, and sick leave pay earned  
22 by employees within 90 days before the appointment of a  
23 receiver.

24 (3) Allowed unsecured claims of any tax, and  
25 interest and penalty on the tax.

26 (4) Allowed unsecured claims, other than a kind  
27 specified in items (1), (2), and (3) of this subsection,  
28 filed with the Director within the time the Director  
29 fixes for filing claims.

30 (5) Allowed unsecured claims, other than a kind  
31 specified in items (1), (2), and (3) of this subsection,  
32 filed with the Director after the time fixed for filing  
33 claims by the Director.

34 (6) Allowed creditor claims asserted by an owner,

1 member, or stockholder of the business in liquidation.

2 (7) After one year from the final dissolution of  
3 the licensee's business, all assets not used to satisfy  
4 allowed claims shall be distributed pro rata to the  
5 owner, owners, members, or stockholders of the business.

6 The Director shall pay all claims of equal priority  
7 according to the schedule established in this subsection and  
8 shall not pay claims of lower priority until all higher  
9 priority claims are satisfied. If insufficient assets are  
10 available to meet all claims of equal priority, those assets  
11 shall be distributed pro rata among those claims. All  
12 unclaimed assets of a licensee and the licensee's business  
13 shall be deposited with the Director to be paid out when  
14 proper claims are presented to the Director.

15 (d) Upon the order of the circuit court of the county in  
16 which the business being liquidated is located, the receiver  
17 may sell or compound any bad or doubtful debt, and on like  
18 order may sell the personal property of the business on such  
19 terms as the court approves. The receiver shall succeed to  
20 whatever rights or remedies the unsecured creditors of the  
21 business may have against the owner or owners, operators,  
22 stockholders, directors, members, managers, or officers,  
23 arising out of their claims against the licensee's business,  
24 but nothing contained in this Section shall prevent those  
25 creditors from filing their claims in the liquidation  
26 proceeding. The receiver may enforce those rights or  
27 remedies in any court of competent jurisdiction.

28 (e) At the close of a receivership, the receiver shall  
29 turn over to the Director all books of account and ledgers of  
30 the business for preservation. The Director shall hold all  
31 records of receiverships received at any time for a period of  
32 2 years after the close of the receivership. The records may  
33 be destroyed at the termination of the 2-year period. All  
34 expenses of the receivership including, but not limited to,

1 reasonable receiver's and attorney's fees approved by the  
2 Director, all expenses of any preliminary or other  
3 examinations into the condition of the licensee's business or  
4 the receivership, and all expenses incident to the possession  
5 and control of any property or records of the business  
6 incurred by the Director shall be paid out of the assets of  
7 the licensee's business. These expenses shall be paid before  
8 all other claims.

9 (f) Upon the filing of a complaint by the Attorney  
10 General for the orderly liquidation and dissolution of a  
11 licensee's business, as provided in this Act, all pending  
12 suits and actions upon unsecured claims against the business  
13 shall abate. Nothing contained in this Act, however,  
14 prevents these claimants from filing their claims in the  
15 liquidation proceeding. If a suit or an action is instituted  
16 or maintained by the receiver on any bond or policy of  
17 insurance issued pursuant to the requirements of this Act,  
18 the bonding or insurance company sued shall not have the  
19 right to interpose or maintain any counterclaim based upon  
20 subrogation, upon any express or implied agreement of, or  
21 right to, indemnity or exoneration, or upon any other express  
22 or implied agreement with, or right against, the licensee's  
23 business. Nothing contained in this Act prevents the bonding  
24 or insurance company from filing this type of claim in the  
25 liquidation proceeding.

26 (g) A licensee may not terminate its affairs and close  
27 up its business unless it has first deposited with the  
28 Director an amount of money equal to all of its debts,  
29 liabilities, and lawful demands against it including the  
30 costs and expenses of a proceeding under this Section,  
31 surrendered to the Director its license, and filed with the  
32 Director a statement of termination signed by the licensee  
33 containing a pronouncement of intent to close up its business  
34 and liquidate its liabilities and containing a sworn list

1 itemizing in full all of its debts, liabilities, and lawful  
2 demands against it. Corporate licensees must attach to, and  
3 make a part of the statement of termination, a copy of a  
4 resolution providing for the termination and closing up of  
5 the licensee's affairs, certified by the secretary of the  
6 licensee and duly adopted at a shareholders' meeting by the  
7 holders of at least two-thirds of the outstanding shares  
8 entitled to vote at the meeting. Upon the filing with the  
9 Director of a statement of termination, the Director shall  
10 cause notice of that action to be published once each week  
11 for 3 consecutive weeks in a public newspaper of general  
12 circulation published in the city or village where the  
13 business is located, and if no newspaper is published in that  
14 place, then in a public newspaper of general circulation  
15 nearest to that city or village. The publication shall give  
16 notice that the debts, liabilities, and lawful demands  
17 against the business will be redeemed by the Director upon  
18 demand in writing made by the owner thereof, at any time  
19 within 3 years after the date of first publication. After  
20 the expiration of the 3-year period, the Director shall  
21 return to the person or persons designated in the statement  
22 of termination to receive repayment, and in the proportion  
23 specified in that statement, any balance of money remaining  
24 in his or her possession after first deducting all unpaid  
25 costs and expenses incurred in connection with a proceeding  
26 under this Section. The Director shall receive for his or her  
27 services, exclusive of costs and expenses, 2% of any amount  
28 up to \$5,000 and 1% of any amount in excess of \$5,000  
29 deposited with him or her under this Section by any business.  
30 Nothing contained in this Section shall affect or impair the  
31 liability of any bonding or insurance company on any bond or  
32 insurance policy issued under this Act relating to the  
33 business.

34 (Source: P.A. 92-400, eff. 1-1-02; revised 12-04-01.)

1 Section 45. The Abused and Neglected Long Term Care  
2 Facility Residents Reporting Act is amended by changing  
3 Section 6.2 as follows:

4 (210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)  
5 (Section scheduled to be repealed on January 1, 2004)

6 Sec. 6.2. Inspector General.

7 (a) The Governor shall appoint, and the Senate shall  
8 confirm, an Inspector General who shall function within the  
9 Department of Human Services and report to the Secretary of  
10 Human Services and the Governor. The Inspector General shall  
11 investigate reports of suspected abuse or neglect (as those  
12 terms are defined in Section 3 of this Act) of patients or  
13 residents in any mental health or developmental disabilities  
14 facility operated by the Department of Human Services and  
15 shall have authority to investigate and take immediate action  
16 on reports of abuse or neglect of recipients, whether  
17 patients or residents, in any mental health or developmental  
18 disabilities facility or program that is licensed or  
19 certified by the Department of Human Services (as successor  
20 to the Department of Mental Health and Developmental  
21 Disabilities) or that is funded by the Department of Human  
22 Services (as successor to the Department of Mental Health and  
23 Developmental Disabilities) and is not licensed or certified  
24 by any agency of the State. At the specific, written request  
25 of an agency of the State other than the Department of Human  
26 Services (as successor to the Department of Mental Health and  
27 Developmental Disabilities), the Inspector General may  
28 cooperate in investigating reports of abuse and neglect of  
29 persons with mental illness or persons with developmental  
30 disabilities. The Inspector General shall have no  
31 supervision over or involvement in routine, programmatic,  
32 licensure, or certification operations of the Department of  
33 Human Services or any of its funded agencies.

1           The Inspector General shall promulgate rules establishing  
2           minimum requirements for reporting allegations of abuse and  
3           neglect and initiating, conducting, and completing  
4           investigations. The promulgated rules shall clearly set  
5           forth that in instances where 2 or more State agencies could  
6           investigate an allegation of abuse or neglect, the Inspector  
7           General shall not conduct an investigation that is redundant  
8           to an investigation conducted by another State agency. The  
9           rules shall establish criteria for determining, based upon  
10          the nature of the allegation, the appropriate method of  
11          investigation, which may include, but need not be limited to,  
12          site visits, telephone contacts, or requests for written  
13          responses from agencies. The rules shall also clarify how the  
14          Office of the Inspector General shall interact with the  
15          licensing unit of the Department of Human Services in  
16          investigations of allegations of abuse or neglect. Any  
17          allegations or investigations of reports made pursuant to  
18          this Act shall remain confidential until a final report is  
19          completed. The resident or patient who allegedly was abused  
20          or neglected and his or her legal guardian shall be informed  
21          by the facility or agency of the report of alleged abuse or  
22          neglect. Final reports regarding unsubstantiated or unfounded  
23          allegations shall remain confidential, except that final  
24          reports may be disclosed pursuant to Section 6 of this Act.

25          The Inspector General shall be appointed for a term of 4  
26          years.

27          When the Office of the Inspector General has  
28          substantiated a case of abuse or neglect, the Inspector  
29          General shall include in the final report any mitigating or  
30          aggravating circumstances that were identified during the  
31          investigation. Upon determination that a report of neglect  
32          is substantiated, the Inspector General shall then determine  
33          whether such neglect rises to the level of egregious neglect.

34          (b) The Inspector General shall within 24 hours after

1 receiving a report of suspected abuse or neglect determine  
2 whether the evidence indicates that any possible criminal act  
3 has been committed. If he determines that a possible criminal  
4 act has been committed, or that special expertise is required  
5 in the investigation, he shall immediately notify the  
6 Department of State Police. The Department of State Police  
7 shall investigate any report indicating a possible murder,  
8 rape, or other felony. All investigations conducted by the  
9 Inspector General shall be conducted in a manner designed to  
10 ensure the preservation of evidence for possible use in a  
11 criminal prosecution.

12 (b-5) The Inspector General shall make a determination  
13 to accept or reject a preliminary report of the investigation  
14 of alleged abuse or neglect based on established  
15 investigative procedures. Notice of the Inspector General's  
16 determination must be given to the person who claims to be  
17 the victim of the abuse or neglect, to the person or persons  
18 alleged to have been responsible for abuse or neglect, and to  
19 the facility or agency. The facility or agency or the person  
20 or persons alleged to have been responsible for the abuse or  
21 neglect and the person who claims to be the victim of the  
22 abuse or neglect may request clarification or reconsideration  
23 based on additional information. For cases where the  
24 allegation of abuse or neglect is substantiated, the  
25 Inspector General shall require the facility or agency to  
26 submit a written response. The written response from a  
27 facility or agency shall address in a concise and reasoned  
28 manner the actions that the agency or facility will take or  
29 has taken to protect the resident or patient from abuse or  
30 neglect, prevent reoccurrences, and eliminate problems  
31 identified and shall include implementation and completion  
32 dates for all such action.

33 (c) The Inspector General shall, within 10 calendar days  
34 after the transmittal date of a completed investigation where

1 abuse or neglect is substantiated or administrative action is  
2 recommended, provide a complete report on the case to the  
3 Secretary of Human Services and to the agency in which the  
4 abuse or neglect is alleged to have happened. The complete  
5 report shall include a written response from the agency or  
6 facility operated by the State to the Inspector General that  
7 addresses in a concise and reasoned manner the actions that  
8 the agency or facility will take or has taken to protect the  
9 resident or patient from abuse or neglect, prevent  
10 reoccurrences, and eliminate problems identified and shall  
11 include implementation and completion dates for all such  
12 action. The Secretary of Human Services shall accept or  
13 reject the response and establish how the Department will  
14 determine whether the facility or program followed the  
15 approved response. The Secretary may require Department  
16 personnel to visit the facility or agency for training,  
17 technical assistance, programmatic, licensure, or  
18 certification purposes. Administrative action, including  
19 sanctions, may be applied should the Secretary reject the  
20 response or should the facility or agency fail to follow the  
21 approved response. The facility or agency shall inform the  
22 resident or patient and the legal guardian whether the  
23 reported allegation was substantiated, unsubstantiated, or  
24 unfounded. There shall be an appeals process for any person  
25 or agency that is subject to any action based on a  
26 recommendation or recommendations.

27 (d) The Inspector General may recommend to the  
28 Departments of Public Health and Human Services sanctions to  
29 be imposed against mental health and developmental  
30 disabilities facilities under the jurisdiction of the  
31 Department of Human Services for the protection of residents,  
32 including appointment of on-site monitors or receivers,  
33 transfer or relocation of residents, and closure of units.  
34 The Inspector General may seek the assistance of the Attorney

1 General or any of the several State's attorneys in imposing  
2 such sanctions.

3 (e) The Inspector General shall establish and conduct  
4 periodic training programs for Department employees  
5 concerning the prevention and reporting of neglect and abuse.

6 (f) The Inspector General shall at all times be granted  
7 access to any mental health or developmental disabilities  
8 facility operated by the Department, shall establish and  
9 conduct unannounced site visits to those facilities at least  
10 once annually, and shall be granted access, for the purpose  
11 of investigating a report of abuse or neglect, to any  
12 facility or program funded by the Department that is subject  
13 under the provisions of this Section to investigation by the  
14 Inspector General for a report of abuse or neglect.

15 (g) Nothing in this Section shall limit investigations  
16 by the Department of Human Services that may otherwise be  
17 required by law or that may be necessary in that Department's  
18 capacity as the central administrative authority responsible  
19 for the operation of State mental health and developmental  
20 disability facilities.

21 (g-5) After notice and an opportunity for a hearing that  
22 is separate and distinct from the Office of the Inspector  
23 General's appeals process as implemented under subsection (c)  
24 of this Section, the Inspector General shall report to the  
25 Department of Public Health's nurse aide registry under  
26 Section 3-206.01 of the Nursing Home Care Act the identity of  
27 individuals against whom there has been a substantiated  
28 finding of physical or sexual abuse or egregious neglect of a  
29 service recipient.

30 Nothing in this subsection shall diminish or impair the  
31 rights of a person who is a member of a collective bargaining  
32 unit pursuant to the Illinois Public Labor Relations Act or  
33 pursuant to any federal labor statute. An individual who is a  
34 member of a collective bargaining unit as described above

1 shall not be reported to the Department of Public Health's  
2 nurse aide registry until the exhaustion of that individual's  
3 grievance and arbitration rights, or until 3 months after the  
4 initiation of the grievance process, whichever occurs first,  
5 provided that the Department of Human Services' hearing under  
6 subsection (c), that is separate and distinct from the Office  
7 of the Inspector General's appeals process, has concluded.  
8 Notwithstanding anything hereinafter or previously provided,  
9 if an action taken by an employer against an individual as a  
10 result of the circumstances that led to a finding of physical  
11 or sexual abuse or egregious neglect is later overturned  
12 under a grievance or arbitration procedure provided for in  
13 Section 8 of the Illinois Public Labor Relations Act or under  
14 a collective bargaining agreement, the report must be removed  
15 from the registry.

16 The Department of Human Services shall promulgate or  
17 amend rules as necessary or appropriate to establish  
18 procedures for reporting to the registry, including the  
19 definition of egregious neglect, procedures for notice to the  
20 individual and victim, appeal and hearing procedures, and  
21 petition for removal of the report from the registry. The  
22 portion of the rules pertaining to hearings shall provide  
23 that, at the hearing, both parties may present written and  
24 oral evidence. The Department shall be required to establish  
25 by a preponderance of the evidence that the Office of the  
26 Inspector General's finding of physical or sexual abuse or  
27 egregious neglect warrants reporting to the Department of  
28 Public Health's nurse aide registry under Section 3-206.01 of  
29 the Nursing Home Care Act.

30 Notice to the individual shall include a clear and  
31 concise statement of the grounds on which the report to the  
32 registry is based and notice of the opportunity for a hearing  
33 to contest the report. The Department of Human Services shall  
34 provide the notice by certified mail to the last known

1 address of the individual. The notice shall give the  
2 individual an opportunity to contest the report in a hearing  
3 before the Department of Human Services or to submit a  
4 written response to the findings instead of requesting a  
5 hearing. If the individual does not request a hearing or if  
6 after notice and a hearing the Department of Human Services  
7 finds that the report is valid, the finding shall be included  
8 as part of the registry, as well as a brief statement from  
9 the reported individual if he or she chooses to make a  
10 statement. The Department of Public Health shall make  
11 available to the public information reported to the registry.  
12 In a case of inquiries concerning an individual listed in the  
13 registry, any information disclosed concerning a finding of  
14 abuse or neglect shall also include disclosure of the  
15 individual's brief statement in the registry relating to the  
16 reported finding or include a clear and accurate summary of  
17 the statement.

18 At any time after the report of the registry, an  
19 individual may petition the Department of Human Services for  
20 removal from the registry of the finding against him or her.  
21 Upon receipt of such a petition, the Department of Human  
22 Services shall conduct an investigation and hearing on the  
23 petition. Upon completion of the investigation and hearing,  
24 the Department of Human Services shall report the removal of  
25 the finding to the registry unless the Department of Human  
26 Services determines that removal is not in the public  
27 interest.

28 (h) This Section is repealed on January 1, 2004.  
29 (Source: P.A. 91-169, eff. 7-16-99; 92-358, eff. 8-15-01;  
30 92-473, eff. 1-1-02; revised 10-10-01.)

31 Section 46. The Nursing Home Care Act is amended by  
32 changing Section 3-206.01 as follows:

1 (210 ILCS 45/3-206.01) (from Ch. 111 1/2, par.  
2 4153-206.01)

3 Sec. 3-206.01. Nurse aide registry.

4 (a) The Department shall establish and maintain a  
5 registry of all individuals who have satisfactorily completed  
6 the training required by Section 3-206. The registry shall  
7 include the name of the nursing assistant, habilitation aide,  
8 or child care aide, his or her current address, Social  
9 Security number, and the date and location of the training  
10 course completed by the individual, and the date of the  
11 individual's last criminal records check. Any individual  
12 placed on the registry is required to inform the Department  
13 of any change of address within 30 days. A facility shall  
14 not employ an individual as a nursing assistant, habilitation  
15 aide, or child care aide unless the facility has inquired of  
16 the Department as to information in the registry concerning  
17 the individual and shall not employ anyone not on the  
18 registry unless the individual is enrolled in a training  
19 program under paragraph (5) of subsection (a) of Section  
20 3-206 of this Act.

21 If the Department finds that a nursing assistant,  
22 habilitation aide, or child care aide has abused a resident,  
23 neglected a resident, or misappropriated resident property in  
24 a facility, the Department shall notify the individual of  
25 this finding by certified mail sent to the address contained  
26 in the registry. The notice shall give the individual an  
27 opportunity to contest the finding in a hearing before the  
28 Department or to submit a written response to the findings in  
29 lieu of requesting a hearing. If, after a hearing or if the  
30 individual does not request a hearing, the Department finds  
31 that the individual abused a resident, neglected a resident,  
32 or misappropriated resident property in a facility, the  
33 finding shall be included as part of the registry as well as  
34 a brief statement from the individual, if he or she chooses

1 to make such a statement. The Department shall make  
2 information in the registry available to the public. In the  
3 case of inquiries to the registry concerning an individual  
4 listed in the registry, any information disclosed concerning  
5 such a finding shall also include disclosure of any statement  
6 in the registry relating to the finding or a clear and  
7 accurate summary of the statement.

8 (b) The Department shall add to the nurse aide registry  
9 records of findings as reported by the Inspector General or  
10 remove from the nurse aide registry records of findings as  
11 reported by the Department of Human Services, under Section  
12 6.2 of the Abused Abuse and Neglected Long Term Care Facility  
13 Residents Reporting Act.

14 (Source: P.A. 91-598, eff. 1-1-00; 92-473, eff. 1-1-02;  
15 revised 12-04-01.)

16 Section 47. The Emergency Medical Services (EMS) Systems  
17 Act is amended by changing Sections 3.110, 3.220, and 3.250  
18 as follows:

19 (210 ILCS 50/3.110)

20 Sec. 3.110. EMS system and trauma center confidentiality  
21 and immunity.

22 (a) All information contained in or relating to any  
23 medical audit performed of a trauma center's trauma services  
24 pursuant to this Act or by an EMS Medical Director or his  
25 designee of medical care rendered by System personnel, shall  
26 be afforded the same status as is provided information  
27 concerning medical studies in Article VIII, Part 21 of the  
28 Code of Civil Procedure. Disclosure of such information to  
29 the Department pursuant to this Act shall not be considered a  
30 violation of Article VIII, Part 21 of the Code of Civil  
31 Procedure.

32 (b) Hospitals, trauma centers and individuals that

1 perform or participate in medical audits pursuant to this Act  
2 shall be immune from civil liability to the same extent as  
3 provided in Section 10.2 of the Hospital Licensing Act.

4 (c) All information relating to the State Emergency  
5 Medical Services Disciplinary Review Board or a local review  
6 board, except final decisions, shall be afforded the same  
7 status as is provided information concerning medical studies  
8 in Article VIII, Part 21 of the Code of Civil Procedure.  
9 Disclosure of such information to the Department pursuant to  
10 this Act shall not be considered a violation of Article  
11 VIII, Part 21 of the Code of Civil Procedure.

12 (Source: P.A. 89-177, eff. 7-19-95; 90-144, eff. 7-23-97;  
13 revised 12-07-01.)

14 (210 ILCS 50/3.220)

15 Sec. 3.220. EMS Assistance Fund.

16 (a) There is hereby created an "EMS Assistance Fund"  
17 within the State treasury, for the purpose of receiving fines  
18 and fees collected by the Illinois Department of Health  
19 pursuant to this Act ~~and the supplemental registration fees~~  
20 ~~collected pursuant to Section 3-821.1 of the Illinois Vehicle~~  
21 ~~Code.~~

22 (b) EMT licensure examination fees collected shall be  
23 distributed by the Department to the Resource Hospital of the  
24 EMS System in which the EMT candidate was educated, to be  
25 used for educational and related expenses incurred by the  
26 System's hospitals, as identified in the EMS System Program  
27 Plan.

28 (c) All other moneys within this fund shall be  
29 distributed by the Department to the EMS Regions for  
30 disbursement in accordance with protocols established in the  
31 EMS Region Plans, for the purposes of organization,  
32 development and improvement of Emergency Medical Services  
33 Systems, including but not limited to training of personnel

1 and acquisition, modification and maintenance of necessary  
2 supplies, equipment and vehicles.

3 (d) All fees and fines collected pursuant to this to  
4 this Act shall be deposited into the EMS Assistance Fund.

5 (Source: P.A. 89-177, eff. 7-19-95; revised 12-07-01.)

6 (210 ILCS 50/3.250)

7 Sec. 3.250. Application of Administrative Procedure Act.  
8 The provisions of the Illinois Administrative Procedure Act  
9 are hereby expressly adopted and shall apply to all  
10 administrative rules and procedures of the Department of  
11 Public Health under this Act, except that in case of conflict  
12 between the Illinois Administrative Procedure Act and this  
13 Act the provisions of this Act shall control, and except that  
14 Section 5-35 of ~~5-05~~ the Illinois Administrative Procedure  
15 Act relating to procedures for rule-making does not apply to  
16 the adoption of any rule required by federal law in  
17 connection with which the Department is precluded by law from  
18 exercising any discretion.

19 (Source: P.A. 89-177, eff. 7-19-95; revised 12-07-01.)

20 Section 48. The Illinois Insurance Code is amended by  
21 setting forth and renumbering multiple versions of Section  
22 155.37, changing Sections 370c and 424, and renumbering  
23 Section 507.2 as follows:

24 (215 ILCS 5/155.37)

25 Sec. 155.37. Drug formulary; notice. Insurance  
26 companies that transact the kinds of insurance authorized  
27 under Class 1(b) or Class 2(a) of Section 4 of this Code and  
28 provide coverage for prescription drugs through the use of a  
29 drug formulary must notify insureds of any change in the  
30 formulary. A company may comply with this Section by posting  
31 changes in the formulary on its website.

1 (Source: P.A. 92-440, eff. 8-17-01.)

2 (215 ILCS 5/155.38)

3 Sec. 155.38. ~~155.37.~~ Use of credit reports in connection  
4 with certain policies.

5 (a) This Section applies to policies of insurance  
6 defined in subsections (a), (b), and (c) of Section 143.13,  
7 except that this Section does not apply to those personal  
8 lines policies defined in subsection (c) of Section 143.13  
9 that could be classified under clause (g) or (i) of Class 2  
10 of Section 4 or to policies of insurance subject to Article  
11 IX 1/2.

12 (b) An insurance company authorized to do business in  
13 this State may not refuse to issue or renew a policy of  
14 insurance solely on the basis of a credit report. An offer  
15 by an insurance company to write a policy through an insurer  
16 that is an affiliate, as defined in Section 131.1 of this  
17 Code, with continuous coverage does not constitute a refusal  
18 to issue a policy or a nonrenewal within the meaning of this  
19 Section. "Credit report" means a collection of data  
20 regarding a consumer's credit history, credit capacity, or  
21 credit worthiness that has been assembled or evaluated by a  
22 consumer reporting agency as defined in 15 USC 1681a(f).

23 (c) If a credit report is used in conjunction with other  
24 criteria to underwrite an application or renewal of a policy  
25 of insurance, it may not include or be based upon the race,  
26 income, gender, religion, or national origin of the applicant  
27 or insured.

28 (d) If a credit report is used in conjunction with other  
29 criteria to refuse to issue or renew a policy of insurance,  
30 the insurer shall provide the applicant or policyholder with  
31 a notice of the underwriting action taken. For purposes of  
32 this Section, compliance with the notification requirements  
33 of the federal Fair Credit Reporting Act, 15 U.S.C. 1681 et

1 seq., shall be considered to be in compliance with this  
2 Section.

3 (Source: P.A. 92-480, eff. 10-1-01; revised 10-17-01.)

4 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

5 Sec. 370c. Mental and emotional disorders.

6 (a) (1) On and after the effective date of this Section,  
7 every insurer which delivers, issues for delivery or renews  
8 or modifies group A&H policies providing coverage for  
9 hospital or medical treatment or services for illness on an  
10 expense-incurred basis shall offer to the applicant or group  
11 policyholder subject to the insurers standards of  
12 insurability, coverage for reasonable and necessary treatment  
13 and services for mental, emotional or nervous disorders or  
14 conditions, other than serious mental illnesses as defined in  
15 item (2) of subsection (b), up to the limits provided in the  
16 policy for other disorders or conditions, except (i) the  
17 insured may be required to pay up to 50% of expenses incurred  
18 as a result of the treatment or services, and (ii) the annual  
19 benefit limit may be limited to the lesser of \$10,000 or 25%  
20 of the lifetime policy limit.

21 (2) Each insured that is covered for mental, emotional  
22 or nervous disorders or conditions shall be free to select  
23 the physician licensed to practice medicine in all its  
24 branches, licensed clinical psychologist, licensed clinical  
25 social worker, or licensed clinical professional counselor of  
26 his choice to treat such disorders, and the insurer shall pay  
27 the covered charges of such physician licensed to practice  
28 medicine in all its branches, licensed clinical psychologist,  
29 licensed clinical social worker, or licensed clinical  
30 professional counselor up to the limits of coverage, provided  
31 (i) the disorder or condition treated is covered by the  
32 policy, and (ii) the physician, licensed psychologist,  
33 licensed clinical social worker, or licensed clinical

1 professional counselor is authorized to provide said services  
2 under the statutes of this State and in accordance with  
3 accepted principles of his profession.

4 (3) Insofar as this Section applies solely to licensed  
5 clinical social workers and licensed clinical professional  
6 counselors, those persons who may provide services to  
7 individuals shall do so after the licensed clinical social  
8 worker or licensed clinical professional counselor has  
9 informed the patient of the desirability of the patient  
10 conferring with the patient's primary care physician and the  
11 licensed clinical social worker or licensed clinical  
12 professional counselor has provided written notification to  
13 the patient's primary care physician, if any, that services  
14 are being provided to the patient. That notification may,  
15 however, be waived by the patient on a written form. Those  
16 forms shall be retained by the licensed clinical social  
17 worker or licensed clinical professional counselor for a  
18 period of not less than 5 years.

19 (b) (1) An insurer that provides coverage for hospital  
20 or medical expenses under a group policy of accident and  
21 health insurance or health care plan amended, delivered,  
22 issued, or renewed after the effective date of this  
23 amendatory Act of the 92nd General Assembly shall provide  
24 coverage under the policy for treatment of serious mental  
25 illness under the same terms and conditions as coverage for  
26 hospital or medical expenses related to other illnesses and  
27 diseases. The coverage required under this Section must  
28 provide for same durational limits, amount limits,  
29 deductibles, and co-insurance requirements for serious mental  
30 illness as are provided for other illnesses and diseases.  
31 This subsection does not apply to coverage provided to  
32 employees by employers who have 50 or fewer employees.

33 (2) "Serious mental illness" means the following  
34 psychiatric illnesses as defined in the most current edition

1 of the Diagnostic and Statistical Manual (DSM) published by  
2 the American Psychiatric Association:

3 (A) schizophrenia;

4 (B) paranoid and other psychotic disorders;

5 (C) bipolar disorders (hypomanic, manic,  
6 depressive, and mixed);

7 (D) major depressive disorders (single episode or  
8 recurrent);

9 (E) schizoaffective disorders (bipolar or  
10 depressive);

11 (F) pervasive developmental disorders;

12 (G) obsessive-compulsive disorders;

13 (H) depression in childhood and adolescence; and

14 (I) panic disorder.

15 (3) Upon request of the reimbursing insurer, a provider  
16 of treatment of serious mental illness shall furnish medical  
17 records or other necessary data that substantiate that  
18 initial or continued treatment is at all times medically  
19 necessary. An insurer shall provide a mechanism for the  
20 timely review by a provider holding the same license and  
21 practicing in the same specialty as the patient's provider,  
22 who is unaffiliated with the insurer, jointly selected by the  
23 patient (or the patient's next of kin or legal representative  
24 if the patient is unable to act for himself or herself), the  
25 patient's provider, and the insurer in the event of a dispute  
26 between the insurer and patient's provider regarding the  
27 medical necessity of a treatment proposed by a patient's  
28 provider. If the reviewing provider determines the treatment  
29 to be medically necessary, the insurer shall provide  
30 reimbursement for the treatment. Future contractual or  
31 employment actions by the insurer regarding the patient's  
32 provider may not be based on the provider's participation in  
33 this procedure. Nothing prevents the insured from agreeing in  
34 writing to continue treatment at his or her expense. When

1 making a determination of the medical necessity for a  
2 treatment modality for serious mental illness, an insurer must  
3 make the determination in a manner that is consistent with  
4 the manner used to make that determination with respect to  
5 other diseases or illnesses covered under the policy,  
6 including an appeals process.

7 (4) A group health benefit plan:

8 (A) shall provide coverage based upon medical  
9 necessity for the following treatment of mental illness  
10 in each calendar year;

11 (i) 45 days of inpatient treatment; and

12 (ii) 35 visits for outpatient treatment  
13 including group and individual outpatient treatment;

14 (B) may not include a lifetime limit on the number  
15 of days of inpatient treatment or the number of  
16 outpatient visits covered under the plan; and

17 (C) shall include the same amount limits,  
18 deductibles, copayments, and coinsurance factors for  
19 serious mental illness as for physical illness.

20 (5) An issuer of a group health benefit plan may not  
21 count toward the number of outpatient visits required to be  
22 covered under this Section an outpatient visit for the  
23 purpose of medication management and shall cover the  
24 outpatient visits under the same terms and conditions as it  
25 covers outpatient visits for the treatment of physical  
26 illness.

27 (6) An issuer of a group health benefit plan may provide  
28 or offer coverage required under this Section through a  
29 managed care plan.

30 (7) This Section shall not be interpreted to require a  
31 group health benefit plan to provide coverage for treatment  
32 of:

33 (A) an addiction to a controlled substance or  
34 cannabis that is used in violation of law; or

1 (B) mental illness resulting from the use of a  
2 controlled substance or cannabis in violation of law.

3 (8) This subsection (b) is inoperative after December  
4 31, 2005.

5 (Source: P.A. 92-182, eff. 7-27-01; 92-185, eff. 1-1-02;  
6 revised 9-18-01.)

7 (215 ILCS 5/424) (from Ch. 73, par. 1031)

8 Sec. 424. Unfair methods of competition and unfair or  
9 deceptive acts or practices defined. The following are  
10 hereby defined as unfair methods of competition and unfair  
11 and deceptive acts or practices in the business of insurance:

12 (1) The commission by any person of any one or more of  
13 the acts defined or prohibited by Sections 134, 147, 148,  
14 149, 151, 155.22, 155.22a, 236, 237, 364, and 469 of this  
15 Code.

16 (2) Entering into any agreement to commit, or by any  
17 concerted action committing, any act of boycott, coercion or  
18 intimidation resulting in or tending to result in  
19 unreasonable restraint of, or monopoly in, the business of  
20 insurance.

21 (3) Making or permitting, in the case of insurance of  
22 the types enumerated in Classes 1, 2, and 3 of Section 4, any  
23 unfair discrimination between individuals or risks of the  
24 same class or of essentially the same hazard and expense  
25 element because of the race, color, religion, or national  
26 origin of such insurance risks or applicants. The  
27 application of this Article to the types of insurance  
28 enumerated in Class 1 of Section 4 shall in no way limit,  
29 reduce, or impair the protections and remedies already  
30 provided for by Sections 236 and 364 of this Code or any  
31 other provision of this Code.

32 (4) Engaging in any of the acts or practices defined in  
33 or prohibited by Sections 154.5 through 154.8 of the this

1 Insurantee Code.

2 (5) Making or charging any rate for insurance against  
3 losses arising from the use or ownership of a motor vehicle  
4 which requires a higher premium of any person by reason of  
5 his physical handicap, race, color, religion, or national  
6 origin.

7 (Source: P.A. 92-399, eff. 8-16-01; revised 12-07-01.)

8 (215 ILCS 5/500-77)

9 Sec. 500-77. ~~507-2-~~ Policyholder information and  
10 exclusive ownership of expirations.

11 (a) As used in this Section, "expirations" means all  
12 information relative to an insurance policy including, but  
13 not limited to, the name and address of the insured, the  
14 location and description of the property insured, the value  
15 of the insurance policy, the inception date, the renewal  
16 date, and the expiration date of the insurance policy, the  
17 premiums, the limits and a description of the terms and  
18 coverage of the insurance policy, and any other personal and  
19 privileged information, as defined by Section 1003 of this  
20 Code, compiled by a registered firm or furnished by the  
21 insured to the insurer or any agent, contractor, or  
22 representative of the insurer.

23 For purposes of this Section only, a registered firm also  
24 includes a sole proprietorship that transacts the business of  
25 insurance as an insurance agency.

26 (b) All "expirations" as defined in subsection (a) of  
27 this Section shall be mutually and exclusively owned by the  
28 insured and the registered firm. The limitations on the use  
29 of expirations as provided in subsections (c) and (d) of this  
30 Section shall be for mutual benefit of the insured and the  
31 registered firm.

32 (c) Except as otherwise provided in this Section, for  
33 purposes of soliciting, selling, or negotiating the renewal

1 or sale of insurance coverage, insurance products, or  
2 insurance services or for any other marketing purpose, a  
3 registered firm shall own and have the exclusive use of  
4 expirations, records, and other written or electronically  
5 stored information directly related to an insurance  
6 application submitted by, or an insurance policy written  
7 through, the registered firm. No insurance company, managing  
8 general agent, surplus lines insurance broker, wholesale  
9 broker, group self-insurance fund, third-party administrator,  
10 or any other entity, other than a financial institution as  
11 defined in Section 1402 of this Code, shall use such  
12 expirations, records, or other written or electronically  
13 stored information to solicit, sell, or negotiate the renewal  
14 or sale of insurance coverage, insurance products, or  
15 insurance services to the insured or for any other marketing  
16 purposes, either directly or by providing such information to  
17 others, without, separate from the general agency contract,  
18 the written consent of the registered firm. However, such  
19 expirations, records, or other written or electronically  
20 stored information may be used for any purpose necessary for  
21 placing such business through the insurance producer  
22 including reviewing an application and issuing or renewing a  
23 policy and for loss control services.

24 (d) With respect to a registered firm, this Section  
25 shall not apply:

26 (1) when the insured requests either orally or in  
27 writing that another registered firm obtain quotes for  
28 insurance from another insurance company or when the  
29 insured requests in writing individually or through  
30 another registered firm, that the insurance company renew  
31 the policy;

32 (2) to policies in the Illinois Fair Plan, the  
33 Illinois Automobile Insurance Plan, or the Illinois  
34 Assigned Risk Plan for coverage under the Workers'

1 Compensation Act and the Workers' Occupational Diseases  
2 Act;

3 (3) when the insurance producer is employed by or  
4 has agreed to act exclusively or primarily for one  
5 company or group of affiliated insurance companies or to  
6 a producer who submits to the company or group of  
7 affiliated companies that are organized to transact  
8 business in this State as a reciprocal company, as  
9 defined in Article IV of this Code, every request or  
10 application for insurance for the classes and lines  
11 underwritten by the company or group of affiliated  
12 companies;

13 (4) to policies providing life and accident and  
14 health insurance;

15 (5) when the registered firm is in default for  
16 nonpayment of premiums under the contract with the  
17 insurer or is guilty of conversion of the insured's or  
18 insurer's premiums or its license is revoked by or  
19 surrendered to the Department;

20 (6) to any insurance company's obligations under  
21 Sections 143.17 and 143.17a of this Code; or

22 (7) to any insurer that, separate from a producer  
23 or registered firm, creates, develops, compiles, and  
24 assembles its own, identifiable expirations as defined in  
25 subsection (a).

26 For purposes of this Section, an insurance producer shall  
27 be deemed to have agreed to act primarily for one company or  
28 a group of affiliated insurance companies if the producer (i)  
29 receives 75% or more of his or her insurance related  
30 commissions from one company or a group of affiliated  
31 companies or (ii) places 75% or more of his or her policies  
32 with one company or a group of affiliated companies.

33 Nothing in this Section prohibits an insurance company,  
34 with respect to any items herein, from conveying to the

1 insured or the registered firm any additional benefits or  
2 ownership rights including, but not limited to, the ownership  
3 of expirations on any policy issued or the imposition of  
4 further restrictions on the insurance company's use of the  
5 insured's personal information.

6 (e) Nothing in this Section prevents a financial  
7 institution, as defined in Section 1402 of this Code, from  
8 obtaining from the insured, the insurer, or the registered  
9 firm the expiration dates of an insurance policy placed on  
10 collateral or otherwise used as security in connection with a  
11 loan made or serviced by the financial institution when the  
12 financial institution requires the expiration dates for  
13 evidence of insurance.

14 (f) For purposes of this Section, "financial  
15 institution" does not include an insurance company,  
16 registered firm, managing general agent, surplus lines  
17 broker, wholesale broker, group self-funded insurance fund,  
18 or third-party administrator.

19 (g) The Director may adopt rules in accordance with  
20 Section 401 of this Code for the enforcement of this Section.

21 (h) This Section applies to the expirations relative to  
22 all policies of insurance bound, applied for, sold, renewed,  
23 or otherwise taking effect on or after the effective date of  
24 this amendatory Act of the 92nd General Assembly.

25 (Source: P.A. 92-5, eff. 6-1-01; revised 10-17-01.)

26 Section 49. The Health Maintenance Organization Act is  
27 amended by changing Sections 2-6, 3-1, and 4-6.5 as follows:

28 (215 ILCS 125/2-6) (from Ch. 111 1/2, par. 1406.2)

29 Sec. 2-6. Statutory deposits.

30 (a) An organization subject to the provisions of this  
31 Act shall make and maintain with the Director through  
32 December 30, 1993, for the protection of enrollees of the

1 organization, a deposit of securities which are authorized  
2 investments under paragraphs (1) and (2) of subsection (h) of  
3 Section 3-1 having a fair market value equal to at least  
4 \$100,000. Effective December 31, 1993 and through December  
5 30, 1994, the deposit shall have a fair market value at least  
6 equal to \$200,000. Effective December 31, 1994 and  
7 thereafter, the deposit shall have a fair market value at  
8 least equal to \$300,000. An organization issued a  
9 certificate of authority on or after the effective date of  
10 this Amendatory Act of 1993, shall make and maintain with the  
11 Director; for the protection of enrollees of the  
12 organization, a deposit of securities which are authorized  
13 investments under paragraphs (1) and (2) of subsection (h) of  
14 Section 3-1 having a fair market value equal to at least  
15 \$300,000. The amount on deposit shall remain as an admitted  
16 asset of the organization in the determination of its net  
17 worth. The Director may release the required deposit of  
18 securities upon receipt of an order of a court having proper  
19 jurisdiction or upon: (i) certification by the organization  
20 that it has no outstanding enrollee creditors, enrollees,  
21 certificate holders, or enrollee obligations in effect and no  
22 plans to engage in the business of insurance as a health  
23 maintenance organization; (ii) receipt of a lawful resolution  
24 of the organization's governing body effecting the surrender  
25 of its certificate of authority, articles of incorporation,  
26 or other organizational documents to their issuing  
27 governmental officer for voluntary or administrative  
28 dissolution; and (iii) receipt of the name and forwarding  
29 address for each of the final officers and directors of the  
30 organization, together with a plan of dissolution approved by  
31 the Director.

32 (b) An organization that offers a point-of-service  
33 product, as permitted by Article 4.5, must maintain an  
34 additional deposit in an amount that is not less than the

1 greater of 125% of the organization's annual projected  
2 point-of-service claims or \$300,000.

3 (Source: P.A. 92-75, eff. 7-12-01; 92-135, eff. 1-1-02;  
4 revised 9-12-01.)

5 (215 ILCS 125/3-1) (from Ch. 111 1/2, par. 1407.3)

6 Sec. 3-1. Investment Regulations.

7 (a) Any health maintenance organization may invest its  
8 funds as provided in this Section and not otherwise. A  
9 health maintenance organization that is organized as an  
10 insurance company may also acquire the investment assets  
11 authorized for an insurance company pursuant to the laws  
12 applicable to an insurance company in the organization's  
13 state of domicile. Notwithstanding the provisions of this  
14 Section, the Director may, after notice and hearing, order an  
15 organization to limit or withdraw from certain investments,  
16 or discontinue certain investment practices, to the extent  
17 the Director finds that such investments or investment  
18 practices are hazardous to the financial condition of the  
19 organization.

20 (b) No investment or loan shall be made or engaged in by  
21 any health maintenance organization unless the same have been  
22 authorized or ratified by the board of directors or by a  
23 committee thereof charged with the duty of supervising  
24 investments and loans. Nothing contained in this subsection  
25 shall prevent the board of directors of any such organization  
26 from depositing any of its securities with a committee  
27 appointed for the purpose of protecting the interest of  
28 security holders or with the authorities of any state where  
29 it is necessary to do so in order to secure permission to  
30 transact its appropriate business therein, and nothing  
31 contained in this subsection shall prevent the board of  
32 directors of such organization from depositing any securities  
33 as collateral for the securing of any bond required for the

1 business of the organization.

2 (c) No health maintenance organization shall pay any  
3 commission or brokerage for the purchase or sale of property  
4 whether real or personal, in excess of that usual and  
5 customary at the time and in the locality where such  
6 purchases or sales are made, and information regarding  
7 payments of commissions and brokerage shall be maintained.

8 (d) A health maintenance organization may not directly  
9 or indirectly, unless it has notified the Director in writing  
10 of its intention to enter into the transaction at least 30  
11 days prior thereto, or any shorter period as the Director may  
12 permit, and the Director has not disapproved it within that  
13 period:

14 (1) make a loan to or other investment in an  
15 officer or director of the organization or a person in  
16 which the officer or director has any direct or indirect  
17 financial interest;

18 (2) make a guarantee for the benefit of or in favor  
19 of an officer or director of the organization or a person  
20 in which the officer or director has any direct or  
21 indirect financial interest; or

22 (3) enter into an agreement for the purchase or  
23 sale of property from or to an officer or director of the  
24 organization or a person in which the officer or director  
25 has any direct or indirect financial interest.

26 For the purposes of this Section, an officer or director  
27 shall not be deemed to have a financial interest by reason of  
28 an interest that is held directly or indirectly through the  
29 ownership of equity interests representing less than 2% of  
30 all outstanding equity interests issued by a person that is a  
31 party to the transaction, or solely by reason of that  
32 individual's position as a director or officer of a person  
33 that is a party to the transaction.

34 This subsection does not apply to a transaction between

1 an organization and any of its subsidiaries or affiliates  
2 that is entered into in compliance with Section 131.20a of  
3 the Illinois Insurance Code, other than a transaction between  
4 an insurer and its officer or director.

5 (e) In applying the percentage limitations imposed by  
6 this Section there shall be used as a base the total of all  
7 assets which would be admitted by this Section without regard  
8 to percentage limitations. All legal measurements used as a  
9 base in the determination of all investment qualifications  
10 shall consist of the amounts determined at the most recent  
11 year end adjusted for subsequent acquisition and disposition  
12 of investments.

13 (f) Valuation of investments. Investments shall be  
14 valued in accordance with the published valuation standards  
15 of the National Association of Insurance Commissioners.  
16 Securities investments as to which the National Association  
17 of Insurance Commissioners has not published valuation  
18 standards in its Valuations of Securities manual or its  
19 successor publication shall be valued as follows:

20 (1) All obligations having a fixed term and rate  
21 shall, if not in default as to principal or interest, be  
22 valued as follows: if purchased at par, at the par value;  
23 if purchased above or below par, on the basis of the  
24 purchase price adjusted so as to bring the value to par  
25 at maturity and so as to yield in the meantime the  
26 effective rate of interest at which the purchase was  
27 made;

28 (2) Common, preferred or guaranteed stocks shall be  
29 valued at market value.

30 (3) Other security investments shall be valued in  
31 accordance with regulations promulgated by the Director  
32 pursuant to paragraph (6) of this subsection.

33 (4) Other investments, including real property,  
34 shall be valued in accordance with regulations

1 promulgated by the Director pursuant to paragraph (6) of  
2 this subsection, but in no event shall such other  
3 investments be valued at more than the purchase price.  
4 The purchase price for real property includes capitalized  
5 permanent improvements, less depreciation spread evenly  
6 over the life of the property or, at the option of the  
7 company, less depreciation computed on any basis  
8 permitted under the Internal Revenue Code and regulations  
9 thereunder. Such investments that have been affected by  
10 permanent declines in value shall be valued at not more  
11 than market value.

12 (5) Any investment, including real property, not  
13 purchased by the Health Maintenance Organization but  
14 acquired in satisfaction of a debt or otherwise shall be  
15 valued in accordance with the applicable procedures for  
16 that type of investment contained in this subsection.  
17 For purposes of applying the valuation procedures, the  
18 purchase price shall be deemed to be the market value at  
19 the time the investment is acquired or, in the case of  
20 any investment acquired in satisfaction of debt, the  
21 amount of the debt, including interest, taxes and  
22 expenses, whichever amount is less.

23 (6) The Director shall promulgate rules and  
24 regulations for determining and calculating values to be  
25 used in financial statements submitted to the Department  
26 for investments.

27 (g) Definitions. As used in this Section, unless the  
28 context otherwise requires.

29 (1) "Business Corporation" means corporations  
30 organized for other than not for profit purposes.

31 (2) "Business Entity" includes sole  
32 proprietorships, corporations, associations, partnerships  
33 and business trusts.

34 (3) "Bank or Trust Company" means any bank or trust

1 company organized under the laws of the United States or  
2 any State thereof if said bank or trust company is  
3 regularly examined pursuant to such laws and said bank or  
4 trust company has the insurance protection afforded by an  
5 agency of the United States government.

6 (4) "Capital" means capital stock paid-up, if any,  
7 and its use in a provision does not imply that a  
8 non-profit Health Maintenance Organization without stated  
9 capital stock is excluded from the provision. The  
10 capital of such an organization will be zero.

11 (5) "Direct" when used in connection with  
12 "obligation" means that the designated obligor shall be  
13 primarily liable on the instrument representing the  
14 obligation.

15 (6) "Facility" means and includes real estate and  
16 any and all forms of tangible personal property and  
17 services used constituting an operating unit.

18 (7) "Guaranteed or insured" means that the  
19 guarantor or insurer will perform or insure the  
20 obligation of the obligor or will purchase the obligation  
21 to the extent of the guaranty or insurance.

22 (8) "Mortgage" shall include a trust deed or other  
23 lien on real property securing an obligation for the  
24 payment of money.

25 (9) "Servicer" means a business entity that has a  
26 contractual obligation to service a pool of mortgage  
27 loans. The service provided shall include, but is not  
28 limited to, collection of principal and interest, keeping  
29 the accounts current, maintaining or confirming in force  
30 hazard insurance and tax status and providing supportive  
31 accounting services.

32 (10) "Single credit risk" means the direct,  
33 guaranteed or insured obligations of any one business  
34 entity including affiliates thereof.

1           (11) "Surplus" means the amount properly shown as  
2 total net worth on a company's balance sheet, plus all  
3 voluntary reserves, but not including capital paid-up.

4           (12) "Tangible net worth" means the par value of  
5 all issued and outstanding capital stock of a corporation  
6 (or in the case of shares having no par value, the stated  
7 value) and the amounts of all surplus accounts less the  
8 sum of (a) such intangible assets as deferred charges,  
9 organization and development expense, discount and  
10 expense incurred in securing capital, good will,  
11 trade-marks, trade-names and patents, (b) leasehold  
12 improvements, and (c) any reserves carried by the  
13 corporation and not otherwise deducted from assets.

14           (13) "Unconditional" when used in connection with  
15 "obligation" means that nothing remains to be done or to  
16 occur to make the designated obligor liable on the  
17 instrument, and that the legal holder shall have the  
18 status at least equal to that of general creditor of the  
19 obligor.

20           (h) Authorized investments. Any Health Maintenance  
21 Organization, except those organized as an insurance company,  
22 may acquire the assets set forth in paragraphs 1 through 17,  
23 inclusive. A Health Maintenance Organization that is  
24 organized as an insurance company may acquire the investment  
25 assets authorized for an insurance company pursuant to the  
26 laws applicable to an insurance company in the organization's  
27 state of domicile. Any restriction, exclusion or provision  
28 appearing in any paragraph shall apply only with respect to  
29 the authorization of the particular paragraph in which it  
30 appears and shall not constitute a general prohibition and  
31 shall not be applicable to any other paragraph. The  
32 qualifications or disqualifications of an investment under  
33 one paragraph shall not prevent its qualification in whole or  
34 in part under another paragraph, and an investment authorized

1 by more than one paragraph may be held under whichever  
2 authorizing paragraph the organization elects. An investment  
3 which qualified under any paragraph at the time it was  
4 acquired or entered into by an organization shall continue to  
5 be qualified under that paragraph. An investment in whole or  
6 in part may be transferred from time to time, at the election  
7 of the organization, to the authority of any paragraph under  
8 which it qualifies, whether originally qualifying thereunder  
9 or not.

10 (1) Direct obligations of the United States for the  
11 payment of money, or obligations for the payment of money  
12 to the extent guaranteed or insured as to the payment of  
13 principal and interest by the United States.

14 (2) Direct obligations for the payment of money,  
15 issued by an agency or instrumentality of the United  
16 States, or obligations for the payment of money to the  
17 extent guaranteed or insured as to the payment of  
18 principal and interest by an agency or instrumentality of  
19 the United States.

20 (3) Direct, general obligations of any state of the  
21 United States for the payment of money, or obligations  
22 for the payment of money to the extent guaranteed or  
23 insured as to the payment of principal and interest by  
24 any state of the United States, on the following  
25 conditions:

26 (i) Such state has the power to levy taxes for  
27 the prompt payment of the principal and interest of  
28 such obligations; and

29 (ii) Such state shall not be in default in the  
30 payment of principal or interest on any of its  
31 direct, guaranteed or insured obligations at the  
32 date of such investment.

33 (4) Direct, general obligations of any political  
34 subdivision of any state of the United States for the

1 payment of money, or obligations for the payment of money  
2 to the extent guaranteed as to the payment of principal  
3 and interest by any political subdivision of any state of  
4 the United States, on the following conditions:

5 (i) The obligations are payable or guaranteed  
6 from ad valorem taxes;

7 (ii) Such political subdivision is not in  
8 default in the payment of principal or interest on  
9 any of its direct or guaranteed obligations;

10 (iii) No investment shall be made under this  
11 paragraph in obligations which are secured only by  
12 special assessments for local improvements; and

13 (iv) An organization shall not invest under  
14 this paragraph more than 2% of its admitted assets  
15 in obligations issued or guaranteed by any one such  
16 political subdivision.

17 (5) Anticipation obligations of any political  
18 subdivision of any state of the United States, including  
19 but not limited to bond anticipation notes, tax  
20 anticipation notes and construction anticipation notes,  
21 for the payment of money within 12 months from the  
22 issuance of the obligation, on the following conditions:

23 (i) Such anticipation notes must be a direct  
24 obligation of the issuer under conditions set forth  
25 in paragraph 4;

26 (ii) Such political subdivision is not in  
27 default in the payment of the principal or interest  
28 on any of its direct general obligations or any  
29 obligation guaranteed by such political subdivision;

30 (iii) The anticipated funds must be  
31 specifically pledged to secure the obligation;

32 (iv) An organization shall not invest under  
33 this paragraph more than 2% of its admitted assets  
34 in the anticipation obligations issued by any one

1           such political subdivision.

2           (6) Obligations of any state of the United States,  
3       a political subdivision thereof, or a public  
4       instrumentality of any one or more of the foregoing, for  
5       the payment of money, on the following conditions:

6           (i) The obligations are payable from revenues  
7       or earnings of a public utility of such state,  
8       political subdivision, or public instrumentality  
9       which are specifically pledged therefor;

10          (ii) The law under which the obligations are  
11       issued requires such rates for service shall be  
12       charged and collected at all times that they will  
13       produce sufficient revenue or earnings together with  
14       any other revenues or moneys pledged to pay all  
15       operating and maintenance charges of the public  
16       utility and all principal and interest on such  
17       obligations;

18          (iii) No prior or parity obligations payable  
19       from the revenues or earnings of that public utility  
20       are in default at the date of such investment;

21          (iv) An organization shall not invest more  
22       than 20% of its admitted assets under this  
23       paragraph; and

24          (v) An organization shall not invest under  
25       this Section more than 2% of its admitted assets in  
26       the revenue obligations issued in connection with  
27       any one facility.

28          (7) Obligations of any state of the United States,  
29       a political subdivision thereof, or a public  
30       instrumentality of any of the foregoing, for the payment  
31       of money, on the following conditions:

32          (i) The obligations are payable from revenues  
33       or earnings, excluding revenues or earnings from  
34       public utilities, specifically pledged therefor by

1           such state, political subdivision or public  
2           instrumentality;

3           (ii) No prior or parity obligation of the same  
4           issuer payable from revenues or earnings from the  
5           same source has been in default as to principal or  
6           interest during the 5 years next preceding the date  
7           of such investment, but such issuer need not have  
8           been in existence for that period, and obligations  
9           acquired under this paragraph may be newly issued;

10          (iii) An organization shall not invest in  
11          excess of 20% of its admitted assets under this  
12          paragraph; and

13          (iv) An organization shall not invest under  
14          this paragraph more than 2% of its admitted assets  
15          in the revenue obligations issued in connection with  
16          any one facility; and

17          (v) An organization shall not invest under  
18          this paragraph more than 2% of its admitted assets  
19          in revenue obligations payable from revenue or  
20          earning sources which are the contractual  
21          responsibility of any one single credit risk.

22          (8) Direct, unconditional obligations of a solvent  
23          business corporation for the payment of money, including  
24          obligations to pay rent for equipment used in its  
25          business or obligations for the payment of money to the  
26          extent guaranteed or insured as to the payment of  
27          principal and interest by any solvent business  
28          corporation, on the following conditions:

29                 (i) The corporation shall be incorporated  
30                 under the laws of the United States or any state of  
31                 the United States;

32                 (ii) The corporation shall have tangible net  
33                 worth of not less than \$1,000,000;

34                 (iii) No such obligation, guarantee or

1 insurance of the corporation has been in default as  
2 to principal or interest during the 5 years  
3 preceding the date of investment, but the  
4 corporation need not have had obligations guarantees  
5 or insurance outstanding during that period and need  
6 not have been in existence for that period, and  
7 obligations acquired under this paragraph may be  
8 newly issued;

9 (iv) An organization shall not invest more  
10 than 2% of its admitted assets in obligations  
11 issued, guaranteed or insured by any one such  
12 corporation;

13 (v) An organization may invest under this  
14 paragraph up to an additional 2% of its admitted  
15 assets in obligations which (i) are issued,  
16 guaranteed or insured by any one or more such  
17 corporations, each having a tangible net worth of  
18 not less than \$25,000,000 and (ii) mature within 12  
19 months from the date of acquisition;

20 (vi) An organization may invest not more than  
21 1/2 of 1% of its admitted assets in such obligations  
22 of corporations which do not meet the condition of  
23 subparagraph (ii) of this paragraph; and

24 (vii) An organization shall not invest more  
25 than 75% of its admitted assets under this  
26 paragraph.

27 (9) Direct, unconditional obligations for the  
28 payment of money issued or obligations for the payment of  
29 money to the extent guaranteed as to principal and  
30 interest by a solvent not for profit corporation, on the  
31 following conditions:

32 (i) The corporation shall be incorporated  
33 under the laws of the United States or of any state  
34 of the United States;

1           (ii) The corporation shall have been in  
2           existence for at least 5 years and shall have assets  
3           of at least \$2,000,000;

4           (iii) Revenues or other income from such  
5           assets and the services or commodities dispensed by  
6           the corporation shall be pledged for the payment of  
7           the obligations or guarantees;

8           (iv) No such obligation or guarantee of the  
9           corporation has been in default as to principal or  
10          interest during the 5 years next preceding the date  
11          of such investment, but the corporation need not  
12          have had obligations or guarantees outstanding  
13          during that period and obligations which are  
14          acquired under this paragraph may be newly issued;

15          (v) An organization shall not invest more than  
16          15% of its admitted assets under this paragraph; and

17          (vi) An organization shall not invest under  
18          this paragraph more than 2% of its admitted assets  
19          in the obligations issued or guaranteed by any one  
20          such corporation.

21          (10) Direct, unconditional nondemand obligations  
22          for the payment of money issued by a solvent bank, mutual  
23          savings bank or trust company on the following  
24          conditions:

25               (i) The bank, mutual savings bank or trust  
26               company shall be incorporated under the laws of the  
27               United States, or of any state of the United States;

28               (ii) The bank, mutual savings bank or trust  
29               company shall have tangible net worth of not less  
30               than \$1,000,000;

31               (iii) Such obligations must be of the type  
32               which are insured by an agency of the United States  
33               or have a maturity of no more than 1 day;

34               (iv) An organization shall not invest under

1           this paragraph more than the amount which is fully  
2           insured by an agency of the United States plus 2% of  
3           its admitted assets in nondemand obligations issued  
4           by any one such financial institution; and

5           (v) An organization may invest under this  
6           paragraph up to an additional 8% of its admitted  
7           assets in nondemand obligations which (1) are issued  
8           by any such banks, mutual savings banks or trust  
9           companies, each having a tangible net worth of not  
10          less than \$25,000,000 and (2) mature within 12  
11          months from the date of acquisition.

12          (11) Preferred or guaranteed stocks issued or  
13          guaranteed by a solvent business corporation incorporated  
14          under the laws of the United States or any state of the  
15          United States, on the following conditions:

16                 (i) The corporation shall have tangible net  
17                 worth of not less than \$1,000,000;

18                 (ii) If such stocks have been outstanding  
19                 prior to purchase, an organization shall not invest  
20                 under this paragraph in such stock if prescribed  
21                 current or cumulative dividends are in arrears;

22                 (iii) An organization shall not invest more  
23                 than 33 1/3% of its admitted assets under this  
24                 paragraph and an organization shall not invest more  
25                 than 15% of its admitted assets under this paragraph  
26                 in stocks which, at the time of purchase, are not  
27                 Sinking Fund Stocks. An issue of preferred or  
28                 guaranteed stock shall be a Sinking Fund Stock when  
29                 (1) such issue is subject to a 100% mandatory  
30                 sinking fund or similar arrangement which will  
31                 provide for the redemption of the entire issue over  
32                 a period not longer than 40 years from the date of  
33                 purchase; (2) annual mandatory sinking fund  
34                 installments on each issue commence not more than 10

1           years from the date of issue; and (3) each annual  
2           sinking fund installment provides for the purchase  
3           or redemption of at least 2 1/2% of the original  
4           number of shares of such issue; and

5                   (iv) An organization shall not invest under  
6           this paragraph more than 2% of its admitted assets  
7           in the preferred or guaranteed stocks of any one  
8           such corporation.

9           (12) Common stock issued by any solvent business  
10          corporation incorporated under the laws of the United  
11          States, or of any state of the United States, on the  
12          following conditions:

13                   (i) The issuing corporation must have tangible  
14          net worth of \$1,000,000 or more;

15                   (ii) An organization may not invest more than  
16          an amount equal to its net worth under this  
17          paragraph; and

18                   (iii) An organization may not invest under  
19          this paragraph an amount equal to more than 10% of  
20          its net worth in the common stock of any one  
21          corporation.

22          (13) Shares of common stock or units of beneficial  
23          interest issued by any solvent business corporation or  
24          trust incorporated or organized under the laws of the  
25          United States, or of any state of the United States, on  
26          the following conditions:

27                   (i) If the issuing corporation or trust is  
28          advised by an investment advisor which is the  
29          organization or an affiliate of the organization,  
30          the issuing corporation or trust shall have net  
31          assets of \$100,000 or more, or if the issuing  
32          corporation or trust has an unaffiliated investment  
33          advisor, the issuing corporation or trust shall have  
34          net assets of \$10,000,000 or more;

1           (ii) The issuing corporation or trust is  
2 registered as an investment company with the  
3 Securities and Exchange Commission under the  
4 Investment Company Act of 1940, as amended;

5           (iii) An organization shall not invest under  
6 this paragraph more than the greater of \$100,000 or  
7 10% of its admitted assets in any one bond fund,  
8 municipal bond fund or money market fund;

9           (iv) An organization shall not invest under  
10 this paragraph more than 10% of its net worth in any  
11 one common stock fund, balanced fund or income fund;

12           (v) An organization shall not invest more than  
13 50% of its admitted assets in bond funds, municipal  
14 bond funds and money market funds under this  
15 paragraph; and

16           (vi) An organization's investments in common  
17 stock funds, balanced funds or income funds when  
18 combined with its investments in common stocks made  
19 under paragraph (12) shall not exceed the aggregate  
20 limitation provided by subparagraph (ii) of  
21 paragraph (12).

22           (14) Shares of, or accounts or deposits with  
23 savings and loan associations or building and loan  
24 associations, on the following conditions:

25           (i) The shares, accounts, or deposits, or  
26 investments in any form legally issuable shall be of  
27 a withdrawable type and issued by an association  
28 which has the insurance protection afforded by the  
29 Federal Savings and Loan Insurance Corporation; but  
30 nonwithdrawable accounts which are not eligible for  
31 insurance by the Federal Savings and Loan Insurance  
32 Corporation shall not be eligible for investment  
33 under this paragraph;

34           (ii) The association shall have tangible net

1           worth of not less than \$1,000,000;

2                   (iii) The investment shall be in the name of  
3           and owned by the organization, unless the account is  
4           under a trusteeship with the organization named as  
5           the beneficiary;

6                   (iv) An organization shall not invest more  
7           than 50% of its admitted assets under this  
8           paragraph; and

9                   (v) Under this paragraph, an organization  
10          shall not invest in any one such association an  
11          amount in excess of 2% of its admitted assets or an  
12          amount which is fully insured by the Federal Savings  
13          and Loan Insurance Corporation, whichever is  
14          greater.

15          (15) Direct, unconditional obligations for the  
16          payment of money secured by the pledge of any investment  
17          which is authorized by any of the preceding paragraphs,  
18          on the following conditions:

19                   (i) The investment pledged shall by its terms  
20          be legally assignable and shall be validly assigned  
21          to the organization;

22                   (ii) The investment pledged shall have a fair  
23          market value which is at least 25% greater than the  
24          amount invested under this paragraph, except that a  
25          loan may be made up to 100% of the full fair market  
26          value of collateral that would qualify as an  
27          investment under paragraph (1) provided it qualifies  
28          under condition (i) of this paragraph; and

29                   (iii) An organization's investment under this  
30          paragraph when added to its investment of the  
31          category of the collateral pledged shall not cause  
32          the sum to exceed the limits provided by the  
33          paragraph authorizing that category of investments.

34          (16) Real estate (including leasehold estates and

1 leasehold improvements) for the convenient accommodation  
2 of the organization's business operations, including home  
3 office, branch office, medical facilities and field  
4 office operations, on the following conditions:

5 (i) Any parcel of real estate acquired under  
6 this paragraph may include excess space for rent to  
7 others, if it is reasonably anticipated that such  
8 excess will be required by the organization for  
9 expansion or if the excess is reasonably required in  
10 order to have one or more buildings that will  
11 function as an economic unit;

12 (ii) Such real estate may be subject to a  
13 mortgage; and

14 (iii) The greater of the admitted value of the  
15 asset as determined by subsection (f) or the  
16 organization's equity plus all encumbrances on such  
17 real estate owned by a company under this paragraph  
18 shall not exceed 20% of its admitted assets, except  
19 with the permission of the Director if he finds that  
20 such percentage of its admitted assets is  
21 insufficient to provide convenient accommodation for  
22 the company's business; provided, however, an  
23 organization that directly provides medical services  
24 may invest an additional 20% of its admitted assets  
25 in such real estate, not requiring the permission of  
26 the Director.

27 (17) Any investments of any kind, in the complete  
28 discretion of the organization, without regard to any  
29 condition of, restriction in, or exclusion from  
30 paragraphs (1) to (16), inclusive, and regardless of  
31 whether the same or a similar type of investment has been  
32 included in or omitted from any such paragraph, on the  
33 following condition: (a) An organization shall not invest  
34 under this paragraph more than the lesser of (i) 10% of

1 its admitted assets, or (ii) 50% of the amount by which  
2 its net worth exceeds the minimum requirements of a new  
3 health maintenance organization to qualify for a  
4 certificate of authority.

5 (Source: P.A. 92-140, eff. 7-24-01; revised 9-12-01.)

6 (215 ILCS 125/4-6.5)

7 Sec. 4-6.5. Required health benefits; Illinois Insurance  
8 Code requirements. A health maintenance organization is  
9 subject to the provisions of Sections 155.37, 356t, 356u, and  
10 356z.1 of the Illinois Insurance Code.

11 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;  
12 revised 9-12-01.)

13 Section 50. The Voluntary Health Services Plans Act is  
14 amended by changing Section 10 as follows:

15 (215 ILCS 165/10) (from Ch. 32, par. 604)

16 Sec. 10. Application of Insurance Code provisions.  
17 Health services plan corporations and all persons interested  
18 therein or dealing therewith shall be subject to the  
19 provisions of Articles IIA and XII 1/2 and Sections 3.1, 133,  
20 140, 143, 143c, 149, 155.37, 354, 355.2, 356r, 356t, 356u,  
21 356v, 356w, 356x, 356y, 356z.1, 367.2, 368a, 401, 401.1, 402,  
22 403, 403A, 408, 408.2, and 412, and paragraphs (7) and (15)  
23 of Section 367 of the Illinois Insurance Code.

24 (Source: P.A. 91-406, eff. 1-1-00; 91-549, eff. 8-14-99;  
25 91-605, eff. 12-14-99; 91-788, eff. 6-9-00; 92-130, eff.  
26 7-20-01; 92-440, eff. 8-17-01; revised 9-12-01.)

27 Section 51. The Telephone Company Act is amended by  
28 changing Section 4 as follows:

29 (220 ILCS 65/4) (from Ch. 134, par. 20)

1           Sec. 4. Right of condemnation. Every telecommunications  
2   telecommunications carrier as defined in the  
3   Telecommunications Municipal Infrastructure Maintenance Fee  
4   Act may, when it shall be necessary for the construction,  
5   maintenance, alteration or extension of its  
6   telecommunications system, or any part thereof, enter upon,  
7   take or damage private property in the manner provided for  
8   in, and the compensation therefor shall be ascertained and  
9   made in conformity to the provisions of the Telegraph Act and  
10   every telecommunications carrier is authorized to construct,  
11   maintain, alter and extend its poles, wires, and other  
12   appliances as a proper use of highways, along, upon, under  
13   and across any highway, street, alley, public right-of-way  
14   dedicated or commonly used for utility purposes, or water in  
15   this State, but so as not to incommode the public in the use  
16   thereof: Provided, that nothing in this act shall interfere  
17   with the control now vested in cities, incorporated towns and  
18   villages in relation to the regulation of the poles, wires,  
19   cables and other appliances, and provided, that before any  
20   such lines shall be constructed along any such highway,  
21   street, alley, public right-of-way dedicated or commonly used  
22   for utility purposes, or water it shall be the duty of the  
23   telecommunications carrier proposing to construct any such  
24   line, to give (in the case of cities, villages, and  
25   incorporated towns) to the corporate authorities of the  
26   municipality or their designees (hereinafter, municipal  
27   corporate authorities) or (in other cases) to the highway  
28   commissioners having jurisdiction and control over the road  
29   or part thereof along and over which such line is proposed to  
30   be constructed, notice in writing in the form of plans,  
31   specifications, and documentation of the purpose and  
32   intention of the company to construct such line over and  
33   along the highway, street, alley, public right-of-way  
34   dedicated or commonly used for utility purposes, or water,

1 which notice shall be served at least 10 days before the line  
2 shall be placed or constructed over and along the highway,  
3 street, alley, public right-of-way dedicated or commonly used  
4 for utility purposes, or water (30 days in the case of any  
5 notice providing for excavation relating to new construction  
6 in a public highway, street, alley, public right-of-way  
7 dedicated or commonly used for utility purposes, or water);  
8 and upon the giving of the notice it shall be the duty of the  
9 municipal corporate authorities or the highway commissioners  
10 to specify the portion of such highway, street, alley, public  
11 right-of-way dedicated or commonly used for utility purposes,  
12 or water upon which the line may be placed, used, and  
13 constructed, and it shall thereupon be the duty of the  
14 telecommunications retailer to provide the municipal  
15 authorities or highway commissioners with any and all plans,  
16 specifications, and documentation available and to construct  
17 its line in accordance with such specifications; but in the  
18 event that the municipal corporate authorities or the highway  
19 commissioners fail to provide such specification within 10  
20 days after the service of such notice, (25 days in the case  
21 of excavation relating to new construction) then the  
22 telecommunications retailer, without such specification  
23 having been made, may proceed to place and erect its line  
24 along the highway, street, alley, public right-of-way  
25 dedicated or commonly used for utility purposes, or water by  
26 placing its posts, poles and abutments so as not to interfere  
27 with other proper uses of the highway, street, alley, public  
28 right-of-way dedicated or commonly used for utility purposes,  
29 or water. The telecommunications carrier proposing to  
30 construct any such line shall comply with the provisions of  
31 Section 9-113 of the Illinois Highway Code. Provided, that  
32 the telecommunications carrier shall not have the right to  
33 condemn any portion of the right-of-way of any railroad  
34 company except as much thereof as is necessary to cross the

1 same.

2 The Illinois Commerce Commission may adopt reasonable  
3 rules governing the negotiation procedures that are used by a  
4 telecommunications carrier during precondemnation  
5 negotiations for the purchase of land rights-of-way and  
6 easements, including procedures for providing information to  
7 the public and affected landowners concerning the project and  
8 the right-of-way easements sought in connection therewith.

9 Such rules may be made applicable to interstate,  
10 competitive intrastate and noncompetitive intrastate  
11 facilities, without regard to whether such facilities or the  
12 telecommunications carrier proposing to construct and operate  
13 them would otherwise be subject to the Illinois Commerce  
14 Commission's jurisdiction under the Public Utilities Act, as  
15 now or hereafter amended. However, as to facilities used to  
16 provide exclusively interstate services or competitive  
17 intrastate services or both, nothing in this Section confers  
18 any power upon the Commission (i) to require the disclosure  
19 of proprietary, competitively sensitive, or cost information  
20 or information not known to the telecommunications carrier,  
21 (ii) to determine whether, or conduct hearings regarding  
22 whether, any proposed fiber optic or other facilities should  
23 or should not be constructed and operated, or (iii) to  
24 determine or specify, or conduct hearings concerning, the  
25 price or other terms or conditions of the purchase of the  
26 right-of-way easements sought. With respect to facilities  
27 used to provide any intrastate services classified in the  
28 condemnor's tariff as noncompetitive under Section 13-502 of  
29 the Public Utilities Act, the rulemaking powers conferred  
30 upon the Commission under this Section are in addition to any  
31 rulemaking powers arising under the Public Utilities Act.

32 No telecommunications carrier shall exercise the power to  
33 condemn private property until it has first substantially  
34 complied with such rules with respect to the property sought

1 to be condemned. If such rules call for providing notice or  
 2 information before or during negotiations, a failure to  
 3 provide such notice or information shall not constitute a  
 4 waiver of the rights granted in this Section, but the  
 5 telecommunications carrier shall be liable for all reasonable  
 6 attorney's fees of that landowner resulting from such  
 7 failure.

8 (Source: P.A. 90-154, eff. 1-1-98; revised 12-04-01.)

9 Section 52. The Illinois Dental Practice Act is amended  
 10 by changing Section 4 as follows:

11 (225 ILCS 25/4) (from Ch. 111, par. 2304)

12 (Section scheduled to be repealed on January 1, 2006)

13 Sec. 4. Definitions. As used in this Act:

14 (a) "Department" means the Illinois Department of  
 15 Professional Regulation.

16 (b) "Director" means the Director of Professional  
 17 Regulation.

18 (c) "Board" means the Board of Dentistry established by  
 19 Section 6 of this Act.

20 (d) "Dentist" means a person who has received a general  
 21 license pursuant to paragraph (a) of Section 11 of this Act  
 22 and who may perform any intraoral and extraoral procedure  
 23 required in the practice of dentistry and to whom is reserved  
 24 the responsibilities specified in Section 17.

25 (e) "Dental hygienist" means a person who holds a  
 26 license under this Act to perform dental services as  
 27 authorized by Section 18.

28 (f) "Dental assistant" means an appropriately trained  
 29 person who, under the supervision of a dentist, provides  
 30 dental services as authorized by Section 17.

31 (g) "Dental laboratory" means a person, firm or  
 32 corporation which:

1           (i) engages in making, providing, repairing or  
2 altering dental prosthetic appliances and other  
3 artificial materials and devices which are returned to a  
4 dentist for insertion into the human oral cavity or which  
5 come in contact with its adjacent structures and tissues;  
6 and

7           (ii) utilizes or employs a dental technician to  
8 provide such services; and

9           (iii) performs such functions only for a dentist or  
10 dentists.

11          (h) "Supervision" means supervision of a dental  
12 hygienist or a dental assistant requiring that a dentist  
13 authorize the procedure, remain in the dental facility while  
14 the procedure is performed, and approve the work performed by  
15 the dental hygienist or dental assistant before dismissal of  
16 the patient, but does not mean that the dentist must be  
17 present at all times in the treatment room.

18          (i) "General supervision" means supervision of a dental  
19 hygienist requiring that a dentist authorize the procedures  
20 which are being carried out, but not requiring that a dentist  
21 be present when the authorized procedures are being  
22 performed. The authorized procedures may also be performed  
23 at a place other than the dentist's usual place of practice.  
24 The issuance of a prescription to a dental laboratory by a  
25 dentist does not constitute general supervision.

26          (j) "Public member" means a person who is not a health  
27 professional. For purposes of board membership, any person  
28 with a significant financial interest in a health service or  
29 profession is not a public member.

30          (k) "Dentistry" means the healing art which is concerned  
31 with the examination, diagnosis, treatment planning and care  
32 of conditions within the human oral cavity and its adjacent  
33 tissues and structures, as further specified in Section 17.

34          (l) "Branches of dentistry" means the various

1 specialties of dentistry which, for purposes of this Act,  
2 shall be limited to the following: endodontics, oral and  
3 maxillofacial surgery, orthodontics and dentofacial  
4 orthopedics, pediatric dentistry, periodontics,  
5 prosthodontics, and oral and maxillofacial radiology.

6 (m) "Specialist" means a dentist who has received a  
7 specialty license pursuant to Section 11(b).

8 (n) "Dental technician" means a person who owns,  
9 operates or is employed by a dental laboratory and engages in  
10 making, providing, repairing or altering dental prosthetic  
11 appliances and other artificial materials and devices which  
12 are returned to a dentist for insertion into the human oral  
13 cavity or which come in contact with its adjacent structures  
14 and tissues.

15 (o) "Impaired dentist" or "impaired dental hygienist"  
16 means a dentist or dental hygienist who is unable to practice  
17 with reasonable skill and safety because of a physical or  
18 mental disability as evidenced by a written determination or  
19 written consent based on clinical evidence, including  
20 deterioration through the aging process, loss of motor  
21 skills, abuse of drugs or alcohol, or a psychiatric disorder,  
22 of sufficient degree to diminish the person's ability to  
23 deliver competent patient care.

24 (p) "Nurse" means a registered professional nurse, a  
25 certified registered nurse anesthetist anesthetist licensed  
26 as an advanced practice nurse, or a licensed practical nurse  
27 licensed under the Nursing and Advanced Practice Nursing Act.  
28 (Source: P.A. 91-138, eff. 1-1-00; 91-689, eff. 1-1-01;  
29 92-280, eff. 1-1-02; revised 9-19-01.)

30 Section 53. The Nursing and Advanced Practice Nursing  
31 Act is amended by changing Section 20-165 as follows:

32 (225 ILCS 65/20-165)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 20-165. Home rule preemption. It is declared to be  
3 the public policy of this State, pursuant to paragraph  
4 paragraphs (h) of Section 6 of Article VII of the Illinois  
5 Constitution of 1970, that any power or function set forth in  
6 this Act to be exercised by the State is an exclusive State  
7 power or function. Such power or function shall not be  
8 exercised concurrently, either directly or indirectly, by any  
9 unit of local government, including home rule units, except  
10 as otherwise provided in this Act.

11 (Source: P.A. 90-742, eff. 8-13-98; revised 12-07-01.)

12 Section 54. The Illinois Occupational Therapy Practice  
13 Act is amended by changing Sections 2 and 3.2 as follows:

14 (225 ILCS 75/2) (from Ch. 111, par. 3702)

15 (Section scheduled to be repealed on December 31, 2003)

16 Sec. 2. Definitions. In this Act:

17 (1) "Department" means the Department of Professional  
18 Regulation.

19 (2) "Director" means the Director of Professional  
20 Regulation.

21 (3) "Board" means the Illinois Occupational Therapy  
22 Board appointed by the Director.

23 (4) "Registered occupational therapist" means a person  
24 licensed to practice occupational therapy as defined in this  
25 Act, and whose license is in good standing.

26 (5) "Certified occupational therapy assistant" means a  
27 person licensed to assist in the practice of occupational  
28 therapy under the supervision of a registered occupational  
29 therapist, and to implement the occupational therapy  
30 treatment program as established by the registered  
31 occupational therapist. Such program may include training in  
32 activities of daily living, the use of therapeutic activity

1 including task oriented activity to enhance functional  
2 performance, and guidance in the selection and use of  
3 adaptive equipment.

4 (6) "Occupational therapy" means the therapeutic use of  
5 purposeful and meaningful occupations or goal-directed  
6 activities to evaluate and provide interventions for  
7 individuals and populations who have a disease or disorder,  
8 an impairment, an activity limitation, or a participation  
9 restriction that interferes with their ability to function  
10 independently in their daily life roles and to promote health  
11 and wellness. Occupational therapy intervention may include  
12 any of the following:

13 (a) remediation or restoration of performance  
14 abilities that are limited due to impairment in  
15 biological, physiological, psychological, or neurological  
16 processes;

17 (b) adaptation of task, process, or the environment  
18 or the teaching of compensatory techniques in order to  
19 enhance performance;

20 (c) disability prevention methods and techniques  
21 that facilitate the development or safe application of  
22 performance skills; and

23 (d) health promotion strategies and practices that  
24 enhance performance abilities.

25 The registered occupational therapist or certified  
26 occupational therapy assistant may assume a variety of roles  
27 in his or her career including, but not limited to,  
28 practitioner, supervisor of professional students and  
29 volunteers, researcher, scholar, consultant, administrator,  
30 faculty, clinical instructor, and educator of consumers,  
31 peers, and family.

32 (7) "Occupational therapy services" means services that  
33 may be provided to individuals and populations including,  
34 without limitation, the following:

1 (a) evaluating, developing, improving, sustaining,  
2 or restoring skills in activities of daily living, work,  
3 or productive activities, including instrumental living  
4 and play and leisure activities;

5 (b) evaluating, developing, improving, or restoring  
6 sensory motor, cognitive, or psychosocial components of  
7 performance;

8 (c) designing, fabricating, applying, or training  
9 in the use of assistive technology or temporary, orthoses  
10 and training in the use of orthoses and prostheses;

11 (d) adapting environments and processes, including  
12 the application of ergonomic principles, to enhance  
13 performance and safety in daily life roles;

14 (e) for occupational therapists possessing advanced  
15 training, skill, and competency as demonstrated through  
16 examinations that shall be determined by the Department,  
17 applying physical agent modalities as an adjunct to or in  
18 preparation for engagement in occupations;

19 (f) evaluating and providing intervention in  
20 collaboration with the client, family, caregiver, or  
21 others;

22 (g) educating the client, family, caregiver, or  
23 others in carrying out appropriate nonskilled  
24 interventions; and

25 (h) consulting with groups, programs,  
26 organizations, or communities to provide population-based  
27 services.

28 (8) "An aide in occupational therapy" means an  
29 individual who provides supportive services to occupational  
30 therapy practitioners but who is not certified by a  
31 nationally recognized occupational therapy certifying or  
32 licensing body. ~~er-~~optometrist-optometrist,~~~~

33 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02;  
34 revised 10-12-01.)

1 (225 ILCS 75/3.2)  
 2 (Section scheduled to be repealed on December 31, 2003)  
 3 Sec. 3.2. Practice of optometry.

4 (a) No rule shall be adopted under this Act that allows  
 5 an occupational therapist to perform an act, task, or  
 6 function primarily performed in the lawful practice of  
 7 optometry under the Illinois Optometric Practice Act of 1987.

8 (b) An occupational therapist may not perform an act,  
 9 task, or function primarily performed in the lawful practice  
 10 of optometry under the Illinois Optometric Practice Act of  
 11 1987.

12 (Source: P.A. 92-297, eff. 1-1-02; 92-366, eff. 1-1-02;  
 13 revised 10-12-01.)

14 Section 55. The Pharmacy Practice Act of 1987 is amended  
 15 by changing Section 10 as follows:

16 (225 ILCS 85/10) (from Ch. 111, par. 4130)  
 17 (Section scheduled to be repealed on January 1, 2008)

18 Sec. 10. State Board of Pharmacy. There is created in the  
 19 Department the State Board of Pharmacy. It shall consist of  
 20 9 members, 7 of whom shall be licensed pharmacists. Each of  
 21 those 7 members must be a licensed pharmacist in good  
 22 standing in this State, a graduate of an accredited college  
 23 of pharmacy or hold a Bachelor of Science degree in Pharmacy  
 24 and have at least 5 years' practical experience in the  
 25 practice of pharmacy subsequent to the date of his licensure  
 26 as a licensed pharmacist in the State of Illinois. There  
 27 shall be 2 public members, who shall be voting members, who  
 28 shall not be licensed pharmacists in this State or any other  
 29 state.

30 Each member shall be appointed by the Governor.

31 The terms of all members serving as of March 31, 1999  
 32 shall expire on that date. The Governor shall appoint 3

1 persons to serve one-year terms, 3 persons to serve 3-year  
2 terms, and 3 persons to serve 5-year terms to begin April 1,  
3 1999. Otherwise, members shall be appointed to 5 year terms.  
4 No member shall be eligible to serve more than 12 consecutive  
5 years.

6 In making the appointment of members on the Board, the  
7 Governor shall give due consideration to recommendations by  
8 the members of the profession of pharmacy and by  
9 pharmaceutical organizations therein. The Governor shall  
10 notify the pharmaceutical organizations promptly of any  
11 vacancy of members on the Board and in appointing members  
12 shall give consideration to individuals engaged in all types  
13 and settings of pharmacy practice.

14 The Governor may remove any member of the Board for  
15 misconduct, incapacity or neglect of duty and he shall be the  
16 sole judge of the sufficiency of the cause for removal.

17 Every person appointed a member of the Board shall take  
18 and subscribe the constitutional oath of office and file it  
19 with the Secretary of State. Each member of the Board shall  
20 be reimbursed for such actual and legitimate expenses as he  
21 may incur in going to and from the place of meeting and  
22 remaining thereat during sessions of the Board. In addition,  
23 each member of the Board shall receive a per diem payment in  
24 an amount determined from time to time by the Director for  
25 attendance at meetings of the Board and conducting other  
26 official business of the Board.

27 The Board shall hold quarterly meetings and an annual  
28 meeting in January of each year and such other meetings at  
29 such times and places and upon such notice as the Board may  
30 determine and as its business may require. Five members of  
31 the Board shall constitute a quorum for the transaction of  
32 business. The Director shall appoint a pharmacy coordinator,  
33 who shall be someone other than a member of the Board. The  
34 pharmacy coordinator shall be a registered pharmacist in good

1 standing in this State, shall be a graduate of an accredited  
2 college of pharmacy, or hold at a minimum a Bachelor of  
3 Science degree in Pharmacy and shall have at least 5 years'  
4 experience in the practice of pharmacy immediately prior to  
5 his appointment. The pharmacy coordinator shall be the  
6 executive administrator and the chief enforcement officer of  
7 the Pharmacy Practice Act of 1987.

8 The Board shall exercise the rights, powers and duties  
9 which have been vested in the Board under this Act, and any  
10 other duties conferred upon the Board by law.

11 The Director shall, in conformity with the Personnel  
12 Code, employ not less than 7 pharmacy investigators and 2  
13 pharmacy supervisors. Each pharmacy investigator and each  
14 supervisor shall be a registered pharmacist in good standing  
15 in this State, and shall be a graduate of an accredited  
16 college of pharmacy and have at least 5 years of experience  
17 in the practice of pharmacy. The Department shall also  
18 employ at least one attorney who is a pharmacist to prosecute  
19 violations of this Act and its rules. The Department may, in  
20 conformity with the Personnel Code, employ such clerical and  
21 other employees as are necessary to carry out the duties of  
22 the Board.

23 The duly authorized pharmacy investigators of the  
24 Department shall have the right to enter and inspect during  
25 business hours any pharmacy or any other place in the State  
26 of Illinois holding itself out to be a pharmacy where  
27 medicines or drugs or drug products or proprietary medicines  
28 are sold, offered for sale, exposed for sale, or kept for  
29 sale. The pharmacy investigators shall be the only  
30 Department investigators authorized to inspect, investigate,  
31 and monitor probation compliance of pharmacists and  
32 pharmacies.

33 (Source: P.A. 90-253, eff. 7-29-97; 91-827, eff. 6-13-00;  
34 revised 12-07-01.)

1 Section 56. The Illinois Physical Therapy Act is amended  
2 by changing Section 1 as follows:

3 (225 ILCS 90/1) (from Ch. 111, par. 4251)

4 (Section scheduled to be repealed on January 1, 2006)

5 Sec. 1. Definitions. As used in this Act:

6 (1) "Physical therapy" means the evaluation or treatment  
7 of a person by the use of the effective properties of  
8 physical measures and heat, cold, light, water, radiant  
9 energy, electricity, sound, and air; and the use of  
10 therapeutic massage, therapeutic exercise, mobilization, and  
11 the rehabilitative procedures with or without assistive  
12 devices for the purposes of preventing, correcting, or  
13 alleviating a physical or mental disability, or promoting  
14 physical fitness and well-being. Physical therapy includes,  
15 but is not limited to: (a) performance of specialized tests  
16 and measurements, (b) administration of specialized treatment  
17 procedures, (c) interpretation of referrals from physicians,  
18 dentists and podiatrists, (d) establishment, and modification  
19 of physical therapy treatment programs, (e) administration of  
20 topical medication used in generally accepted physical  
21 therapy procedures when such medication is prescribed by the  
22 patient's physician, licensed to practice medicine in all its  
23 branches, the patient's physician licensed to practice  
24 podiatric medicine, or the patient's dentist, and (f)  
25 supervision or teaching of physical therapy. Physical  
26 therapy does not include radiology, electrosurgery,  
27 chiropractic technique or determination of a differential  
28 diagnosis; provided, however, the limitation on determining a  
29 differential diagnosis shall not in any manner limit a  
30 physical therapist licensed under this Act from performing an  
31 evaluation pursuant to such license. Nothing in this Section  
32 shall limit a physical therapist from employing appropriate  
33 physical therapy techniques that he or she is educated and

1 licensed to perform. A physical therapist shall refer to a  
2 licensed physician, dentist, or podiatrist any patient whose  
3 medical condition should, at the time of evaluation or  
4 treatment, be determined to be beyond the scope of practice  
5 of the physical therapist.

6 (2) "Physical therapist" means a person who practices  
7 physical therapy and who has met all requirements as provided  
8 in this Act.

9 (3) "Department" means the Department of Professional  
10 Regulation.

11 (4) "Director" means the Director of Professional  
12 Regulation.

13 (5) "Committee" means the Physical Therapy Examining  
14 Committee approved by the Director.

15 (6) "Referral" for the purpose of this Act means the  
16 following of guidance or direction to the physical therapist  
17 given by the physician, dentist, or podiatrist who shall  
18 maintain supervision of the patient.

19 (7) "Documented current and relevant diagnosis" for the  
20 purpose of this Act means a diagnosis, substantiated by  
21 signature or oral verification of a physician, dentist, or  
22 podiatrist, that a patient's condition is such that it may be  
23 treated by physical therapy as defined in this Act, which  
24 diagnosis shall remain in effect until changed by the  
25 physician, dentist or podiatrist.

26 (8) "State" includes:

27 (a) the states of the United States of America;

28 (b) the District of Columbia; and ~~or~~

29 (c) the Commonwealth of Puerto Rico.

30 (9) "Physical therapist assistant" means a person  
31 licensed to assist a physical therapist and who has met all  
32 requirements as provided in this Act and who works under the  
33 supervision of a licensed physical therapist to assist in  
34 implementing the physical therapy treatment program as

1 established by the licensed physical therapist. The patient  
2 care activities provided by the physical therapist assistant  
3 shall not include the interpretation of referrals, evaluation  
4 procedures, or the planning of, or major modification  
5 modifications of, patient programs.

6 (10) "Physical therapy aide" means a person who has  
7 received on the job training, specific to the facility in  
8 which he is employed, but who has not completed an approved  
9 physical therapist assistant program.

10 (Source: P.A. 85-1440; 86-1396; revised 12-04-01.)

11 Section 57. The Perfusionist Practice Act is amended by  
12 changing Section 215 as follows:

13 (225 ILCS 125/215)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 215. Criminal penalties. A person who is found to  
16 have knowingly violated Section 105 10-5 or subsection (a) of  
17 Section 220 of this Act is guilty of a Class A misdemeanor  
18 for a first offense and is guilty of a Class 4 felony for a  
19 second or subsequent offense.

20 (Source: P.A. 91-580, eff. 1-1-00; revised 12-07-01.)

21 Section 58. The Illinois Roofing Industry Licensing Act  
22 is amended by changing Section 9.10 as follows:

23 (225 ILCS 335/9.10) (from Ch. 111, par. 7509.10)

24 (Section scheduled to be repealed on January 1, 2006)

25 Sec. 9.10. Returned checks; fines. Any person who  
26 delivers a check or other payment to the Department that is  
27 returned to the Department unpaid by the financial  
28 institution upon which it is drawn shall pay to the  
29 Department, in addition to the amount already owed to the  
30 Department, a fine of \$50. The fines imposed by this Section

1 are in addition to any other discipline provided under this  
2 Act for unlicensed practice or practice on a nonrenewed  
3 license. The Department shall notify the person that payment  
4 of fees and fines shall be paid to the Department by  
5 certified check or money order within 30 calendar days of the  
6 notification. If, after the expiration of 30 days from the  
7 date of the notification, the person has failed to submit the  
8 necessary remittance, the Department shall automatically  
9 terminate the license or deny the application, without  
10 hearing. If, after termination or denial, the person seeks a  
11 license, he or she shall apply to the Department for  
12 restoration or issuance of the license and pay all the  
13 application fees as set by rule. The Department may  
14 establish a fee for the processing of an application for  
15 restoration of a license to pay all expenses of processing  
16 this application. The Director may waive the fines due under  
17 this Section in individual cases where the Director finds  
18 that the fines would be unreasonable or unnecessarily  
19 burdensome.

20 (Source: P.A. 91-950, eff. 2-9-01; 92-146, eff. 1-1-02;  
21 revised 9-13-01.)

22 Section 59. The Highway Advertising Control Act of 1971  
23 is amended by changing Section 3 as follows:

24 (225 ILCS 440/3) (from Ch. 121, par. 503)

25 Sec. 3. As used in this Act, unless the context  
26 otherwise requires, the terms defined in Sections 3.01  
27 through 3.16 ~~3-14~~ have the meanings ascribed to them in those  
28 Sections.

29 (Source: P.A. 77-1815; revised 12-07-01.)

30 Section 60. The Home Inspector License Act is amended by  
31 changing Section 15-20 as follows:

1 (225 ILCS 441/15-20)  
 2 (Section scheduled to be repealed on January 1, 2012)  
 3 Sec. 15-20. Administrative Review Law; certification  
 4 fees; Illinois Administrative Procedure Act.

5 (a) All final administrative decisions of the  
 6 Commissioner under this Act are subject to judicial review  
 7 pursuant to the provisions of the Administrative Review Law  
 8 and the rules adopted pursuant thereto. The term  
 9 "administrative decision" has the meaning ascribed to it in  
 10 Section 3-101 of the Administrative Review Law.

11 (b) OBRE shall not be required to certify any record,  
 12 file any answer, or otherwise appear unless the party filing  
 13 the administrative review complaint pays the certification  
 14 fee to OBRE as provided by rule. Failure on the part of the  
 15 plaintiff to make such a deposit shall be grounds for  
 16 dismissal of the action.

17 (c) The Illinois Administrative Procedure Act is hereby  
 18 expressly adopted and incorporated herein. In the event of a  
 19 conflict between this Act and the Illinois Administrative  
 20 Procedure Act, this Act shall control.

21 (Source: P.A. 92-239, eff. 8-3-01; revised 9-19-01.)

22 Section 61. The Illinois Public Accounting Act is  
 23 amended by changing Section 17 as follows:

24 (225 ILCS 450/17) (from Ch. 111, par. 5518)  
 25 (Section scheduled to be repealed on January 1, 2014)  
 26 (Text of Section before amendment by P.A. 92-457)  
 27 Sec. 17. Fees; returned checks; fines. Each person,  
 28 partnership, limited liability company, and corporation, to  
 29 which a license is issued, shall pay a fee to be established  
 30 by the Department which allows the Department to pay all  
 31 costs and expenses incident to the administration of this  
 32 Act. Interim licenses shall be at full rates.

1           The Department, by rule, shall establish fees to be paid  
2           for certification of records, and copies of this Act and the  
3           rules issued for administration of this Act.

4           Any person who delivers a check or other payment to the  
5           Department that is returned to the Department unpaid by the  
6           financial institution upon which it is drawn shall pay to the  
7           Department, in addition to the amount already owed to the  
8           Department, a fine of \$50. The fines imposed by this Section  
9           are in addition to any other discipline provided under this  
10          Act for unlicensed practice or practice on a nonrenewed  
11          license. The Department shall notify the person that payment  
12          of fees and fines shall be paid to the Department by  
13          certified check or money order within 30 calendar days of the  
14          notification. If, after the expiration of 30 days from the  
15          date of the notification, the person has failed to submit the  
16          necessary remittance, the Department shall automatically  
17          terminate the license or certificate or deny the application,  
18          without hearing. If, after termination or denial, the person  
19          seeks a license or certificate, he or she shall apply to the  
20          Department for restoration or issuance of the license or  
21          certificate and pay all fees and fines due to the Department.  
22          The Department may establish a fee for the processing of an  
23          application for restoration of a license or certificate to  
24          pay all expenses of processing this application. The  
25          Director may waive the fines due under this Section in  
26          individual cases where the Director finds that the fines  
27          would be unreasonable or unnecessarily burdensome.

28          (Source: P.A. 92-146, eff. 1-1-02.)

29          (Text of Section after amendment by P.A. 92-457)

30          Sec. 17. Fees; returned checks; fines. Each person,  
31          partnership, limited liability company, and corporation, to  
32          which a license is issued, shall pay a fee to be established  
33          by the Board which allows the Board to pay all costs and  
34          expenses incident to the administration of this Act. Interim

1 licenses shall be at full rates.

2 The Board, by rule, shall establish fees to be paid for  
3 certification of records, and copies of this Act and the  
4 rules issued for administration of this Act.

5 Any person who delivers a check or other payment to the  
6 Board that is returned to the Board unpaid by the financial  
7 institution upon which it is drawn shall pay to the Board, in  
8 addition to the amount already owed to the Board, a fine in  
9 an amount to be established by Board rule. ~~in-an--amount--to~~  
10 ~~be--established--by--Board--rule~~ The fines imposed by this  
11 Section are in addition to any other discipline provided  
12 under this Act for unlicensed practice or practice on a  
13 nonrenewed license. The Board shall notify the person that  
14 payment of fees and fines shall be paid to the Board by  
15 certified check or money order within 30 calendar days of the  
16 notification. If, after the expiration of 30 days from the  
17 date of the notification, the person has failed to submit the  
18 necessary remittance, the Board shall automatically terminate  
19 the license or certificate or deny the application, without  
20 hearing. If, after termination or denial, the person seeks a  
21 license or certificate, he or she shall apply to the Board  
22 for restoration or issuance of the license or certificate and  
23 pay all fees and fines due to the Board. The Board may  
24 establish a fee for the processing of an application for  
25 restoration of a license or certificate to pay all expenses  
26 of processing this application. The Board may waive the  
27 fines due under this Section in individual cases where the  
28 Board finds that the fines would be unreasonable or  
29 unnecessarily burdensome.

30 (Source: P.A. 92-146, eff. 1-1-02; 92-457, eff. 7-1-04;  
31 revised 10-17-01.)

32 Section 62. The Illinois Petroleum Education and  
33 Marketing Act is amended by changing Section 10 as follows:

1 (225 ILCS 728/10)

2 (Section scheduled to be repealed on January 1, 2008)

3 Sec. 10. Illinois Petroleum Resources Board.

4 (a) There is hereby created until July 1, 2002, the  
5 Illinois Petroleum Resources Board which shall be subject to  
6 the provisions of the Regulatory Agency Sunset Act. The  
7 purpose of the Board is to coordinate a program designed to  
8 demonstrate to the general public the importance of the  
9 Illinois oil exploration and production industry, to  
10 encourage the wise and efficient use of energy, to promote  
11 environmentally sound production methods and technologies, to  
12 develop existing supplies of State oil resources, and to  
13 support research and educational activities concerning the  
14 oil exploration and production industry.

15 (b) The Board shall be composed of 12 members to be  
16 appointed by the Governor. The Governor shall make  
17 appointments from a list of names submitted by qualified  
18 producer associations, of which 10 shall be oil and gas  
19 producers.

20 (c) A member of the Board shall:

21 (1) be at least 25 years of age;

22 (2) be a resident of the State of Illinois; and

23 (3) have at least 5 years of active experience in  
24 the oil industry.

25 (d) Members shall serve for a term of 3 years, except  
26 that of the initial appointments, 4 members shall serve for  
27 one year, 4 members for 2 years, and 4 members for 3 years.

28 (e) Vacancies shall be filled for the unexpired term of  
29 office in the same manner as the original appointment.

30 (f) The Board shall, at its first meeting, elect one of  
31 its members as chairperson, who shall preside over meetings  
32 of the Board and perform other duties that may be required by  
33 the Board. The first meeting of the Board shall be called by  
34 the Governor.

1 (g) No member of the Board shall receive a salary or  
2 reimbursement for duties performed as a member of the Board,  
3 except that members are eligible to receive reimbursement for  
4 travel expenses incurred in the performance of Board duties.  
5 (Source: P.A. 90-614, eff. 7-10-98; revised 1-9-02.)

6 Section 63. The Liquor Control Act of 1934 is amended by  
7 changing Sections 5-1 and 6-16 as follows:

8 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

9 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
10 Commission shall be of the following classes:

11 (a) Manufacturer's license - Class 1. Distiller, Class  
12 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine  
13 Manufacturer, Class 5. Second Class Wine Manufacturer, Class  
14 6. First Class Winemaker, Class 7. Second Class Winemaker,  
15 Class 8. Limited Wine Manufacturer,

16 (b) Distributor's license,

17 (c) Importing Distributor's license,

18 (d) Retailer's license,

19 (e) Special Event Retailer's license (not-for-profit),

20 (f) Railroad license,

21 (g) Boat license,

22 (h) Non-Beverage User's license,

23 (i) Wine-maker's premises license,

24 (j) Airplane license,

25 (k) Foreign importer's license,

26 (l) Broker's license,

27 (m) Non-resident dealer's license,

28 (n) Brew Pub license,

29 (o) Auction liquor license,

30 (p) Caterer retailer license,

31 (q) Special use permit license.

32 No person, firm, partnership, corporation, or other legal

1 business entity that is engaged in the manufacturing of wine  
2 may concurrently obtain and hold a wine-maker's license and a  
3 wine manufacturer's license.

4 (a) A manufacturer's license shall allow the  
5 manufacture, importation in bulk, storage, distribution and  
6 sale of alcoholic liquor to persons without the State, as may  
7 be permitted by law and to licensees in this State as  
8 follows:

9 Class 1. A Distiller may make sales and deliveries of  
10 alcoholic liquor to distillers, rectifiers, importing  
11 distributors, distributors and non-beverage users and to no  
12 other licensees.

13 Class 2. A Rectifier, who is not a distiller, as defined  
14 herein, may make sales and deliveries of alcoholic liquor to  
15 rectifiers, importing distributors, distributors, retailers  
16 and non-beverage users and to no other licensees.

17 Class 3. A Brewer may make sales and deliveries of beer  
18 to importing distributors, distributors, and to  
19 non-licensees, and to retailers provided the brewer obtains  
20 an importing distributor's license or distributor's license  
21 in accordance with the provisions of this Act.

22 Class 4. A first class wine-manufacturer may make sales  
23 and deliveries of up to 50,000 gallons of wine to  
24 manufacturers, importing distributors and distributors, and  
25 to no other licensees.

26 Class 5. A second class Wine manufacturer may make sales  
27 and deliveries of more than 50,000 gallons of wine to  
28 manufacturers, importing distributors and distributors and to  
29 no other licensees.

30 Class 6. A first-class wine-maker's license shall allow  
31 the manufacture of up to 50,000 gallons of wine per year, and  
32 the storage and sale of such wine to distributors in the  
33 State and to persons without the State, as may be permitted  
34 by law. A first-class wine-maker's license shall allow the

1 sale of no more than 5,000 gallons of the licensee's wine to  
2 retailers. The State Commission shall issue only one  
3 first-class wine-maker's license to any person, firm,  
4 partnership, corporation, or other legal business entity that  
5 is engaged in the making of less than 50,000 gallons of wine  
6 annually that applies for a first-class wine-maker's license.  
7 No subsidiary or affiliate thereof, nor any officer,  
8 associate, member, partner, representative, employee, agent,  
9 or shareholder may be issued an additional wine-maker's  
10 license by the State Commission.

11 Class 7. A second-class wine-maker's license shall allow  
12 the manufacture of between 50,000 and 100,000 gallons of wine  
13 per year, and the storage and sale of such wine to  
14 distributors in this State and to persons without the State,  
15 as may be permitted by law. A second-class wine-maker's  
16 license shall allow the sale of no more than 10,000 gallons  
17 of the licensee's wine directly to retailers. The State  
18 Commission shall issue only one second-class wine-maker's  
19 license to any person, firm, partnership, corporation, or  
20 other legal business entity that is engaged in the making of  
21 less than 100,000 gallons of wine annually that applies for a  
22 second-class wine-maker's license. No subsidiary or  
23 affiliate thereof, or any officer, associate, member,  
24 partner, representative, employee, agent, or shareholder may  
25 be issued an additional wine-maker's license by the State  
26 Commission.

27 Class 8. A limited wine-manufacturer may make sales and  
28 deliveries not to exceed 40,000 gallons of wine per year to  
29 distributors, and to non-licensees in accordance with the  
30 provisions of this Act.

31 (a-1) A manufacturer which is licensed in this State to  
32 make sales or deliveries of alcoholic liquor and which  
33 enlists agents, representatives, or individuals acting on its  
34 behalf who contact licensed retailers on a regular and

1 continual basis in this State must register those agents,  
2 representatives, or persons acting on its behalf with the  
3 State Commission.

4 Registration of agents, representatives, or persons  
5 acting on behalf of a manufacturer is fulfilled by submitting  
6 a form to the Commission. The form shall be developed by the  
7 Commission and shall include the name and address of the  
8 applicant, the name and address of the manufacturer he or she  
9 represents, the territory or areas assigned to sell to or  
10 discuss pricing terms of alcoholic liquor, and any other  
11 questions deemed appropriate and necessary. All statements in  
12 the forms required to be made by law or by rule shall be  
13 deemed material, and any person who knowingly misstates any  
14 material fact under oath in an application is guilty of a  
15 Class B misdemeanor. Fraud, misrepresentation, false  
16 statements, misleading statements, evasions, or suppression  
17 of material facts in the securing of a registration are  
18 grounds for suspension or revocation of the registration.

19 (b) A distributor's license shall allow the wholesale  
20 purchase and storage of alcoholic liquors and sale of  
21 alcoholic liquors to licensees in this State and to persons  
22 without the State, as may be permitted by law.

23 (c) An importing distributor's license may be issued to  
24 and held by those only who are duly licensed distributors,  
25 upon the filing of an application by a duly licensed  
26 distributor, with the Commission and the Commission shall,  
27 without the payment of any fee, immediately issue such  
28 importing distributor's license to the applicant, which shall  
29 allow the importation of alcoholic liquor by the licensee  
30 into this State from any point in the United States outside  
31 this State, and the purchase of alcoholic liquor in barrels,  
32 casks or other bulk containers and the bottling of such  
33 alcoholic liquors before resale thereof, but all bottles or  
34 containers so filled shall be sealed, labeled, stamped and

1 otherwise made to comply with all provisions, rules and  
2 regulations governing manufacturers in the preparation and  
3 bottling of alcoholic liquors. The importing distributor's  
4 license shall permit such licensee to purchase alcoholic  
5 liquor from Illinois licensed non-resident dealers and  
6 foreign importers only.

7 (d) A retailer's license shall allow the licensee to  
8 sell and offer for sale at retail, only in the premises  
9 specified in such license, alcoholic liquor for use or  
10 consumption, but not for resale in any form: Provided that  
11 any retail license issued to a manufacturer shall only permit  
12 such manufacturer to sell beer at retail on the premises  
13 actually occupied by such manufacturer.

14 After January 1, 1995 there shall be 2 classes of  
15 licenses issued under a retailers license.

16 (1) A "retailers on premise consumption license"  
17 shall allow the licensee to sell and offer for sale at  
18 retail, only on the premises specified in the license,  
19 alcoholic liquor for use or consumption on the premises  
20 or on and off the premises, but not for resale in any  
21 form.

22 (2) An "off premise sale license" shall allow the  
23 licensee to sell, or offer for sale at retail, alcoholic  
24 liquor intended only for off premise consumption and not  
25 for resale in any form.

26 Notwithstanding any other provision of this subsection  
27 (d), a retail licensee may sell alcoholic liquors to a  
28 special event retailer licensee for resale to the extent  
29 permitted under subsection (e).

30 (e) A special event retailer's license (not-for-profit)  
31 shall permit the licensee to purchase alcoholic liquors from  
32 an Illinois licensed distributor (unless the licensee  
33 purchases less than \$500 of alcoholic liquors for the special  
34 event, in which case the licensee may purchase the alcoholic

1 liquors from a licensed retailer) and shall allow the  
2 licensee to sell and offer for sale, at retail, alcoholic  
3 liquors for use or consumption, but not for resale in any  
4 form and only at the location and on the specific dates  
5 designated for the special event in the license. An  
6 applicant for a special event retailer license must (i)  
7 furnish with the application: (A) a resale number issued  
8 under Section 2c of the Retailers' Occupation Tax Act or  
9 evidence that the applicant is registered under Section 2a of  
10 the Retailers' Occupation Tax Act, (B) a current, valid  
11 exemption identification number issued under Section 1g of  
12 the Retailers' Occupation Tax Act, and a certification to the  
13 Commission that the purchase of alcoholic liquors will be a  
14 tax-exempt purchase, or (C) a statement that the applicant is  
15 not registered under Section 2a of the Retailers' Occupation  
16 Tax Act, does not hold a resale number under Section 2c of  
17 the Retailers' Occupation Tax Act, and does not hold an  
18 exemption number under Section 1g of the Retailers'  
19 Occupation Tax Act, in which event the Commission shall set  
20 forth on the special event retailer's license a statement to  
21 that effect; (ii) submit with the application proof  
22 satisfactory to the State Commission that the applicant will  
23 provide dram shop liability insurance in the maximum limits;  
24 and (iii) show proof satisfactory to the State Commission  
25 that the applicant has obtained local authority approval.

26 (f) A railroad license shall permit the licensee to  
27 import alcoholic liquors into this State from any point in  
28 the United States outside this State and to store such  
29 alcoholic liquors in this State; to make wholesale purchases  
30 of alcoholic liquors directly from manufacturers, foreign  
31 importers, distributors and importing distributors from  
32 within or outside this State; and to store such alcoholic  
33 liquors in this State; provided that the above powers may be  
34 exercised only in connection with the importation, purchase

1 or storage of alcoholic liquors to be sold or dispensed on a  
 2 club, buffet, lounge or dining car operated on an electric,  
 3 gas or steam railway in this State; and provided further,  
 4 that railroad licensees exercising the above powers shall be  
 5 subject to all provisions of Article VIII of this Act as  
 6 applied to importing distributors. A railroad license shall  
 7 also permit the licensee to sell or dispense alcoholic  
 8 liquors on any club, buffet, lounge or dining car operated on  
 9 an electric, gas or steam railway regularly operated by a  
 10 common carrier in this State, but shall not permit the sale  
 11 for resale of any alcoholic liquors to any licensee within  
 12 this State. A license shall be obtained for each car in  
 13 which such sales are made.

14 (g) A boat license shall allow the sale of alcoholic  
 15 liquor in individual drinks, on any passenger boat regularly  
 16 operated as a common carrier on navigable waters in this  
 17 State, which boat maintains a public dining room or  
 18 restaurant thereon.

19 (h) A non-beverage user's license shall allow the  
 20 licensee to purchase alcoholic liquor from a licensed  
 21 manufacturer or importing distributor, without the imposition  
 22 of any tax upon the business of such licensed manufacturer or  
 23 importing distributor as to such alcoholic liquor to be used  
 24 by such licensee solely for the non-beverage purposes set  
 25 forth in subsection (a) of Section 8-1 of this Act, and such  
 26 licenses shall be divided and classified and shall permit the  
 27 purchase, possession and use of limited and stated quantities  
 28 of alcoholic liquor as follows:

- 29 Class 1, not to exceed ..... 500 gallons
- 30 Class 2, not to exceed ..... 1,000 gallons
- 31 Class 3, not to exceed ..... 5,000 gallons
- 32 Class 4, not to exceed ..... 10,000 gallons
- 33 Class 5, not to exceed ..... 50,000 gallons

34 (i) A wine-maker's premises license shall allow a

1 licensee that concurrently holds a first-class wine-maker's  
2 license to sell and offer for sale at retail in the premises  
3 specified in such license not more than 50,000 gallons of the  
4 first-class wine-maker's wine that is made at the first-class  
5 wine-maker's licensed premises per year for use or  
6 consumption, but not for resale in any form. A wine-maker's  
7 premises license shall allow a licensee who concurrently  
8 holds a second-class wine-maker's license to sell and offer  
9 for sale at retail in the premises specified in such license  
10 up to 100,000 gallons of the second-class wine-maker's wine  
11 that is made at the second-class wine-maker's licensed  
12 premises per year for use or consumption but not for resale  
13 in any form. Upon approval from the State Commission, a  
14 wine-maker's premises license shall allow the licensee to  
15 sell and offer for sale at (i) the wine-maker's licensed  
16 premises and (ii) at up to 2 additional locations for use and  
17 consumption and not for resale. Each location shall require  
18 additional licensing per location as specified in Section 5-3  
19 of this Act.

20 (j) An airplane license shall permit the licensee to  
21 import alcoholic liquors into this State from any point in  
22 the United States outside this State and to store such  
23 alcoholic liquors in this State; to make wholesale purchases  
24 of alcoholic liquors directly from manufacturers, foreign  
25 importers, distributors and importing distributors from  
26 within or outside this State; and to store such alcoholic  
27 liquors in this State; provided that the above powers may be  
28 exercised only in connection with the importation, purchase  
29 or storage of alcoholic liquors to be sold or dispensed on an  
30 airplane; and provided further, that airplane licensees  
31 exercising the above powers shall be subject to all  
32 provisions of Article VIII of this Act as applied to  
33 importing distributors. An airplane licensee shall also  
34 permit the sale or dispensing of alcoholic liquors on any

1 passenger airplane regularly operated by a common carrier in  
2 this State, but shall not permit the sale for resale of any  
3 alcoholic liquors to any licensee within this State. A  
4 single airplane license shall be required of an airline  
5 company if liquor service is provided on board aircraft in  
6 this State. The annual fee for such license shall be as  
7 determined in Section 5-3.

8 (k) A foreign importer's license shall permit such  
9 licensee to purchase alcoholic liquor from Illinois licensed  
10 non-resident dealers only, and to import alcoholic liquor  
11 other than in bulk from any point outside the United States  
12 and to sell such alcoholic liquor to Illinois licensed  
13 importing distributors and to no one else in Illinois;  
14 provided that the foreign importer registers with the State  
15 Commission every brand of alcoholic liquor that it proposes  
16 to sell to Illinois licensees during the license period and  
17 provided further that the foreign importer complies with all  
18 of the provisions of Section 6-9 of this Act with respect to  
19 registration of such Illinois licensees as may be granted the  
20 right to sell such brands at wholesale.

21 (l) (i) A broker's license shall be required of all  
22 persons who solicit orders for, offer to sell or offer to  
23 supply alcoholic liquor to retailers in the State of  
24 Illinois, or who offer to retailers to ship or cause to be  
25 shipped or to make contact with distillers, rectifiers,  
26 brewers or manufacturers or any other party within or without  
27 the State of Illinois in order that alcoholic liquors be  
28 shipped to a distributor, importing distributor or foreign  
29 importer, whether such solicitation or offer is consummated  
30 within or without the State of Illinois.

31 No holder of a retailer's license issued by the Illinois  
32 Liquor Control Commission shall purchase or receive any  
33 alcoholic liquor, the order for which was solicited or  
34 offered for sale to such retailer by a broker unless the

1 broker is the holder of a valid broker's license.

2 The broker shall, upon the acceptance by a retailer of  
3 the broker's solicitation of an order or offer to sell or  
4 supply or deliver or have delivered alcoholic liquors,  
5 promptly forward to the Illinois Liquor Control Commission a  
6 notification of said transaction in such form as the  
7 Commission may by regulations prescribe.

8 (ii) A broker's license shall be required of a person  
9 within this State, other than a retail licensee, who, for a  
10 fee or commission, promotes, solicits, or accepts orders for  
11 alcoholic liquor, for use or consumption and not for resale,  
12 to be shipped from this State and delivered to residents  
13 outside of this State by an express company, common carrier,  
14 or contract carrier. This Section does not apply to any  
15 person who promotes, solicits, or accepts orders for wine as  
16 specifically authorized in Section 6-29 of this Act.

17 A broker's license under this subsection (1) shall not  
18 entitle the holder to buy or sell any alcoholic liquors for  
19 his own account or to take or deliver title to such alcoholic  
20 liquors.

21 This subsection (1) shall not apply to distributors,  
22 employees of distributors, or employees of a manufacturer who  
23 has registered the trademark, brand or name of the alcoholic  
24 liquor pursuant to Section 6-9 of this Act, and who regularly  
25 sells such alcoholic liquor in the State of Illinois only to  
26 its registrants thereunder.

27 Any agent, representative, or person subject to  
28 registration pursuant to subsection (a-1) of this Section  
29 shall not be eligible to receive a broker's license.

30 (m) A non-resident dealer's license shall permit such  
31 licensee to ship into and warehouse alcoholic liquor into  
32 this State from any point outside of this State, and to sell  
33 such alcoholic liquor to Illinois licensed foreign importers  
34 and importing distributors and to no one else in this State;

1 provided that said non-resident dealer shall register with  
2 the Illinois Liquor Control Commission each and every brand  
3 of alcoholic liquor which it proposes to sell to Illinois  
4 licensees during the license period; and further provided  
5 that it shall comply with all of the provisions of Section  
6 6-9 hereof with respect to registration of such Illinois  
7 licensees as may be granted the right to sell such brands at  
8 wholesale.

9 (n) A brew pub license shall allow the licensee to  
10 manufacture beer only on the premises specified in the  
11 license, to make sales of the beer manufactured on the  
12 premises to importing distributors, distributors, and to  
13 non-licensees for use and consumption, to store the beer upon  
14 the premises, and to sell and offer for sale at retail from  
15 the licensed premises, provided that a brew pub licensee  
16 shall not sell for off-premises consumption more than 50,000  
17 gallons per year.

18 (o) A caterer retailer license shall allow the holder to  
19 serve alcoholic liquors as an incidental part of a food  
20 service that serves prepared meals which excludes the serving  
21 of snacks as the primary meal, either on or off-site whether  
22 licensed or unlicensed.

23 (p) An auction liquor license shall allow the licensee  
24 to sell and offer for sale at auction wine and spirits for  
25 use or consumption, or for resale by an Illinois liquor  
26 licensee in accordance with provisions of this Act. An  
27 auction liquor license will be issued to a person and it will  
28 permit the auction liquor licensee to hold the auction  
29 anywhere in the State. An auction liquor license must be  
30 obtained for each auction at least 14 days in advance of the  
31 auction date.

32 (q) A special use permit license shall allow an Illinois  
33 licensed retailer to transfer a portion of its alcoholic  
34 liquor inventory from its retail licensed premises to the

1 premises specified in the license hereby created, and to sell  
2 or offer for sale at retail, only in the premises specified  
3 in the license hereby created, the transferred alcoholic  
4 liquor for use or consumption, but not for resale in any  
5 form. A special use permit license may be granted for the  
6 following time periods: one day or less; 2 or more days to a  
7 maximum of 15 days per location in any 12 month period. An  
8 applicant for the special use permit license must also submit  
9 with the application proof satisfactory to the State  
10 Commission that the applicant will provide dram shop  
11 liability insurance to the maximum limits and have local  
12 authority approval.

13 (Source: P.A. 91-357, eff. 7-29-99; 92-105, eff. 1-1-02;  
14 92-378, eff. 8-16-01; revised 10-10-01.)

15 (235 ILCS 5/6-16) (from Ch. 43, par. 131)

16 Sec. 6-16. Prohibited sales and possession.

17 (a) (i) No licensee nor any officer, associate, member,  
18 representative, agent, or employee of such licensee shall  
19 sell, give, or deliver alcoholic liquor to any person under  
20 the age of 21 years or to any intoxicated person, except as  
21 provided in Section 6-16.1. (ii) No express company, common  
22 carrier, or contract carrier nor any representative, agent,  
23 or employee on behalf of an express company, common carrier,  
24 or contract carrier that carries or transports alcoholic  
25 liquor for delivery within this State shall knowingly give or  
26 knowingly deliver to a residential address any shipping  
27 container clearly labeled as containing alcoholic liquor and  
28 labeled as requiring signature of an adult of at least 21  
29 years of age to any person in this State under the age of 21  
30 years. An express company, common carrier, or contract  
31 carrier that carries or transports such alcoholic liquor for  
32 delivery within this State shall obtain a signature at the  
33 time of delivery acknowledging receipt of the alcoholic

1 liquor by an adult who is at least 21 years of age. At no  
2 time while delivering alcoholic beverages within this State  
3 may any representative, agent, or employee of an express  
4 company, common carrier, or contract carrier that carries or  
5 transports alcoholic liquor for delivery within this State  
6 deliver the alcoholic liquor to a residential address without  
7 the acknowledgment of the consignee and without first  
8 obtaining a signature at the time of the delivery by an adult  
9 who is at least 21 years of age. A signature of a person on  
10 file with the express company, common carrier, or contract  
11 carrier does not constitute acknowledgement of the consignee.  
12 Any express company, common carrier, or contract carrier that  
13 transports alcoholic liquor for delivery within this State  
14 that violates this item (ii) of this subsection (a) by  
15 delivering alcoholic liquor without the acknowledgement of  
16 the consignee and without first obtaining a signature at the  
17 time of the delivery by an adult who is at least 21 years of  
18 age is guilty of a business offense for which the express  
19 company, common carrier, or contract carrier that transports  
20 alcoholic liquor within this State shall be fined not more  
21 than \$1,001 for a first offense, not more than \$5,000 for a  
22 second offense, and not more than \$10,000 for a third or  
23 subsequent offense. An express company, common carrier, or  
24 contract carrier shall be held vicariously liable for the  
25 actions of its representatives, agents, or employees. For  
26 purposes of this Act, in addition to other methods authorized  
27 by law, an express company, common carrier, or contract  
28 carrier shall be considered served with process when a  
29 representative, agent, or employee alleged to have violated  
30 this Act is personally served. Each shipment of alcoholic  
31 liquor delivered in violation of this item (ii) of this  
32 subsection (a) constitutes a separate offense. (iii) No  
33 person, after purchasing or otherwise obtaining alcoholic  
34 liquor, shall sell, give, or deliver such alcoholic liquor to

1 another person under the age of 21 years, except in the  
2 performance of a religious ceremony or service. Except as  
3 otherwise provided in item (ii), any express company, common  
4 carrier, or contract carrier that transports alcoholic liquor  
5 within this State that violates the provisions of item (i),  
6 (ii), or (iii) of this paragraph of this subsection (a) is  
7 guilty of a Class A misdemeanor and the sentence shall  
8 include, but shall not be limited to, a fine of not less than  
9 \$500.

10 If a licensee or officer, associate, member,  
11 representative, agent, or employee of the licensee, or a  
12 representative, agent, or employee of an express company,  
13 common carrier, or contract carrier that carries or  
14 transports alcoholic liquor for delivery within this State,  
15 is prosecuted under this paragraph of this subsection (a) for  
16 selling, giving, or delivering alcoholic liquor to a person  
17 under the age of 21 years, the person under 21 years of age  
18 who attempted to buy or receive the alcoholic liquor may be  
19 prosecuted pursuant to Section 6-20 of this Act, unless the  
20 person under 21 years of age was acting under the authority  
21 of a law enforcement agency, the Illinois Liquor Control  
22 Commission, or a local liquor control commissioner pursuant  
23 to a plan or action to investigate, patrol, or conduct any  
24 similar enforcement action.

25 For the purpose of preventing the violation of this  
26 Section, any licensee, or his agent or employee, or a  
27 representative, agent, or employee of an express company,  
28 common carrier, or contract carrier that carries or  
29 transports alcoholic liquor for delivery within this State,  
30 shall refuse to sell, deliver, or serve alcoholic beverages  
31 to any person who is unable to produce adequate written  
32 evidence of identity and of the fact that he or she is over  
33 the age of 21 years, if requested by the licensee, agent,  
34 employee, or representative.

1 Adequate written evidence of age and identity of the  
2 person is a document issued by a federal, state, county, or  
3 municipal government, or subdivision or agency thereof,  
4 including, but not limited to, a motor vehicle operator's  
5 license, a registration certificate issued under the Federal  
6 Selective Service Act, or an identification card issued to a  
7 member of the Armed Forces. Proof that the  
8 defendant-licensee, or his employee or agent, or the  
9 representative, agent, or employee of the express company,  
10 common carrier, or contract carrier that carries or  
11 transports alcoholic liquor for delivery within this State  
12 demanded, was shown and reasonably relied upon such written  
13 evidence in any transaction forbidden by this Section is an  
14 affirmative defense in any criminal prosecution therefor or  
15 to any proceedings for the suspension or revocation of any  
16 license based thereon. It shall not, however, be an  
17 affirmative defense if the agent or employee accepted the  
18 written evidence knowing it to be false or fraudulent. If a  
19 false or fraudulent Illinois driver's license or Illinois  
20 identification card is presented by a person less than 21  
21 years of age to a licensee or the licensee's agent or  
22 employee for the purpose of ordering, purchasing, attempting  
23 to purchase, or otherwise obtaining or attempting to obtain  
24 the serving of any alcoholic beverage, the law enforcement  
25 officer or agency investigating the incident shall, upon the  
26 conviction of the person who presented the fraudulent license  
27 or identification, make a report of the matter to the  
28 Secretary of State on a form provided by the Secretary of  
29 State.

30 However, no agent or employee of the licensee or employee  
31 of an express company, common carrier, or contract carrier  
32 that carries or transports alcoholic liquor for delivery  
33 within this State shall be disciplined or discharged for  
34 selling or furnishing liquor to a person under 21 years of

1 age if the agent or employee demanded and was shown, before  
2 furnishing liquor to a person under 21 years of age, adequate  
3 written evidence of age and identity of the person issued by  
4 a federal, state, county or municipal government, or  
5 subdivision or agency thereof, including but not limited to a  
6 motor vehicle operator's license, a registration certificate  
7 issued under the Federal Selective Service Act, or an  
8 identification card issued to a member of the Armed Forces.  
9 This paragraph, however, shall not apply if the agent or  
10 employee accepted the written evidence knowing it to be false  
11 or fraudulent.

12 Any person who sells, gives, or furnishes to any person  
13 under the age of 21 years any false or fraudulent written,  
14 printed, or photostatic evidence of the age and identity of  
15 such person or who sells, gives or furnishes to any person  
16 under the age of 21 years evidence of age and identification  
17 of any other person is guilty of a Class A misdemeanor and  
18 the person's sentence shall include, but shall not be limited  
19 to, a fine of not less than \$500.

20 Any person under the age of 21 years who presents or  
21 offers to any licensee, his agent or employee, any written,  
22 printed or photostatic evidence of age and identity that is  
23 false, fraudulent, or not actually his or her own for the  
24 purpose of ordering, purchasing, attempting to purchase or  
25 otherwise procuring or attempting to procure, the serving of  
26 any alcoholic beverage, who falsely states in writing that he  
27 or she is at least 21 years of age when receiving alcoholic  
28 liquor from a representative, agent, or employee of an  
29 express company, common carrier, or contract carrier, or who  
30 has in his or her possession any false or fraudulent written,  
31 printed, or photostatic evidence of age and identity, is  
32 guilty of a Class A misdemeanor and the person's sentence  
33 shall include, but shall not be limited to, the following: a  
34 fine of not less than \$500 and at least 25 hours of community

1 service. If possible, any community service shall be  
2 performed for an alcohol abuse prevention program.

3 Any person under the age of 21 years who has any  
4 alcoholic beverage in his or her possession on any street or  
5 highway or in any public place or in any place open to the  
6 public is guilty of a Class A misdemeanor. This Section does  
7 not apply to possession by a person under the age of 21 years  
8 making a delivery of an alcoholic beverage in pursuance of  
9 the order of his or her parent or in pursuance of his or her  
10 employment.

11 (a-1) It is unlawful for any parent or guardian to  
12 permit his or her residence to be used by an invitee of the  
13 parent's child or the guardian's ward, if the invitee is  
14 under the age of 21, in a manner that constitutes a violation  
15 of this Section. A parent or guardian is deemed to have  
16 permitted his or her residence to be used in violation of  
17 this Section if he or she knowingly authorizes, enables, or  
18 permits such use to occur by failing to control access to  
19 either the residence or the alcoholic liquor maintained in  
20 the residence. Any person who violates this subsection (a-1)  
21 is guilty of a Class A misdemeanor and the person's sentence  
22 shall include, but shall not be limited to, a fine of not  
23 less than \$500. Nothing in this subsection (a-1) shall be  
24 construed to prohibit the giving of alcoholic liquor to a  
25 person under the age of 21 years in the performance of a  
26 religious ceremony or service.

27 (b) Except as otherwise provided in this Section whoever  
28 violates this Section shall, in addition to other penalties  
29 provided for in this Act, be guilty of a Class A misdemeanor.

30 (c) Any person shall be guilty of a Class A misdemeanor  
31 where he or she knowingly permits a gathering at a residence  
32 which he or she occupies of two or more persons where any one  
33 or more of the persons is under 21 years of age and the  
34 following factors also apply:

1           (1) the person occupying the residence knows that  
2 any such person under the age of 21 is in possession of  
3 or is consuming any alcoholic beverage; and

4           (2) the possession or consumption of the alcohol by  
5 the person under 21 is not otherwise permitted by this  
6 Act; and

7           (3) the person occupying the residence knows that  
8 the person under the age of 21 leaves the residence in an  
9 intoxicated condition.

10          For the purposes of this subsection (c) where the  
11 residence has an owner and a tenant or lessee, there is a  
12 rebuttable presumption that the residence is occupied only by  
13 the tenant or lessee.

14          (d) Any person who rents a hotel or motel room from the  
15 proprietor or agent thereof for the purpose of or with the  
16 knowledge that such room shall be used for the consumption of  
17 alcoholic liquor by persons under the age of 21 years shall  
18 be guilty of a Class A misdemeanor.

19          (e) Except as otherwise provided in this Act, any person  
20 who has alcoholic liquor in his or her possession on public  
21 school district property on school days or at events on  
22 public school district property when children are present is  
23 guilty of a petty offense, unless the alcoholic liquor (i) is  
24 in the original container with the seal unbroken and is in  
25 the possession of a person who is not otherwise legally  
26 prohibited from possessing the alcoholic liquor or (ii) is in  
27 the possession of a person in or for the performance of a  
28 religious service or ceremony authorized by the school board.  
29 (Source: P.A. 92-380, eff. 1-1-02; 92-503, eff. 1-1-02;  
30 92-507, eff. 1-1-02; revised 1-7-02.)

31          Section 64. The Illinois Public Aid Code is amended by  
32 changing Sections 4-1.7, 5-5, 5-5.4, 5-10, 5-12, 8A-7.1, 9-1,  
33 10-3, 10-10.5, 11-22b, 12-4.25, and 12-10.2 and setting forth

1 and renumbering multiple versions of Section 12-10.5 as  
2 follows:

3 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

4 Sec. 4-1.7. Enforcement of Parental Child Support  
5 Obligation.} If the parent or parents of the child are  
6 failing to meet or are delinquent in their legal obligation  
7 to support the child, the parent or other person having  
8 custody of the child or the Illinois Department of Public Aid  
9 may request the law enforcement officer authorized or  
10 directed by law to so act to file action for the enforcement  
11 of such remedies as the law provides for the fulfillment of  
12 the child support obligation.

13 If a parent has a judicial remedy against the other  
14 parent to compel child support, or if, as the result of an  
15 action initiated by or in behalf of one parent against the  
16 other, a child support order has been entered in respect to  
17 which there is noncompliance or delinquency, or where the  
18 order so entered may be changed upon petition to the court to  
19 provide additional support, the parent or other person having  
20 custody of the child or the Illinois Department of Public Aid  
21 may request the appropriate law enforcement officer to seek  
22 enforcement of the remedy, or of the support order, or a  
23 change therein to provide additional support. If the law  
24 enforcement officer is not authorized by law to so act in  
25 these instances, the parent, or if so authorized by law the  
26 other person having custody of the child, or the Illinois  
27 Department of Public Aid may initiate an action to enforce  
28 these remedies.

29 A parent or other person having custody of the child must  
30 comply with the requirements of Title IV of the federal  
31 Social Security Act, and the regulations duly promulgated  
32 thereunder, and any rules promulgated by the Illinois  
33 Department regarding enforcement of the child support

1 obligation. The Illinois Department of Public Aid and the  
2 Department of Human Services may provide by rule for the  
3 grant or continuation of aid to the person for a temporary  
4 period if he or she accepts counseling or other services  
5 designed to increase his or her motivation to seek  
6 enforcement of the child support obligation.

7 In addition to any other definition of failure or refusal  
8 to comply with the requirements of Title IV of the federal  
9 Social Security Act, or Illinois Department rule, in the case  
10 of failure to attend court hearings, the parent or other  
11 person can show cooperation by attending a court hearing or,  
12 if a court hearing cannot be scheduled within 14 days  
13 following the court hearing that was missed, by signing a  
14 statement that the parent or other person is now willing to  
15 cooperate in the child support enforcement process and will  
16 appear at any later scheduled court date. The parent or  
17 other person can show cooperation by signing such a statement  
18 only once. If failure to attend the court hearing or other  
19 failure to cooperate results in the case being dismissed,  
20 such a statement may be signed after 2 months.

21 No denial or termination of medical assistance pursuant  
22 to this Section shall commence during pregnancy of the parent  
23 or other person having custody of the child or for 30 days  
24 after the termination of such pregnancy. The termination of  
25 medical assistance may commence thereafter if the Illinois  
26 Department of Public Aid determines that the failure or  
27 refusal to comply with this Section persists. Postponement  
28 of denial or termination of medical assistance during  
29 pregnancy under this paragraph shall be effective only to the  
30 extent it does not conflict with federal law or regulation.

31 Any evidence a parent or other person having custody of  
32 the child gives in order to comply with the requirements of  
33 this Section shall not render him or her liable to  
34 prosecution under Sections 11-7 or 11-8 of the "Criminal Code

1 of 1961", approved July 28, 1961, as amended.

2 When so requested, the Illinois Department of Public Aid  
3 and the Department of Human Services shall provide such  
4 services and assistance as the law enforcement officer may  
5 require in connection with the filing of any action  
6 hereunder.

7 The Illinois Department of Public Aid and the Department  
8 of Human Services, and as an expense of administration, may  
9 also provide applicants for and recipients of aid with such  
10 services and assistance, including assumption of the  
11 reasonable costs of prosecuting any action or proceeding, as  
12 may be necessary to enable them to enforce the child support  
13 liability required hereunder.

14 Nothing in this Section shall be construed as a  
15 requirement that an applicant or recipient file an action for  
16 dissolution of marriage against his or her spouse.

17 (Source: P.A. 89-507, eff. 7-1-97; 90-17, eff. 7-1-97;  
18 revised 12-13-01.)

19 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

20 Sec. 5-5. Medical services. The Illinois Department, by  
21 rule, shall determine the quantity and quality of and the  
22 rate of reimbursement for the medical assistance for which  
23 payment will be authorized, and the medical services to be  
24 provided, which may include all or part of the following: (1)  
25 inpatient hospital services; (2) outpatient hospital  
26 services; (3) other laboratory and X-ray services; (4)  
27 skilled nursing home services; (5) physicians' services  
28 whether furnished in the office, the patient's home, a  
29 hospital, a skilled nursing home, or elsewhere; (6) medical  
30 care, or any other type of remedial care furnished by  
31 licensed practitioners; (7) home health care services; (8)  
32 private duty nursing service; (9) clinic services; (10)  
33 dental services; (11) physical therapy and related services;

1 (12) prescribed drugs, dentures, and prosthetic devices; and  
2 eyeglasses prescribed by a physician skilled in the diseases  
3 of the eye, or by an optometrist, whichever the person may  
4 select; (13) other diagnostic, screening, preventive, and  
5 rehabilitative services; (14) transportation and such other  
6 expenses as may be necessary; (15) medical treatment of  
7 sexual assault survivors, as defined in Section 1a of the  
8 Sexual Assault Survivors Emergency Treatment Act, for  
9 injuries sustained as a result of the sexual assault,  
10 including examinations and laboratory tests to discover  
11 evidence which may be used in criminal proceedings arising  
12 from the sexual assault; (16) the diagnosis and treatment of  
13 sickle cell anemia; and (17) any other medical care, and any  
14 other type of remedial care recognized under the laws of this  
15 State, but not including abortions, or induced miscarriages  
16 or premature births, unless, in the opinion of a physician,  
17 such procedures are necessary for the preservation of the  
18 life of the woman seeking such treatment, or except an  
19 induced premature birth intended to produce a live viable  
20 child and such procedure is necessary for the health of the  
21 mother or her unborn child. The Illinois Department, by rule,  
22 shall prohibit any physician from providing medical  
23 assistance to anyone eligible therefor under this Code where  
24 such physician has been found guilty of performing an  
25 abortion procedure in a wilful and wanton manner upon a woman  
26 who was not pregnant at the time such abortion procedure was  
27 performed. The term "any other type of remedial care" shall  
28 include nursing care and nursing home service for persons who  
29 rely on treatment by spiritual means alone through prayer for  
30 healing.

31 Notwithstanding any other provision of this Section, a  
32 comprehensive tobacco use cessation program that includes  
33 purchasing prescription drugs or prescription medical devices  
34 approved by the Food and Drug administration shall be covered

1 under the medical assistance program under this Article for  
2 persons who are otherwise eligible for assistance under this  
3 Article.

4 Notwithstanding any other provision of this Code, the  
5 Illinois Department may not require, as a condition of  
6 payment for any laboratory test authorized under this  
7 Article, that a physician's handwritten signature appear on  
8 the laboratory test order form. The Illinois Department may,  
9 however, impose other appropriate requirements regarding  
10 laboratory test order documentation.

11 The Illinois Department of Public Aid shall provide the  
12 following services to persons eligible for assistance under  
13 this Article who are participating in education, training or  
14 employment programs operated by the Department of Human  
15 Services as successor to the Department of Public Aid:

16 (1) dental services, which shall include but not be  
17 limited to prosthodontics; and

18 (2) eyeglasses prescribed by a physician skilled in  
19 the diseases of the eye, or by an optometrist, whichever  
20 the person may select.

21 The Illinois Department, by rule, may distinguish and  
22 classify the medical services to be provided only in  
23 accordance with the classes of persons designated in Section  
24 5-2.

25 The Illinois Department shall authorize the provision of,  
26 and shall authorize payment for, screening by low-dose  
27 mammography for the presence of occult breast cancer for  
28 women 35 years of age or older who are eligible for medical  
29 assistance under this Article, as follows: a baseline  
30 mammogram for women 35 to 39 years of age and an annual  
31 mammogram for women 40 years of age or older. All screenings  
32 shall include a physical breast exam, instruction on  
33 self-examination and information regarding the frequency of  
34 self-examination and its value as a preventative tool. As

1 used in this Section, "low-dose mammography" means the x-ray  
2 examination of the breast using equipment dedicated  
3 specifically for mammography, including the x-ray tube,  
4 filter, compression device, image receptor, and cassettes,  
5 with an average radiation exposure delivery of less than one  
6 rad mid-breast, with 2 views for each breast.

7 Any medical or health care provider shall immediately  
8 recommend, to any pregnant woman who is being provided  
9 prenatal services and is suspected of drug abuse or is  
10 addicted as defined in the Alcoholism and Other Drug Abuse  
11 and Dependency Act, referral to a local substance abuse  
12 treatment provider licensed by the Department of Human  
13 Services or to a licensed hospital which provides substance  
14 abuse treatment services. The Department of Public Aid shall  
15 assure coverage for the cost of treatment of the drug abuse  
16 or addiction for pregnant recipients in accordance with the  
17 Illinois Medicaid Program in conjunction with the Department  
18 of Human Services.

19 All medical providers providing medical assistance to  
20 pregnant women under this Code shall receive information from  
21 the Department on the availability of services under the Drug  
22 Free Families with a Future or any comparable program  
23 providing case management services for addicted women,  
24 including information on appropriate referrals for other  
25 social services that may be needed by addicted women in  
26 addition to treatment for addiction.

27 The Illinois Department, in cooperation with the  
28 Departments of Human Services (as successor to the Department  
29 of Alcoholism and Substance Abuse) and Public Health, through  
30 a public awareness campaign, may provide information  
31 concerning treatment for alcoholism and drug abuse and  
32 addiction, prenatal health care, and other pertinent programs  
33 directed at reducing the number of drug-affected infants born  
34 to recipients of medical assistance.

1           Neither the Illinois Department of Public Aid nor the  
2 Department of Human Services shall sanction the recipient  
3 solely on the basis of her substance abuse.

4           The Illinois Department shall establish such regulations  
5 governing the dispensing of health services under this  
6 Article as it shall deem appropriate. In formulating these  
7 regulations the Illinois Department shall consult with and  
8 give substantial weight to the recommendations offered by the  
9 Citizens Assembly/Council on Public Aid. The Department  
10 should seek the advice of formal professional advisory  
11 committees appointed by the Director of the Illinois  
12 Department for the purpose of providing regular advice on  
13 policy and administrative matters, information dissemination  
14 and educational activities for medical and health care  
15 providers, and consistency in procedures to the Illinois  
16 Department.

17           The Illinois Department may develop and contract with  
18 Partnerships of medical providers to arrange medical services  
19 for persons eligible under Section 5-2 of this Code.  
20 Implementation of this Section may be by demonstration  
21 projects in certain geographic areas. The Partnership shall  
22 be represented by a sponsor organization. The Department, by  
23 rule, shall develop qualifications for sponsors of  
24 Partnerships. Nothing in this Section shall be construed to  
25 require that the sponsor organization be a medical  
26 organization.

27           The sponsor must negotiate formal written contracts with  
28 medical providers for physician services, inpatient and  
29 outpatient hospital care, home health services, treatment for  
30 alcoholism and substance abuse, and other services determined  
31 necessary by the Illinois Department by rule for delivery by  
32 Partnerships. Physician services must include prenatal and  
33 obstetrical care. The Illinois Department shall reimburse  
34 medical services delivered by Partnership providers to

1 clients in target areas according to provisions of this  
2 Article and the Illinois Health Finance Reform Act, except  
3 that:

4 (1) Physicians participating in a Partnership and  
5 providing certain services, which shall be determined by  
6 the Illinois Department, to persons in areas covered by  
7 the Partnership may receive an additional surcharge for  
8 such services.

9 (2) The Department may elect to consider and  
10 negotiate financial incentives to encourage the  
11 development of Partnerships and the efficient delivery of  
12 medical care.

13 (3) Persons receiving medical services through  
14 Partnerships may receive medical and case management  
15 services above the level usually offered through the  
16 medical assistance program.

17 Medical providers shall be required to meet certain  
18 qualifications to participate in Partnerships to ensure the  
19 delivery of high quality medical services. These  
20 qualifications shall be determined by rule of the Illinois  
21 Department and may be higher than qualifications for  
22 participation in the medical assistance program. Partnership  
23 sponsors may prescribe reasonable additional qualifications  
24 for participation by medical providers, only with the prior  
25 written approval of the Illinois Department.

26 Nothing in this Section shall limit the free choice of  
27 practitioners, hospitals, and other providers of medical  
28 services by clients. In order to ensure patient freedom of  
29 choice, the Illinois Department shall immediately promulgate  
30 all rules and take all other necessary actions so that  
31 provided services may be accessed from therapeutically  
32 certified optometrists to the full extent of the Illinois  
33 Optometric Practice Act of 1987 without discriminating  
34 between service providers.

1           The Department shall apply for a waiver from the United  
2 States Health Care Financing Administration to allow for the  
3 implementation of Partnerships under this Section.

4           The Illinois Department shall require health care  
5 providers to maintain records that document the medical care  
6 and services provided to recipients of Medical Assistance  
7 under this Article. The Illinois Department shall require  
8 health care providers to make available, when authorized by  
9 the patient, in writing, the medical records in a timely  
10 fashion to other health care providers who are treating or  
11 serving persons eligible for Medical Assistance under this  
12 Article. All dispensers of medical services shall be  
13 required to maintain and retain business and professional  
14 records sufficient to fully and accurately document the  
15 nature, scope, details and receipt of the health care  
16 provided to persons eligible for medical assistance under  
17 this Code, in accordance with regulations promulgated by the  
18 Illinois Department. The rules and regulations shall require  
19 that proof of the receipt of prescription drugs, dentures,  
20 prosthetic devices and eyeglasses by eligible persons under  
21 this Section accompany each claim for reimbursement submitted  
22 by the dispenser of such medical services. No such claims for  
23 reimbursement shall be approved for payment by the Illinois  
24 Department without such proof of receipt, unless the Illinois  
25 Department shall have put into effect and shall be operating  
26 a system of post-payment audit and review which shall, on a  
27 sampling basis, be deemed adequate by the Illinois Department  
28 to assure that such drugs, dentures, prosthetic devices and  
29 eyeglasses for which payment is being made are actually being  
30 received by eligible recipients. Within 90 days after the  
31 effective date of this amendatory Act of 1984, the Illinois  
32 Department shall establish a current list of acquisition  
33 costs for all prosthetic devices and any other items  
34 recognized as medical equipment and supplies reimbursable

1 under this Article and shall update such list on a quarterly  
2 basis, except that the acquisition costs of all prescription  
3 drugs shall be updated no less frequently than every 30 days  
4 as required by Section 5-5.12.

5 The rules and regulations of the Illinois Department  
6 shall require that a written statement including the required  
7 opinion of a physician shall accompany any claim for  
8 reimbursement for abortions, or induced miscarriages or  
9 premature births. This statement shall indicate what  
10 procedures were used in providing such medical services.

11 The Illinois Department shall require that all dispensers  
12 of medical services, other than an individual practitioner or  
13 group of practitioners, desiring to participate in the  
14 Medical Assistance program established under this Article to  
15 disclose all financial, beneficial, ownership, equity, surety  
16 or other interests in any and all firms, corporations,  
17 partnerships, associations, business enterprises, joint  
18 ventures, agencies, institutions or other legal entities  
19 providing any form of health care services in this State  
20 under this Article.

21 The Illinois Department may require that all dispensers  
22 of medical services desiring to participate in the medical  
23 assistance program established under this Article disclose,  
24 under such terms and conditions as the Illinois Department  
25 may by rule establish, all inquiries from clients and  
26 attorneys regarding medical bills paid by the Illinois  
27 Department, which inquiries could indicate potential  
28 existence of claims or liens for the Illinois Department.

29 The Illinois Department shall establish policies,  
30 procedures, standards and criteria by rule for the  
31 acquisition, repair and replacement of orthotic and  
32 prosthetic devices and durable medical equipment. Such rules  
33 shall provide, but not be limited to, the following services:  
34 (1) immediate repair or replacement of such devices by

1 recipients without medical authorization; and (2) rental,  
2 lease, purchase or lease-purchase of durable medical  
3 equipment in a cost-effective manner, taking into  
4 consideration the recipient's medical prognosis, the extent  
5 of the recipient's needs, and the requirements and costs for  
6 maintaining such equipment. Such rules shall enable a  
7 recipient to temporarily acquire and use alternative or  
8 substitute devices or equipment pending repairs or  
9 replacements of any device or equipment previously authorized  
10 for such recipient by the Department. Rules under clause (2)  
11 above shall not provide for purchase or lease-purchase of  
12 durable medical equipment or supplies used for the purpose of  
13 oxygen delivery and respiratory care.

14 The Department shall execute, relative to the nursing  
15 home prescreening project, written inter-agency agreements  
16 with the Department of Human Services and the Department on  
17 Aging, to effect the following: (i) intake procedures and  
18 common eligibility criteria for those persons who are  
19 receiving non-institutional services; and (ii) the  
20 establishment and development of non-institutional services  
21 in areas of the State where they are not currently available  
22 or are undeveloped.

23 The Illinois Department shall develop and operate, in  
24 cooperation with other State Departments and agencies and in  
25 compliance with applicable federal laws and regulations,  
26 appropriate and effective systems of health care evaluation  
27 and programs for monitoring of utilization of health care  
28 services and facilities, as it affects persons eligible for  
29 medical assistance under this Code. The Illinois Department  
30 shall report regularly the results of the operation of such  
31 systems and programs to the Citizens Assembly/Council on  
32 Public Aid to enable the Committee to ensure, from time to  
33 time, that these programs are effective and meaningful.

34 The Illinois Department shall report annually to the

1 General Assembly, no later than the second Friday in April of  
2 1979 and each year thereafter, in regard to:

3 (a) actual statistics and trends in utilization of  
4 medical services by public aid recipients;

5 (b) actual statistics and trends in the provision  
6 of the various medical services by medical vendors;

7 (c) current rate structures and proposed changes in  
8 those rate structures for the various medical vendors;  
9 and

10 (d) efforts at utilization review and control by  
11 the Illinois Department.

12 The period covered by each report shall be the 3 years  
13 ending on the June 30 prior to the report. The report shall  
14 include suggested legislation for consideration by the  
15 General Assembly. The filing of one copy of the report with  
16 the Speaker, one copy with the Minority Leader and one copy  
17 with the Clerk of the House of Representatives, one copy with  
18 the President, one copy with the Minority Leader and one copy  
19 with the Secretary of the Senate, one copy with the  
20 Legislative Research Unit, such additional copies with the  
21 State Government Report Distribution Center for the General  
22 Assembly as is required under paragraph (t) of Section 7 of  
23 the State Library Act and one copy with the Citizens  
24 Assembly/Council on Public Aid or its successor shall be  
25 deemed sufficient to comply with this Section.

26 (Source: P.A. 91-344, eff. 1-1-00; 91-462, eff. 8-6-99;  
27 91-666, eff. 12-22-99; 92-16, eff. 6-28-01; revised  
28 12-13-01.)

29 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

30 Sec. 5-5.4. Standards of Payment - Department of Public  
31 Aid. The Department of Public Aid shall develop standards of  
32 payment of skilled nursing and intermediate care services in  
33 facilities providing such services under this Article which:

1           (1) Provide Provides for the determination of a  
2 facility's payment for skilled nursing and intermediate care  
3 services on a prospective basis. The amount of the payment  
4 rate for all nursing facilities certified under the medical  
5 assistance program shall be prospectively established  
6 annually on the basis of historical, financial, and  
7 statistical data reflecting actual costs from prior years,  
8 which shall be applied to the current rate year and updated  
9 for inflation, except that the capital cost element for newly  
10 constructed facilities shall be based upon projected budgets.  
11 The annually established payment rate shall take effect on  
12 July 1 in 1984 and subsequent years. Rate increases shall be  
13 provided annually thereafter on July 1 in 1984 and on each  
14 subsequent July 1 in the following years, except that no rate  
15 increase and no update for inflation shall be provided on or  
16 after July 1, 1994 and before July 1, 2002, unless  
17 specifically provided for in this Section.

18           For facilities licensed by the Department of Public  
19 Health under the Nursing Home Care Act as Intermediate Care  
20 for the Developmentally Disabled facilities or Long Term Care  
21 for Under Age 22 facilities, the rates taking effect on July  
22 1, 1998 shall include an increase of 3%. For facilities  
23 licensed by the Department of Public Health under the Nursing  
24 Home Care Act as Skilled Nursing facilities or Intermediate  
25 Care facilities, the rates taking effect on July 1, 1998  
26 shall include an increase of 3% plus \$1.10 per resident-day,  
27 as defined by the Department.

28           For facilities licensed by the Department of Public  
29 Health under the Nursing Home Care Act as Intermediate Care  
30 for the Developmentally Disabled facilities or Long Term Care  
31 for Under Age 22 facilities, the rates taking effect on July  
32 1, 1999 shall include an increase of 1.6% plus \$3.00 per  
33 resident-day, as defined by the Department. For facilities  
34 licensed by the Department of Public Health under the Nursing

1 Home Care Act as Skilled Nursing facilities or Intermediate  
2 Care facilities, the rates taking effect on July 1, 1999  
3 shall include an increase of 1.6% and, for services provided  
4 on or after October 1, 1999, shall be increased by \$4.00 per  
5 resident-day, as defined by the Department.

6 For facilities licensed by the Department of Public  
7 Health under the Nursing Home Care Act as Intermediate Care  
8 for the Developmentally Disabled facilities or Long Term Care  
9 for Under Age 22 facilities, the rates taking effect on July  
10 1, 2000 shall include an increase of 2.5% per resident-day,  
11 as defined by the Department. For facilities licensed by the  
12 Department of Public Health under the Nursing Home Care Act  
13 as Skilled Nursing facilities or Intermediate Care  
14 facilities, the rates taking effect on July 1, 2000 shall  
15 include an increase of 2.5% per resident-day, as defined by  
16 the Department.

17 For facilities licensed by the Department of Public  
18 Health under the Nursing Home Care Act as Intermediate Care  
19 for the Developmentally Disabled facilities or Long Term Care  
20 for Under Age 22 facilities, the rates taking effect on March  
21 1, 2001 shall include a statewide increase of 7.85%, as  
22 defined by the Department.

23 For facilities licensed by the Department of Public  
24 Health under the Nursing Home Care Act as Intermediate Care  
25 for the Developmentally Disabled facilities or Long Term Care  
26 for Under Age 22 facilities, the rates taking effect on April  
27 1, 2002 shall include a statewide increase of 2.0%, as  
28 defined by the Department.

29 For facilities licensed by the Department of Public  
30 Health under the Nursing Home Care Act as skilled nursing  
31 facilities or intermediate care facilities, the rates taking  
32 effect on July 1, 2001, and each subsequent year thereafter,  
33 shall be computed using the most recent cost reports on file  
34 with the Department of Public Aid no later than April 1, 2000

1 updated for inflation to January 1, 2001. For rates  
2 effective July 1, 2001 only, rates shall be the greater of  
3 the rate computed for July 1, 2001 or the rate effective on  
4 June 30, 2001.

5 Rates established effective each July 1 shall govern  
6 payment for services rendered throughout that fiscal year,  
7 except that rates established on July 1, 1996 shall be  
8 increased by 6.8% for services provided on or after January  
9 1, 1997. Such rates will be based upon the rates calculated  
10 for the year beginning July 1, 1990, and for subsequent years  
11 thereafter until June 30, 2001 shall be based on the facility  
12 cost reports for the facility fiscal year ending at any point  
13 in time during the previous calendar year, updated to the  
14 midpoint of the rate year. The cost report shall be on file  
15 with the Department no later than April 1 of the current rate  
16 year. Should the cost report not be on file by April 1, the  
17 Department shall base the rate on the latest cost report  
18 filed by each skilled care facility and intermediate care  
19 facility, updated to the midpoint of the current rate year.  
20 In determining rates for services rendered on and after July  
21 1, 1985, fixed time shall not be computed at less than zero.  
22 The Department shall not make any alterations of regulations  
23 which would reduce any component of the Medicaid rate to a  
24 level below what that component would have been utilizing in  
25 the rate effective on July 1, 1984.

26 (2) Shall take into account the actual costs incurred by  
27 facilities in providing services for recipients of skilled  
28 nursing and intermediate care services under the medical  
29 assistance program.

30 (3) Shall take into account the medical and  
31 psycho-social characteristics and needs of the patients.

32 (4) Shall take into account the actual costs incurred by  
33 facilities in meeting licensing and certification standards  
34 imposed and prescribed by the State of Illinois, any of its

1 political subdivisions or municipalities and by the U.S.  
2 Department of Health and Human Services pursuant to Title XIX  
3 of the Social Security Act.

4 The Department of Public Aid shall develop precise  
5 standards for payments to reimburse nursing facilities for  
6 any utilization of appropriate rehabilitative personnel for  
7 the provision of rehabilitative services which is authorized  
8 by federal regulations, including reimbursement for services  
9 provided by qualified therapists or qualified assistants, and  
10 which is in accordance with accepted professional practices.  
11 Reimbursement also may be made for utilization of other  
12 supportive personnel under appropriate supervision.

13 (Source: P.A. 91-24, eff. 7-1-99; 91-712, eff. 7-1-00; 92-10,  
14 eff. 6-11-01; 92-31, eff. 6-28-01; revised 12-13-01.)

15 (305 ILCS 5/5-10) (from Ch. 23, par. 5-10)

16 Sec. 5-10. Entitlement to Social Services. Persons  
17 receiving medical assistance shall be entitled to receive,  
18 under Article IX and the "Illinois Act on the Aging",  
19 ~~approved--August--29,--1973,--as-amended,~~ such rehabilitative,  
20 training or other social services as are appropriate to their  
21 condition.

22 (Source: P.A. 83-333; revised 12-07-01.)

23 (305 ILCS 5/5-12) (from Ch. 23, par. 5-12)

24 Sec. 5-12. Funeral and burial. Upon the death of a  
25 recipient who qualified under class 2, 3 or 4 of Section 5-2,  
26 if his estate is insufficient to pay his funeral and burial  
27 expenses and if no other resources, including assistance from  
28 legally responsible relatives, are available for such  
29 purposes, there shall be paid, in accordance with the  
30 standards, rules and regulations of the Illinois Department  
31 of Human Services, such reasonable amounts as may be  
32 necessary to meet the costs of the funeral, burial space, and

1 cemetery charges, or to reimburse any person not financially  
2 responsible for the deceased who has have voluntarily made  
3 expenditures for such costs.

4 (Source: P.A. 89-507, eff. 7-1-97; 90-372, eff. 7-1-98;  
5 revised 12-04-01.)

6 (305 ILCS 5/8A-7.1) (from Ch. 23, par. 8A-7.1)

7 Sec. 8A-7.1. The Director, upon making a determination  
8 based upon information in the possession of the Illinois  
9 Department, that continuation in practice of a licensed  
10 health care professional would constitute an immediate danger  
11 to the public, shall submit a written communication to the  
12 Director of Professional Regulation indicating such  
13 determination and additionally providing a complete summary  
14 of the information upon which such determination is based,  
15 and recommending that the Director of Professional Regulation  
16 immediately suspend such person's license. All relevant  
17 evidence, or copies thereof, in the Illinois Department's  
18 possession may also be submitted in conjunction with the  
19 written communication. A copy of such written communication,  
20 which is exempt from the copying and inspection provisions of  
21 the Freedom of Information Act, shall at the time of  
22 submittal to the Director of Professional Regulation be  
23 simultaneously mailed to the last known business address of  
24 such licensed health care professional by certified or  
25 registered postage, United States Mail, return receipt  
26 requested. Any evidence, or copies thereof, which is  
27 submitted in conjunction with the written communication is  
28 also exempt from the copying and inspection provisions of the  
29 Freedom of Information Act.

30 The Director, upon making a determination based upon  
31 information in the possession of the Illinois Department,  
32 that a licensed health care professional is willfully  
33 committing fraud upon the Illinois Department's medical

1 assistance program, shall submit a written communication to  
2 the Director of Professional Regulation indicating such  
3 determination and additionally providing a complete summary  
4 of the information upon which such determination is based.  
5 All relevant evidence, or copies thereof, in the Illinois  
6 Department's possession may also be submitted in conjunction  
7 with the written communication.

8 Upon receipt of such written communication, the Director  
9 of Professional Regulation shall promptly investigate the  
10 allegations contained in such written communication. A copy  
11 of such written communication, which is exempt from the  
12 copying and inspection provisions of the Freedom of  
13 Information Act, shall at the time of submission to the  
14 Director of Professional Regulation, be simultaneously mailed  
15 to the last known address of such licensed health care  
16 professional by certified or registered postage, United  
17 States Mail, return receipt requested. Any evidence, or  
18 copies thereof, which is submitted in conjunction with the  
19 written communication is also exempt from the copying and  
20 inspection provisions of the Freedom of Information Act.

21 For the purposes of this Section, "licensed health care  
22 professional" means any person licensed under the Illinois  
23 Dental Practice Act, the Nursing and Advanced Practice  
24 Nursing Act, the Medical Practice Act of 1987, the Pharmacy  
25 Practice Act of 1987, the Podiatric Medical Practice Act of  
26 1987, or and the Illinois Optometric Practice Act of 1987.

27 (Source: P.A. 90-742, eff. 8-13-98; revised 12-13-01.)

28 (305 ILCS 5/9-1) (from Ch. 23, par. 9-1)

29 Sec. 9-1. Declaration of Purpose. It is the purpose of  
30 this Article to aid applicants for and recipients of public  
31 aid under Articles III, IV, V, and VI, to increase their  
32 capacities for self-support, self-care, and responsible  
33 citizenship, and to assist them in maintaining and

1 strengthening family life. If authorized pursuant to Section  
2 9-8, this Article may be extended to former and potential  
3 recipients and to persons whose income does not exceed the  
4 standard established to determine eligibility for aid as a  
5 medically indigent person under Article V. The Department,  
6 with the written consent of the Governor, may also:

7 (a) extend this Article to individuals and their  
8 families with income closely related to national indices of  
9 poverty who have special needs resulting from  
10 institutionalization of a family member or conditions that  
11 may lead to institutionalization or who live in impoverished  
12 areas or in facilities developed to serve persons of low  
13 income;

14 (b) establish, where indicated, schedules of payment for  
15 service provided based on ability to pay;

16 (c) provide for the coordinated delivery of the services  
17 described in this Article and related services offered by  
18 other public or private agencies or institutions, and  
19 cooperate with the Illinois Department on Aging to enable it  
20 to properly execute and fulfill its duties pursuant to the  
21 provisions of Section 4.01 of the "Illinois Act on the  
22 Aging", as now or hereafter amended;

23 (d) provide in-home care services, such as chore and  
24 housekeeping services or homemaker services, to recipients of  
25 public aid under Articles IV and VI, the scope and  
26 eligibility criteria for such services to be determined by  
27 rule;

28 (e) contract with other State agencies for the purchase  
29 of social service under Title XX of the Social Security Act,  
30 such services to be provided pursuant to such other agencies'  
31 enabling legislation; and

32 (f) cooperate with the Illinois Department of Public Aid  
33 to provide services to public aid recipients for the  
34 treatment and prevention of alcoholism and substance abuse.

1 (Source: P.A. 92-16, eff. 6-28-01; 92-111, eff. 1-1-02;  
2 revised 10-15-01.)

3 (305 ILCS 5/10-3) (from Ch. 23, par. 10-3)

4 Sec. 10-3. Standard and Regulations for Determining  
5 Ability to Support.† The Illinois Department shall establish  
6 a standard by which shall be measured the ability of  
7 responsible relatives to provide support, and shall implement  
8 the standard by rules governing its application. The  
9 standard and the rules shall take into account the buying and  
10 consumption patterns of self-supporting persons of modest  
11 income, present or future contingencies having direct bearing  
12 on maintenance of the relative's self-support status and  
13 fulfillment of his obligations to his immediate family, and  
14 any unusual or exceptional circumstances including  
15 estrangement or other personal or social factors, that have a  
16 bearing on family relationships and the relative's ability to  
17 meet his support obligations. The standard shall be  
18 recomputed periodically to reflect changes in the cost of  
19 living and other pertinent factors.

20 In addition to the standard, the Illinois Department may  
21 establish guidelines to be used exclusively to measure the  
22 ability of responsible relatives to provide support on behalf  
23 of applicants for or recipients of financial aid under  
24 Article IV of this Act and other persons who are given access  
25 to the child and spouse support services of this Article as  
26 provided in Section 10-1. In such case, the Illinois  
27 Department shall base the guidelines upon the applicable  
28 provisions of Sections 504, 505 and 505.2 of the Illinois  
29 Marriage and Dissolution of Marriage Act, as amended, and  
30 shall implement such guidelines by rules governing their  
31 application.

32 The term "administrative administration enforcement  
33 unit", when used in this Article, means local governmental

1 units or the Child and Spouse Support Unit established under  
2 Section 10-3.1 when exercising the powers designated in this  
3 Article. The administrative enforcement unit shall apply the  
4 standard or guidelines, rules and procedures provided for by  
5 this Section and Sections 10-4 through 10-8 in determining  
6 the ability of responsible relatives to provide support for  
7 applicants for or recipients of financial aid under this  
8 Code, except that the administrative enforcement unit may  
9 apply such standard or guidelines, rules and procedures at  
10 its discretion with respect to those applicants for or  
11 recipients of financial aid under Article IV and other  
12 persons who are given access to the child and spouse support  
13 services of this Article as provided by Section 10-1.

14 (Source: P.A. 86-649; revised 12-13-01.)

15 (305 ILCS 5/10-10.5)

16 Sec. 10-10.5. Information to State Case Registry.

17 (a) In this Section:

18 "Order for support", "obligor", "obligee", and "business  
19 day" are defined as set forth in the Income Withholding for  
20 Support Act.

21 "State Case Registry" means the State Case Registry  
22 established under Section 10-27 of this Code.

23 (b) Each order for support entered or modified by the  
24 circuit court under Section 10-10 shall require that the  
25 obligor and obligee (i) file with the clerk of the circuit  
26 court the information required by this Section (and any other  
27 information required under Title IV, Part D of the Social  
28 Security Act or by the federal Department of Health and Human  
29 Services) at the time of entry or modification of the order  
30 for support and (ii) file updated information with the clerk  
31 within 5 business days of any change. Failure of the obligor  
32 or obligee to file or update the required information shall  
33 be punishable as in cases of contempt. The failure shall not

1 prevent the court from entering or modifying the order for  
2 support, however.

3 (c) The obligor shall file the following information:  
4 the obligor's name, date of birth, social security number,  
5 and mailing address.

6 If either the obligor or the obligee receives child  
7 support enforcement services from the Illinois Department  
8 under Article X of this Code, the obligor shall also file the  
9 following information: the obligor's telephone number,  
10 driver's license number, and residential address (if  
11 different from the obligor's mailing address), and the name,  
12 address, and telephone number of the obligor's employer or  
13 employers.

14 (d) The obligee shall file the following information:

15 (1) The names of the obligee and the child or  
16 children covered by the order for support.

17 (2) The dates of birth of the obligee and the child  
18 or children covered by the order for support.

19 (3) The social security numbers of the obligee and  
20 the child or children covered by the order for support.

21 (4) The obligee's mailing address.

22 (e) In cases in which the obligee receives child support  
23 enforcement services from the Illinois Department under  
24 Article X of this Code, the order for support shall (i)  
25 require that the obligee file the information required under  
26 subsection (d) with the Illinois Department for inclusion in  
27 the State Case Registry, rather than file the information  
28 with the clerk, and (ii) require that the obligee include the  
29 following additional information:

30 (1) The obligee's telephone and driver's license  
31 numbers.

32 (2) The obligee's residential address, if different  
33 from the obligee's mailing address.

34 (3) The name, address, and telephone number of the

1 obligee's employer or employers.

2 The order for support shall also require that the obligee  
3 update the information filed with the Illinois Department  
4 within 5 business days of any change.

5 (f) The clerk shall provide the information filed under  
6 this Section, together with the court docket number and  
7 county in which the order for support was entered, to the  
8 State Case Registry within 5 business days after receipt of  
9 the information.

10 (g) In a case in which a party is receiving child  
11 support enforcement services under Article X of this Code,  
12 the clerk shall provide the following additional information  
13 to the State Case Registry within 5 business days after entry  
14 or modification of an order for support or request from the  
15 Illinois Department:

16 (1) The amount of monthly or other periodic support  
17 owed under the order for support and other amounts,  
18 including arrearage, interest, or late payment penalties  
19 and fees, due or overdue under the order.

20 (2) Any such amounts that have been received by the  
21 clerk, and the distribution of those amounts by the  
22 clerk.

23 (h) Information filed by the obligor and obligee under  
24 this Section that is not specifically required to be included  
25 in the body of an order for support under other laws is not a  
26 public record and shall be treated as confidential and  
27 subject to disclosure only in accordance with the provisions  
28 of this Section, Section 10-27 of this Code, and Title IV,  
29 Part D of the Social Security Act. be

30 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;  
31 92-463, eff. 8-22-01; revised 10-12-01.)

32 (305 ILCS 5/11-22b) (from Ch. 23, par. 11-22b)

33 Sec. 11-22b. Recoveries.

1 (a) As used in this Section:

2 (1) "Carrier" means any insurer, including any private  
3 company, corporation, mutual association, trust fund,  
4 reciprocal or interinsurance exchange authorized under the  
5 laws of this State to insure persons against liability or  
6 injuries caused to another and any insurer providing benefits  
7 under a policy of bodily injury liability insurance covering  
8 liability arising out of the ownership, maintenance or use of  
9 a motor vehicle which provides uninsured motorist endorsement  
10 or coverage.

11 (2) "Beneficiary" means any person or their dependents  
12 who has received benefits or will be provided benefits under  
13 this Code because of an injury for which another person may  
14 be liable. It includes such beneficiary's guardian,  
15 conservator or other personal representative, his estate or  
16 survivors.

17 (b) (1) When benefits are provided or will be provided  
18 to a beneficiary under this Code because of an injury for  
19 which another person is liable, or for which a carrier is  
20 liable in accordance with the provisions of any policy of  
21 insurance issued pursuant to the Illinois Insurance Code, the  
22 Illinois Department shall have a right to recover from such  
23 person or carrier the reasonable value of benefits so  
24 provided. The Attorney General may, to enforce such right,  
25 institute and prosecute legal proceedings against the third  
26 person or carrier who may be liable for the injury in an  
27 appropriate court, either in the name of the Illinois  
28 Department or in the name of the injured person, his  
29 guardian, personal representative, estate, or survivors.

30 (2) The Department may:

31 (A) compromise or settle and release any such claim  
32 for benefits provided under this Code, or

33 (B) waive any such claims for benefits provided  
34 under this Code, in whole or in part, for the convenience

1 of the Department or if the Department determines that  
2 collection would result in undue hardship upon the person  
3 who suffered the injury or, in a wrongful death action,  
4 upon the heirs of the deceased.

5 (3) No action taken on behalf of the Department pursuant  
6 to this Section or any judgment rendered in such action shall  
7 be a bar to any action upon the claim or cause of action of  
8 the beneficiary, his guardian, conservator, personal  
9 representative, estate, dependents or survivors against the  
10 third person who may be liable for the injury, or shall  
11 operate to deny to the beneficiary the recovery for that  
12 portion of any damages not covered hereunder.

13 (c) (1) When an action is brought by the Department  
14 pursuant to subsection (b), it shall be commenced within the  
15 period prescribed by Article XIII of the Code of Civil  
16 Procedure.

17 However, the Department may not commence the action prior  
18 to 5 months before the end of the applicable period  
19 prescribed by Article XIII of the Code of Civil Procedure.  
20 Thirty days prior to commencing an action, the Department  
21 shall notify the beneficiary of the Department's intent to  
22 commence such an action.

23 (2) The death of the beneficiary does not abate any  
24 right of action established by subsection (b).

25 (3) When an action or claim is brought by persons  
26 entitled to bring such actions or assert such claims against  
27 a third person who may be liable for causing the death of a  
28 beneficiary, any settlement, judgment or award obtained is  
29 subject to the Department's claim for reimbursement of the  
30 benefits provided to the beneficiary under this Code.

31 (4) When the action or claim is brought by the  
32 beneficiary alone and the beneficiary incurs a personal  
33 liability to pay attorney's fees and costs of litigation, the  
34 Department's claim for reimbursement of the benefits provided

1 to the beneficiary shall be the full amount of benefits paid  
2 on behalf of the beneficiary under this Code less a pro rata  
3 share which represents the Department's reasonable share of  
4 attorney's fees paid by the beneficiary and that portion of  
5 the cost of litigation expenses determined by multiplying by  
6 the ratio of the full amount of the expenditures of the full  
7 amount of the judgment, award or settlement.

8 (d) (1) If either the beneficiary or the Department  
9 brings an action or claim against such third party or  
10 carrier, the beneficiary or the Department shall within 30  
11 days of filing the action give to the other written notice by  
12 personal service or registered mail of the action or claim  
13 and of the name of the court in which the action or claim is  
14 brought. Proof of such notice shall be filed in such action  
15 or claim. If an action or claim is brought by either the  
16 Department or the beneficiary, the other may, at any time  
17 before trial on the facts, become a party to such action or  
18 claim or shall consolidate his action or claim with the other  
19 if brought independently.

20 (2) If an action or claim is brought by the Department  
21 pursuant to subsection (b)(1), written notice to the  
22 beneficiary, guardian, personal representative, estate or  
23 survivor given pursuant to this Section shall advise him of  
24 his right to intervene in the proceeding, his right to obtain  
25 a private attorney of his choice and the Department's right  
26 to recover the reasonable value of the benefits provided.

27 (e) In the event of judgment or award in a suit or claim  
28 against such third person or carrier:

29 (1) If the action or claim is prosecuted by the  
30 beneficiary alone, the court shall first order paid from any  
31 judgment or award the reasonable litigation expenses incurred  
32 in preparation and prosecution of such action or claim,  
33 together with reasonable attorney's fees, when an attorney  
34 has been retained. After payment of such expenses and

1 attorney's fees the court shall, on the application of the  
2 Department, allow as a first lien against the amount of such  
3 judgment or award the amount of the Department's expenditures  
4 for the benefit of the beneficiary under this Code, as  
5 provided in subsection (c)(4).

6 (2) If the action or claim is prosecuted both by the  
7 beneficiary and the Department, the court shall first order  
8 paid from any judgment or award the reasonable litigation  
9 expenses incurred in preparation and prosecution of such  
10 action or claim, together with reasonable attorney's fees for  
11 plaintiffs attorneys based solely on the services rendered  
12 for the benefit of the beneficiary. After payment of such  
13 expenses and attorney's fees, the court shall apply out of  
14 the balance of such judgment or award an amount sufficient to  
15 reimburse the Department the full amount of benefits paid on  
16 behalf of the beneficiary under this Code.

17 (f) The court shall, upon further application at any  
18 time before the judgment or award is satisfied, allow as a  
19 further lien the amount of any expenditures of the Department  
20 in payment of additional benefits arising out of the same  
21 cause of action or claim provided on behalf of the  
22 beneficiary under this Code, when such benefits were provided  
23 or became payable subsequent to the original order.

24 (g) No judgment, award, or settlement in any action or  
25 claim by a beneficiary to recover damages for injuries, when  
26 the Department has an interest, shall be satisfied without  
27 first giving the Department notice and a reasonable  
28 opportunity to perfect and satisfy its his lien.

29 (h) When the Department has perfected a lien upon a  
30 judgment or award in favor of a beneficiary against any third  
31 party for an injury for which the beneficiary has received  
32 benefits under this Code, the Department shall be entitled to  
33 a writ of execution as lien claimant to enforce payment of  
34 said lien against such third party with interest and other

1 accruing costs as in the case of other executions. In the  
2 event the amount of such judgment or award so recovered has  
3 been paid to the beneficiary, the Department shall be  
4 entitled to a writ of execution against such beneficiary to  
5 the extent of the Department's lien, with interest and other  
6 accruing costs as in the case of other executions.

7 (i) Except as otherwise provided in this Section,  
8 notwithstanding any other provision of law, the entire amount  
9 of any settlement of the injured beneficiary's action or  
10 claim, with or without suit, is subject to the Department's  
11 claim for reimbursement of the benefits provided and any lien  
12 filed pursuant thereto to the same extent and subject to the  
13 same limitations as in Section 11-22 of this Code.

14 (Source: P.A. 84-1402; revised 12-04-01.)

15 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

16 Sec. 12-4.25. Medical assistance program; vendor  
17 participation.

18 (A) The Illinois Department may deny, suspend or  
19 terminate the eligibility of any person, firm, corporation,  
20 association, agency, institution or other legal entity to  
21 participate as a vendor of goods or services to recipients  
22 under the medical assistance program under Article V, if  
23 after reasonable notice and opportunity for a hearing the  
24 Illinois Department finds:

25 (a) Such vendor is not complying with the  
26 Department's policy or rules and regulations, or with the  
27 terms and conditions prescribed by the Illinois  
28 Department in its vendor agreement, which document shall  
29 be developed by the Department as a result of  
30 negotiations with each vendor category, including  
31 physicians, hospitals, long term care facilities,  
32 pharmacists, optometrists, podiatrists and dentists  
33 setting forth the terms and conditions applicable to the

1 participation of each vendor group in the program; or

2 (b) Such vendor has failed to keep or make  
3 available for inspection, audit or copying, after  
4 receiving a written request from the Illinois Department,  
5 such records regarding payments claimed for providing  
6 services. This section does not require vendors to make  
7 available patient records of patients for whom services  
8 are not reimbursed under this Code; or

9 (c) Such vendor has failed to furnish any  
10 information requested by the Department regarding  
11 payments for providing goods or services; or

12 (d) Such vendor has knowingly made, or caused to be  
13 made, any false statement or representation of a material  
14 fact in connection with the administration of the medical  
15 assistance program; or

16 (e) Such vendor has furnished goods or services to  
17 a recipient which are (1) in excess of his or her needs,  
18 (2) harmful to the recipient, or (3) of grossly inferior  
19 quality, all of such determinations to be based upon  
20 competent medical judgment and evaluations; or

21 (f) The vendor; a person with management  
22 responsibility for a vendor; an officer or person owning,  
23 either directly or indirectly, 5% or more of the shares  
24 of stock or other evidences of ownership in a corporate  
25 vendor; an owner of a sole proprietorship which is a  
26 vendor; or a partner in a partnership which is a vendor,  
27 either:

28 (1) was previously terminated from  
29 participation in the Illinois medical assistance  
30 program, or was terminated from participation in a  
31 medical assistance program in another state that is  
32 of the same kind as the program of medical  
33 assistance provided under Article V of this Code; or

34 (2) was a person with management

1 responsibility for a vendor previously terminated  
2 from participation in the Illinois medical  
3 assistance program, or terminated from participation  
4 in a medical assistance program in another state  
5 that is of the same kind as the program of medical  
6 assistance provided under Article V of this Code,  
7 during the time of conduct which was the basis for  
8 that vendor's termination; or

9 (3) was an officer, or person owning, either  
10 directly or indirectly, 5% or more of the shares of  
11 stock or other evidences of ownership in a corporate  
12 vendor previously terminated from participation in  
13 the Illinois medical assistance program, or  
14 terminated from participation in a medical  
15 assistance program in another state that is of the  
16 same kind as the program of medical assistance  
17 provided under Article V of this Code, during the  
18 time of conduct which was the basis for that  
19 vendor's termination; or

20 (4) was an owner of a sole proprietorship or  
21 partner of a partnership previously terminated from  
22 participation in the Illinois medical assistance  
23 program, or terminated from participation in a  
24 medical assistance program in another state that is  
25 of the same kind as the program of medical  
26 assistance provided under Article V of this Code,  
27 during the time of conduct which was the basis for  
28 that vendor's termination; or

29 (g) The vendor; a person with management  
30 responsibility for a vendor; an officer or person owning,  
31 either directly or indirectly, 5% or more of the shares  
32 of stock or other evidences of ownership in a corporate  
33 vendor; an owner of a sole proprietorship which is a  
34 vendor; or a partner in a partnership which is a vendor,

1           either:

2                       (1) has engaged in practices prohibited by  
3           applicable federal or State law or regulation  
4           relating to the medical assistance program; or

5                       (2) was a person with management  
6           responsibility for a vendor at the time that such  
7           vendor engaged in practices prohibited by applicable  
8           federal or State law or regulation relating to the  
9           medical assistance program; or

10                      (3) was an officer, or person owning, either  
11           directly or indirectly, 5% or more of the shares of  
12           stock or other evidences of ownership in a vendor at  
13           the time such vendor engaged in practices prohibited  
14           by applicable federal or State law or regulation  
15           relating to the medical assistance program; or

16                      (4) was an owner of a sole proprietorship or  
17           partner of a partnership which was a vendor at the  
18           time such vendor engaged in practices prohibited by  
19           applicable federal or State law or regulation  
20           relating to the medical assistance program; or;

21                      (h) The direct or indirect ownership of the vendor  
22           (including the ownership of a vendor that is a sole  
23           proprietorship, a partner's interest in a vendor that is  
24           a partnership, or ownership of 5% or more of the shares  
25           of stock or other evidences of ownership in a corporate  
26           vendor) has been transferred by an individual who is  
27           terminated or barred from participating as a vendor to  
28           the individual's spouse, child, brother, sister, parent,  
29           grandparent, grandchild, uncle, aunt, niece, nephew,  
30           cousin, or relative by marriage.

31                      (A-5) The Illinois Department may deny, suspend, or  
32           terminate the eligibility of any person, firm, corporation,  
33           association, agency, institution, or other legal entity to  
34           participate as a vendor of goods or services to recipients

1 under the medical assistance program under Article V if,  
2 after reasonable notice and opportunity for a hearing, the  
3 Illinois Department finds that the vendor; a person with  
4 management responsibility for a vendor; an officer or person  
5 owning, either directly or indirectly, 5% or more of the  
6 shares of stock or other evidences of ownership in a  
7 corporate vendor; an owner of a sole proprietorship that is a  
8 vendor; or a partner in a partnership that is a vendor has  
9 been convicted of a felony offense based on fraud or willful  
10 misrepresentation related to any of the following:

11 (1) The medical assistance program under Article V  
12 of this Code.

13 (2) A medical assistance program in another state  
14 that is of the same kind as the program of medical  
15 assistance provided under Article V of this Code.

16 (3) The Medicare program under Title XVIII of the  
17 Social Security Act.

18 (4) The provision of health care services.

19 (B) The Illinois Department shall deny, suspend or  
20 terminate the eligibility of any person, firm, corporation,  
21 association, agency, institution or other legal entity to  
22 participate as a vendor of goods or services to recipients  
23 under the medical assistance program under Article V:

24 (1) if such vendor is not properly licensed;

25 (2) within 30 days of the date when such vendor's  
26 professional license, certification or other  
27 authorization has been refused renewal or has been  
28 revoked, suspended or otherwise terminated; or

29 (3) if such vendor has been convicted of a  
30 violation of this Code, as provided in Article VIIIA.

31 (C) Upon termination of a vendor of goods or services  
32 from participation in the medical assistance program  
33 authorized by this Article, a person with management  
34 responsibility for such vendor during the time of any conduct

1 which served as the basis for that vendor's termination is  
2 barred from participation in the medical assistance program.

3 Upon termination of a corporate vendor, the officers and  
4 persons owning, directly or indirectly, 5% or more of the  
5 shares of stock or other evidences of ownership in the vendor  
6 during the time of any conduct which served as the basis for  
7 that vendor's termination are barred from participation in  
8 the medical assistance program. A person who owns, directly  
9 or indirectly, 5% or more of the shares of stock or other  
10 evidences of ownership in a terminated corporate vendor may  
11 not transfer his or her ownership interest in that vendor to  
12 his or her spouse, child, brother, sister, parent,  
13 grandparent, grandchild, uncle, aunt, niece, nephew, cousin,  
14 or relative by marriage.

15 Upon termination of a sole proprietorship or partnership,  
16 the owner or partners during the time of any conduct which  
17 served as the basis for that vendor's termination are barred  
18 from participation in the medical assistance program. The  
19 owner of a terminated vendor that is a sole proprietorship,  
20 and a partner in a terminated vendor that is a partnership,  
21 may not transfer his or her ownership or partnership interest  
22 in that vendor to his or her spouse, child, brother, sister,  
23 parent, grandparent, grandchild, uncle, aunt, niece, nephew,  
24 cousin, or relative by marriage.

25 Rules adopted by the Illinois Department to implement  
26 these provisions shall specifically include a definition of  
27 the term "management responsibility" as used in this Section.  
28 Such definition shall include, but not be limited to, typical  
29 job titles, and duties and descriptions which will be  
30 considered as within the definition of individuals with  
31 management responsibility for a provider.

32 (D) If a vendor has been suspended from the medical  
33 assistance program under Article V of the Code, the Director  
34 may require that such vendor correct any deficiencies which

1 served as the basis for the suspension. The Director shall  
2 specify in the suspension order a specific period of time,  
3 which shall not exceed one year from the date of the order,  
4 during which a suspended vendor shall not be eligible to  
5 participate. At the conclusion of the period of suspension  
6 the Director shall reinstate such vendor, unless he finds  
7 that such vendor has not corrected deficiencies upon which  
8 the suspension was based.

9 If a vendor has been terminated from the medical  
10 assistance program under Article V, such vendor shall be  
11 barred from participation for at least one year. At the end  
12 of one year a vendor who has been terminated may apply for  
13 reinstatement to the program. Upon proper application to be  
14 reinstated such vendor may be deemed eligible by the Director  
15 providing that such vendor meets the requirements for  
16 eligibility under this Code. If such vendor is deemed not  
17 eligible for reinstatement, he shall be barred from again  
18 applying for reinstatement for one year from the date his  
19 application for reinstatement is denied.

20 A vendor whose termination from participation in the  
21 Illinois medical assistance program under Article V was based  
22 solely on an action by a governmental entity other than the  
23 Illinois Department may, upon reinstatement by that  
24 governmental entity or upon reversal of the termination,  
25 apply for rescission of the termination from participation in  
26 the Illinois medical assistance program. Upon proper  
27 application for rescission, the vendor may be deemed eligible  
28 by the Director if the vendor meets the requirements for  
29 eligibility under this Code.

30 If a vendor has been terminated and reinstated to the  
31 medical assistance program under Article V and the vendor is  
32 terminated a second or subsequent time from the medical  
33 assistance program, the vendor shall be barred from  
34 participation for at least 2 years. At the end of 2 years, a

1 vendor who has been terminated may apply for reinstatement to  
2 the program. Upon application to be reinstated, the vendor  
3 may be deemed eligible if the vendor meets the requirements  
4 for eligibility under this Code. If the vendor is deemed not  
5 eligible for reinstatement, the vendor shall be barred from  
6 again applying for reinstatement for 2 years from the date  
7 the vendor's application for reinstatement is denied.

8 (E) The Illinois Department may recover money improperly  
9 or erroneously paid, or overpayments, either by setoff,  
10 crediting against future billings or by requiring direct  
11 repayment to the Illinois Department.

12 (F) The Illinois Department may withhold payments to any  
13 vendor during the pendency of any proceeding under this  
14 Section except that if a final administrative decision has  
15 not been issued within 120 days of the initiation of such  
16 proceedings, unless delay has been caused by the vendor,  
17 payments can no longer be withheld, provided, however, that  
18 the 120 day limit may be extended if said extension is  
19 mutually agreed to by the Illinois Department and the vendor.  
20 The Illinois Department shall state by rule with as much  
21 specificity as practicable the conditions under which  
22 payments will not be withheld during the pendency of any  
23 proceeding under this Section. Payments may be denied for  
24 bills submitted with service dates occurring during the  
25 pendency of a proceeding where the final administrative  
26 decision is to terminate eligibility to participate in the  
27 medical assistance program. The Illinois Department shall  
28 state by rule with as much specificity as practicable the  
29 conditions under which payments will not be denied for such  
30 bills.

31 (F-5) The Illinois Department may temporarily withhold  
32 payments to a vendor if any of the following individuals have  
33 been indicted or otherwise charged under a law of the United  
34 States or this or any other state with a felony offense that

1 is based on alleged fraud or willful misrepresentation on the  
2 part of the individual related to (i) the medical assistance  
3 program under Article V of this Code, (ii) a medical  
4 assistance program provided in another state which is of the  
5 kind provided under Article V of this Code, (iii) the  
6 Medicare program under Title XVIII of the Social Security  
7 Act, or (iv) the provision of health care services:

8 (1) If the vendor is a corporation: an officer of  
9 the corporation or an individual who owns, either  
10 directly or indirectly, 5% or more of the shares of stock  
11 or other evidence of ownership of the corporation.

12 (2) If the vendor is a sole proprietorship: the  
13 owner of the sole proprietorship.

14 (3) If the vendor is a partnership: a partner in  
15 the partnership.

16 (4) If the vendor is any other business entity  
17 authorized by law to transact business in this State: an  
18 officer of the entity or an individual who owns, either  
19 directly or indirectly, 5% or more of the evidences of  
20 ownership of the entity.

21 If the Illinois Department withholds payments to a vendor  
22 under this subsection, the Department shall not release those  
23 payments to the vendor while any criminal proceeding related  
24 to the indictment or charge is pending unless the Department  
25 determines that there is good cause to release the payments  
26 before completion of the proceeding. If the indictment or  
27 charge results in the individual's conviction, the Illinois  
28 Department shall retain all withheld payments, which shall be  
29 considered forfeited to the Department. If the indictment or  
30 charge does not result in the individual's conviction, the  
31 Illinois Department shall release to the vendor all withheld  
32 payments.

33 (G) The provisions of the Administrative Review Law, as  
34 now or hereafter amended, and the rules adopted pursuant

1 thereto, shall apply to and govern all proceedings for the  
2 judicial review of final administrative decisions of the  
3 Illinois Department under this Section. The term  
4 "administrative decision" is defined as in Section 3-101 of  
5 the Code of Civil Procedure.

6 (H) Nothing contained in this Code shall in any way  
7 limit or otherwise impair the authority or power of any State  
8 agency responsible for licensing of vendors.

9 (I) Based on a finding of noncompliance on the part of a  
10 nursing home with any requirement for certification under  
11 Title XVIII or XIX of the Social Security Act (42 U.S.C. Sec.  
12 1395 et seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois  
13 Department may impose one or more of the following remedies  
14 after notice to the facility:

- 15 (1) Termination of the provider agreement.
- 16 (2) Temporary management.
- 17 (3) Denial of payment for new admissions.
- 18 (4) Civil money penalties.
- 19 (5) Closure of the facility in emergency situations  
20 or transfer of residents, or both.
- 21 (6) State monitoring.
- 22 (7) Denial of all payments when the Health Care  
23 Finance Administration has imposed this sanction.

24 The Illinois Department shall by rule establish criteria  
25 governing continued payments to a nursing facility subsequent  
26 to termination of the facility's provider agreement if, in  
27 the sole discretion of the Illinois Department, circumstances  
28 affecting the health, safety, and welfare of the facility's  
29 residents require those continued payments. The Illinois  
30 Department may condition those continued payments on the  
31 appointment of temporary management, sale of the facility to  
32 new owners or operators, or other arrangements that the  
33 Illinois Department determines best serve the needs of the  
34 facility's residents.

1           Except in the case of a facility that has a right to a  
2 hearing on the finding of noncompliance before an agency of  
3 the federal government, a facility may request a hearing  
4 before a State agency on any finding of noncompliance within  
5 60 days after the notice of the intent to impose a remedy.  
6 Except in the case of civil money penalties, a request for a  
7 hearing shall not delay imposition of the penalty. The  
8 choice of remedies is not appealable at a hearing. The level  
9 of noncompliance may be challenged only in the case of a  
10 civil money penalty. The Illinois Department shall provide by  
11 rule for the State agency that will conduct the evidentiary  
12 hearings.

13           The Illinois Department may collect interest on unpaid  
14 civil money penalties.

15           The Illinois Department may adopt all rules necessary to  
16 implement this subsection (I).

17 (Source: P.A. 92-327, eff. 1-1-02; revised 9-18-01.)

18           (305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)

19           Sec. 12-10.2. The Child Support Enforcement Trust Fund.

20           (a) The Child Support Enforcement Trust Fund, to be held  
21 by the State Treasurer as ex-officio custodian outside the  
22 State Treasury, pursuant to the Child Support Enforcement  
23 Program established by Title IV-D of the Social Security Act,  
24 shall consist of:

25           (1) all support payments assigned to the Illinois  
26 Department under Article X of this Code and rules  
27 promulgated by the Illinois Department that are disbursed  
28 to the Illinois Department by the State Disbursement Unit  
29 established under Section 10-26,

30           (2) all support payments received by the Illinois  
31 Department as a result of the Child Support Enforcement  
32 Program established by Title IV-D of the Social Security  
33 Act that are not required or directed to be paid to the

1 State Disbursement Unit established under Section 10-26,  
2 (3) all federal grants received by the Illinois  
3 Department funded by Title IV-D of the Social Security  
4 Act, except those federal funds received under the Title  
5 IV-D program as reimbursement for expenditures from the  
6 General Revenue Fund,

7 (4) incentive payments received by the Illinois  
8 Department from other states or political subdivisions of  
9 other states for the enforcement and collection by the  
10 Department of an assigned child support obligation in  
11 behalf of such other states or their political  
12 subdivisions pursuant to the provisions of Title IV-D of  
13 the Social Security Act,

14 (5) incentive payments retained by the Illinois  
15 Department from the amounts which otherwise would be paid  
16 to the federal government to reimburse the federal  
17 government's share of the support collection for the  
18 Department's enforcement and collection of an assigned  
19 support obligation on behalf of the State of Illinois  
20 pursuant to the provisions of Title IV-D of the Social  
21 Security Act,

22 (6) all fees charged by the Department for child  
23 support enforcement services, as authorized under Title  
24 IV-D of the Social Security Act and Section 10-1 of this  
25 Code, and any other fees, costs, fines, recoveries, or  
26 penalties provided for by State or federal law and  
27 received by the Department under the Child Support  
28 Enforcement Program established by Title IV-D of the  
29 Social Security Act, and

30 (7) all amounts appropriated by the General  
31 Assembly for deposit into the Fund, and

32 (8) any gifts, grants, donations, or awards from  
33 individuals, private businesses, nonprofit associations,  
34 and governmental entities.

1 (b) Disbursements from this Fund shall be only for the  
2 following purposes:

3 (1) for the reimbursement of funds received by the  
4 Illinois Department through error or mistake,

5 (2) for payments to non-recipients, current  
6 recipients, and former recipients of financial aid of  
7 support payments received on their behalf under Article X  
8 of this Code that are not required to be disbursed by the  
9 State Disbursement Unit established under Section 10.26,

10 (3) for any other payments required by law to be  
11 paid by the Illinois Department to non-recipients,  
12 current recipients, and former recipients,

13 (4) for payment of any administrative expenses  
14 incurred through fiscal year 2002, but not thereafter,  
15 including payment to the Health Insurance Reserve Fund  
16 for group insurance costs at the rate certified by the  
17 Department of Central Management Services, except those  
18 required to be paid from the General Revenue Fund,  
19 including personal and contractual services, incurred in  
20 performing the Title IV-D activities authorized by  
21 Article X of this Code,

22 (5) for the reimbursement of the Public Assistance  
23 Emergency Revolving Fund for expenditures made from that  
24 Fund for payments to former recipients of public aid for  
25 child support made to the Illinois Department when the  
26 former public aid recipient is legally entitled to all or  
27 part of the child support payments, pursuant to the  
28 provisions of Title IV-D of the Social Security Act,

29 (6) for the payment of incentive amounts owed to  
30 other states or political subdivisions of other states  
31 that enforce and collect an assigned support obligation  
32 on behalf of the State of Illinois pursuant to the  
33 provisions of Title IV-D of the Social Security Act,

34 (7) for the payment of incentive amounts owed to

1 political subdivisions of the State of Illinois that  
2 enforce and collect an assigned support obligation on  
3 behalf of the State pursuant to the provisions of Title  
4 IV-D of the Social Security Act, and

5 (8) for payments of any amounts which are  
6 reimbursable to the Federal government which are required  
7 to be paid by State warrant by either the State or  
8 Federal government.

9 Disbursements from this Fund shall be by warrants drawn  
10 by the State Comptroller on receipt of vouchers duly executed  
11 and certified by the Illinois Department or any other State  
12 agency that receives an appropriation from the Fund.

13 (c) The Illinois Department's child support  
14 administrative expenses, as defined in Section 12-10.2a, that  
15 are incurred after fiscal year 2002 shall be paid only as  
16 provided in that Section.

17 (Source: P.A. 91-212, eff. 7-20-99; 91-400, eff. 7-30-99;  
18 91-712, eff. 7-1-00; 92-44, eff. 7-1-01; revised 7-24-01.)

19 (305 ILCS 5/12-10.5)

20 Sec. 12-10.5. Medical Special Purposes Trust Fund.

21 (a) The Medical Special Purposes Trust Fund ("the Fund")  
22 is created. Any grant, gift, donation, or legacy of money or  
23 securities that the Department of Public Aid is authorized to  
24 receive under Section 12-4.18 or Section 12-4.19, and that is  
25 dedicated for functions connected with the administration of  
26 any medical program administered by the Department, shall be  
27 deposited into the Fund. All federal moneys received by the  
28 Department as reimbursement for disbursements authorized to  
29 be made from the Fund shall also be deposited into the Fund.

30 (b) No moneys received from a service provider or a  
31 governmental or private entity that is enrolled with the  
32 Department as a provider of medical services shall be  
33 deposited into the Fund.

1 (c) Disbursements may be made from the Fund for the  
 2 purposes connected with the grants, gifts, donations, or  
 3 legacies deposited into the Fund, including, but not limited  
 4 to, medical quality assessment projects, eligibility  
 5 population studies, medical information systems evaluations,  
 6 and other administrative functions that assist the Department  
 7 in fulfilling its health care mission under the Illinois  
 8 Public Aid Code and the Children's Health Insurance Program  
 9 Act.

10 (Source: P.A. 92-37, eff. 7-1-01.)

11 (305 ILCS 5/12-10.6)

12 Sec. 12-10.6. ~~12-10-5.~~ Medicaid Buy-In Program Revolving  
 13 Fund.

14 (a) The Medicaid Buy-In Program Revolving Fund is  
 15 created as a special fund in the State treasury. The Fund  
 16 shall consist of cost-sharing payments made by individuals  
 17 pursuant to the Medicaid Buy-In Program established under  
 18 paragraph 11 of Section 5-2 of this Code. All earnings on  
 19 moneys in the Fund shall be credited to the Fund.

20 (b) Moneys in the Fund shall be appropriated to the  
 21 Department to pay the costs of administering the Medicaid  
 22 Buy-In Program, including payments for medical assistance  
 23 benefits provided to Program participants. The Department  
 24 shall adopt rules specifying the particular purposes for  
 25 which the moneys in the Fund may be spent.

26 (Source: P.A. 92-163, eff. 7-25-01; revised 9-18-01.)

27 Section 65. The Senior Citizens and Disabled Persons  
 28 Property Tax Relief and Pharmaceutical Assistance Act is  
 29 amended by changing Sections 4 and 6 as follows:

30 (320 ILCS 25/4) (from Ch. 67 1/2, par. 404)

31 Sec. 4. Amount of Grant.

1           (a) In general. Any individual 65 years or older or any  
2 individual who will become 65 years old during the calendar  
3 year in which a claim is filed, and any surviving spouse of  
4 such a claimant, who at the time of death received or was  
5 entitled to receive a grant pursuant to this Section, which  
6 surviving spouse will become 65 years of age within the 24  
7 months immediately following the death of such claimant and  
8 which surviving spouse but for his or her age is otherwise  
9 qualified to receive a grant pursuant to this Section, and  
10 any disabled person whose annual household income is less  
11 than \$14,000 for grant years before the 1998 grant year, less  
12 than \$16,000 for the 1998 and 1999 grant years, and less than  
13 (i) \$21,218 for a household containing one person, (ii)  
14 \$28,480 for a household containing 2 persons, or (iii)  
15 \$35,740 for a household containing 3 or more persons for the  
16 2000 grant year and thereafter and whose household is liable  
17 for payment of property taxes accrued or has paid rent  
18 constituting property taxes accrued and is domiciled in this  
19 State at the time he or she files his or her claim is  
20 entitled to claim a grant under this Act. With respect to  
21 claims filed by individuals who will become 65 years old  
22 during the calendar year in which a claim is filed, the  
23 amount of any grant to which that household is entitled shall  
24 be an amount equal to 1/12 of the amount to which the  
25 claimant would otherwise be entitled as provided in this  
26 Section, multiplied by the number of months in which the  
27 claimant was 65 in the calendar year in which the claim is  
28 filed.

29           (b) Limitation. Except as otherwise provided in  
30 subsections (a) and (f) of this Section, the maximum amount  
31 of grant which a claimant is entitled to claim is the amount  
32 by which the property taxes accrued which were paid or  
33 payable during the last preceding tax year or rent  
34 constituting property taxes accrued upon the claimant's

1 residence for the last preceding taxable year exceeds 3 1/2%  
2 of the claimant's household income for that year but in no  
3 event is the grant to exceed (i) \$700 less 4.5% of household  
4 income for that year for those with a household income of  
5 \$14,000 or less or (ii) \$70 if household income for that year  
6 is more than \$14,000.

7 (c) Public aid recipients. If household income in one  
8 or more months during a year includes cash assistance in  
9 excess of \$55 per month from the Department of Public Aid or  
10 the Department of Human Services (acting as successor to the  
11 Department of Public Aid under the Department of Human  
12 Services Act) which was determined under regulations of that  
13 Department on a measure of need that included an allowance  
14 for actual rent or property taxes paid by the recipient of  
15 that assistance, the amount of grant to which that household  
16 is entitled, except as otherwise provided in subsection (a),  
17 shall be the product of (1) the maximum amount computed as  
18 specified in subsection (b) of this Section and (2) the ratio  
19 of the number of months in which household income did not  
20 include such cash assistance over \$55 to the number twelve.  
21 If household income did not include such cash assistance over  
22 \$55 for any months during the year, the amount of the grant  
23 to which the household is entitled shall be the maximum  
24 amount computed as specified in subsection (b) of this  
25 Section. For purposes of this paragraph (c), "cash  
26 assistance" does not include any amount received under the  
27 federal Supplemental Security Income (SSI) program.

28 (d) Joint ownership. If title to the residence is held  
29 jointly by the claimant with a person who is not a member of  
30 his or her household, the amount of property taxes accrued  
31 used in computing the amount of grant to which he or she is  
32 entitled shall be the same percentage of property taxes  
33 accrued as is the percentage of ownership held by the  
34 claimant in the residence.

1 (e) More than one residence. If a claimant has occupied  
2 more than one residence in the taxable year, he or she may  
3 claim only one residence for any part of a month. In the  
4 case of property taxes accrued, he or she shall prorate ~~pre~~  
5 ~~rate~~ 1/12 of the total property taxes accrued on his or her  
6 residence to each month that he or she owned and occupied  
7 that residence; and, in the case of rent constituting  
8 property taxes accrued, shall prorate ~~pre-rate~~ each month's  
9 rent payments to the residence actually occupied during that  
10 month.

11 (f) There is hereby established a program of  
12 pharmaceutical assistance to the aged and disabled which  
13 shall be administered by the Department in accordance with  
14 this Act, to consist of payments to authorized pharmacies, on  
15 behalf of beneficiaries of the program, for the reasonable  
16 costs of covered prescription drugs. Each beneficiary who  
17 pays \$5 for an identification card shall pay no additional  
18 prescription costs. Each beneficiary who pays \$25 for an  
19 identification card shall pay \$3 per prescription. In  
20 addition, after a beneficiary receives \$2,000 in benefits  
21 during a State fiscal year, that beneficiary shall also be  
22 charged 20% of the cost of each prescription for which  
23 payments are made by the program during the remainder of the  
24 fiscal year. To become a beneficiary under this program a  
25 person must be: (1) be (i) 65 years of age or older, or (ii)  
26 the surviving spouse of such a claimant, who at the time of  
27 death received or was entitled to receive benefits pursuant  
28 to this subsection, which surviving spouse will become 65  
29 years of age within the 24 months immediately following the  
30 death of such claimant and which surviving spouse but for his  
31 or her age is otherwise qualified to receive benefits  
32 pursuant to this subsection, or (iii) disabled, and (2) be is  
33 domiciled in this State at the time he or she files his or  
34 her claim, and (3) have has a maximum household income of

1 less than \$14,000 for grant years before the 1998 grant year,  
2 less than \$16,000 for the 1998 and 1999 grant years, and less  
3 than (i) \$21,218 for a household containing one person, (ii)  
4 \$28,480 for a household containing 2 persons, or (iii)  
5 \$35,740 for a household containing 3 more persons for the  
6 2000 grant year and thereafter. In addition, each eligible  
7 person must (1) obtain an identification card from the  
8 Department, (2) at the time the card is obtained, sign a  
9 statement assigning to the State of Illinois benefits which  
10 may be otherwise claimed under any private insurance plans,  
11 and (3) present the identification card to the dispensing  
12 pharmacist.

13 Whenever a generic equivalent for a covered prescription  
14 drug is available, the Department shall reimburse only for  
15 the reasonable costs of the generic equivalent, less the  
16 co-pay established in this Section, unless (i) the covered  
17 prescription drug contains one or more ingredients defined as  
18 a narrow therapeutic index drug at 21 CFR 320.33, (ii) the  
19 prescriber indicates on the face of the prescription "brand  
20 medically necessary", and (iii) the prescriber specifies that  
21 a substitution is not permitted. When issuing an oral  
22 prescription for covered prescription medication described in  
23 item (i) of this paragraph, the prescriber shall stipulate  
24 "brand medically necessary" and that a substitution is not  
25 permitted. If the covered prescription drug and its  
26 authorizing prescription do not meet the criteria listed  
27 above, the beneficiary may purchase the non-generic  
28 equivalent of the covered prescription drug by paying the  
29 difference between the generic cost and the non-generic cost  
30 plus the beneficiary co-pay.

31 Any person otherwise eligible for pharmaceutical  
32 assistance under this Act whose covered drugs are covered by  
33 any public program for assistance in purchasing any covered  
34 prescription drugs shall be ineligible for assistance under

1 this Act to the extent such costs are covered by such other  
2 plan.

3 The fee to be charged by the Department for the  
4 identification card shall be equal to \$5 per coverage year  
5 for persons below the official poverty line as defined by the  
6 United States Department of Health and Human Services and \$25  
7 per coverage year for all other persons.

8 In the event that 2 or more persons are eligible for any  
9 benefit under this Act, and are members of the same  
10 household, (1) each such person shall be entitled to  
11 participate in the pharmaceutical assistance program,  
12 provided that he or she meets all other requirements imposed  
13 by this subsection and (2) each participating household  
14 member contributes the fee required for that person by the  
15 preceding paragraph for the purpose of obtaining an  
16 identification card.

17 (Source: P.A. 91-357, eff. 7-29-99; 91-699, eff. 1-1-01;  
18 92-131, eff. 7-23-01; 92-519, eff. 1-1-02; revised 1-7-02.)

19 (320 ILCS 25/6) (from Ch. 67 1/2, par. 406)

20 Sec. 6. Administration.

21 (a) In general. Upon receipt of a timely filed claim,  
22 the Department shall determine whether the claimant is a  
23 person entitled to a grant under this Act and the amount of  
24 grant to which he is entitled under this Act. The Department  
25 may require the claimant to furnish reasonable proof of the  
26 statements of domicile, household income, rent paid, property  
27 taxes accrued and other matters on which entitlement is  
28 based, and may withhold payment of a grant until such  
29 additional proof is furnished.

30 (b) Rental determination. If the Department finds that  
31 the gross rent used in the computation by a claimant of rent  
32 constituting property taxes accrued exceeds the fair rental  
33 value for the right to occupy that residence, the Department

1 may determine the fair rental value for that residence and  
2 recompute rent constituting property taxes accrued  
3 accordingly.

4 (c) Fraudulent claims. The Department shall deny claims  
5 which have been fraudulently prepared or when it finds that  
6 the claimant has acquired title to his residence or has paid  
7 rent for his residence primarily for the purpose of receiving  
8 a grant under this Act.

9 (d) Pharmaceutical Assistance. The Department shall  
10 allow all pharmacies licensed under the Pharmacy Practice Act  
11 of 1987 to participate as authorized pharmacies unless they  
12 have been removed from that status for cause pursuant to the  
13 terms of this Section. The Director of the Department may  
14 enter into a written contract with any State agency,  
15 instrumentality or political subdivision, or a fiscal  
16 intermediary for the purpose of making payments to authorized  
17 pharmacies for covered prescription drugs and coordinating  
18 the program of pharmaceutical assistance established by this  
19 Act with other programs that provide payment for covered  
20 prescription drugs. Such agreement shall establish  
21 procedures for properly contracting for pharmacy services,  
22 validating reimbursement claims, validating compliance of  
23 dispensing pharmacists with the contracts for participation  
24 required under this Section, validating the reasonable costs  
25 of covered prescription drugs, and otherwise providing for  
26 the effective administration of this Act.

27 The Department shall promulgate rules and regulations to  
28 implement and administer the program of pharmaceutical  
29 assistance required by this Act, which shall include the  
30 following:

31 (1) Execution of contracts with pharmacies to  
32 dispense covered prescription drugs. Such contracts shall  
33 stipulate terms and conditions for authorized pharmacies  
34 participation and the rights of the State to terminate

1 such participation for breach of such contract or for  
2 violation of this Act or related rules and regulations of  
3 the Department;

4 (2) Establishment of maximum limits on the size of  
5 prescriptions, new or refilled, which shall be in amounts  
6 sufficient for 34 days, except as otherwise specified by  
7 rule for medical or utilization control reasons;

8 (3) Establishment of liens upon any and all causes  
9 of action which accrue to a beneficiary as a result of  
10 injuries for which covered prescription drugs are  
11 directly or indirectly required and for which the  
12 Director made payment or became liable for under this  
13 Act;

14 (4) Charge or collection of payments from third  
15 parties or private plans of assistance, or from other  
16 programs of public assistance for any claim that is  
17 properly chargeable under the assignment of benefits  
18 executed by beneficiaries as a requirement of eligibility  
19 for the pharmaceutical assistance identification card  
20 under this Act;

21 (5) Inspection of appropriate records and audit of  
22 participating authorized pharmacies to ensure contract  
23 compliance, and to determine any fraudulent transactions  
24 or practices under this Act;

25 (6) Annual determination of the reasonable costs of  
26 covered prescription drugs for which payments are made  
27 under this Act, as provided in Section 3.16;

28 (7) Payment to pharmacies under this Act in  
29 accordance with the State Prompt Payment Act.

30 The Department shall annually report to the Governor and  
31 the General Assembly by March 1st of each year on the  
32 administration of pharmaceutical assistance under this Act.  
33 By the effective date of this Act the Department shall  
34 determine the reasonable costs of covered prescription drugs

1 in accordance with Section 3.16 of this Act.

2 (Source: P.A. 91-357, eff. 7-29-99; revised 12-07-01.)

3 Section 66. The Abused and Neglected Child Reporting Act  
4 is amended by changing Section 7.9 as follows:

5 (325 ILCS 5/7.9) (from Ch. 23, par. 2057.9)

6 Sec. 7.9. The Department shall prepare, print, and  
7 distribute initial, preliminary, and final reporting forms to  
8 each Child Protective Service Unit. Initial written reports  
9 from the reporting source shall contain the following  
10 information to the extent known at the time the report is  
11 made: (1) the names and addresses of the child and his  
12 parents or other persons responsible for his welfare; (1.5)  
13 the name and address of the school that the child attends (or  
14 the school that the child last attended, if the report is  
15 written during the summer when school is not in session), and  
16 the name of the school district in which the school is  
17 located, if applicable; (2) the child's age, sex, and race;  
18 (3) the nature and extent of the child's abuse or neglect,  
19 including any evidence of prior injuries, abuse, or neglect  
20 of the child or his siblings; (4) the names of the persons  
21 apparently responsible for the abuse or neglect; (5) family  
22 composition, including names, ages, sexes, and races of other  
23 children in the home; (6) the name of the person making the  
24 report, his occupation, and where he can be reached; (7) the  
25 actions taken by the reporting source, including the taking  
26 of photographs and x-rays, placing the child in temporary  
27 protective custody, or notifying the medical examiner or  
28 coroner; and (8) and any other information the person making  
29 the report believes might be helpful in the furtherance of  
30 the purposes of this Act.

31 (Source: P.A. 92-295, eff. 1-1-02; revised 9-19-01.)

1 Section 67. The Early Intervention Services System Act  
2 is amended by changing Sections 11 and 13 as follows:

3 (325 ILCS 20/11) (from Ch. 23, par. 4161)

4 Sec. 11. Individualized Family Service Plans.

5 (a) Each eligible infant or toddler and that infant's or  
6 toddler's family shall receive:

7 (1) timely, comprehensive, multidisciplinary  
8 assessment of the unique needs of each eligible infant  
9 and toddler, and assessment of the concerns and  
10 priorities of the families to appropriately assist them  
11 in meeting their needs and identify services to meet  
12 those needs; and

13 (2) a written Individualized Family Service Plan  
14 developed by a multidisciplinary team which includes the  
15 parent or guardian. The individualized family service  
16 plan shall be based on the multidisciplinary team's  
17 assessment of the resources, priorities, and concerns of  
18 the family and its identification of the supports and  
19 services necessary to enhance the family's capacity to  
20 meet the developmental needs of the infant or toddler,  
21 and shall include the identification of services  
22 appropriate to meet those needs, including the frequency,  
23 intensity, and method of delivering services. During and  
24 as part of the initial development of the individualized  
25 family services plan, and any periodic reviews of the  
26 plan, the multidisciplinary team shall consult the lead  
27 agency's therapy guidelines and its designated experts,  
28 if any, to help determine appropriate services and the  
29 frequency and intensity of those services. All services  
30 in the individualized family services plan must be  
31 justified by the multidisciplinary assessment of the  
32 unique strengths and needs of the infant or toddler and  
33 must be appropriate to meet those needs. At the periodic

1 reviews, the team shall determine whether modification or  
2 revision of the outcomes or services is necessary.

3 (b) The Individualized Family Service Plan shall be  
4 evaluated once a year and the family shall be provided a  
5 review of the Plan at 6 month intervals or more often where  
6 appropriate based on infant or toddler and family needs. The  
7 lead agency shall create a quality review process regarding  
8 Individualized Family Service Plan development and changes  
9 thereto, to monitor and help assure that resources are being  
10 used to provide appropriate early intervention services.

11 (c) The evaluation and initial assessment and initial  
12 Plan meeting must be held within 45 days after the initial  
13 contact with the early intervention services system. With  
14 parental consent, early intervention services may commence  
15 before the completion of the comprehensive assessment and  
16 development of the Plan.

17 (d) Parents must be informed that, at their discretion,  
18 early intervention services shall be provided to each  
19 eligible infant and toddler in the natural environment, which  
20 may include the home or other community settings. Parents  
21 shall make the final decision to accept or decline early  
22 intervention services. A decision to decline such services  
23 shall not be a basis for administrative determination of  
24 parental fitness, or other findings or sanctions against the  
25 parents. Parameters of the Plan shall be set forth in rules.

26 (e) The regional intake offices shall explain to each  
27 family, orally and in writing, all of the following:

28 (1) That the early intervention program will pay  
29 for all early intervention services set forth in the  
30 individualized family service plan that are not covered  
31 or paid under the family's public or private insurance  
32 plan or policy and not eligible for payment through any  
33 other third party payor.

34 (2) That services will not be delayed due to any

1 rules or restrictions under the family's insurance plan  
2 or policy.

3 (3) That the family may request, with appropriate  
4 documentation supporting the request, a determination of  
5 an exemption from private insurance use under Section  
6 13.25.

7 (4) That responsibility for co-payments or  
8 co-insurance under a family's private insurance plan or  
9 policy will be transferred to the lead agency's central  
10 billing office.

11 (5) That families will be responsible for payments  
12 of family fees, which will be based on a sliding scale  
13 according to income, and that these fees are payable to  
14 the central billing office, and that if the family  
15 encounters a catastrophic circumstance, as defined under  
16 subsection (f) of Section 13 of this Act, making it  
17 unable to pay the fees, the lead agency may, upon proof  
18 of inability to pay, waive the fees.

19 (f) The individualized family service plan must state  
20 whether the family has private insurance coverage and, if the  
21 family has such coverage, must have attached to it a copy of  
22 the family's insurance identification card or otherwise  
23 include all of the following information:

24 (1) The name, address, and telephone number of the  
25 insurance carrier.

26 (2) The contract number and policy number of the  
27 insurance plan.

28 (3) The name, address, and social security number  
29 of the primary insured.

30 (4) The beginning date of the insurance benefit  
31 year.

32 (g) A copy of the individualized family service plan  
33 must be provided to each enrolled provider who is providing  
34 early intervention services to the child who is the subject

1 of that plan.

2 (Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01;  
3 92-307, eff. 8-9-01; revised 10-15-01.)

4 (325 ILCS 20/13) (from Ch. 23, par. 4163)

5 Sec. 13. Funding and Fiscal Responsibility.

6 (a) The lead agency and every other participating State  
7 agency may receive and expend funds appropriated by the  
8 General Assembly to implement the early intervention services  
9 system as required by this Act.

10 (b) The lead agency and each participating State agency  
11 shall identify and report on an annual basis to the Council  
12 the State agency funds utilized for the provision of early  
13 intervention services to eligible infants and toddlers.

14 (c) Funds provided under Section 633 of the Individuals  
15 with Disabilities Education Act (20 United States Code 1433)  
16 and State funds designated or appropriated for early  
17 intervention services or programs may not be used to satisfy  
18 a financial commitment for services which would have been  
19 paid for from another public or private source but for the  
20 enactment of this Act, except whenever considered necessary  
21 to prevent delay in receiving appropriate early intervention  
22 services by the eligible infant or toddler or family in a  
23 timely manner. "Public or private source" includes public  
24 and private insurance coverage.

25 Funds provided under Section 633 of the Individuals with  
26 Disabilities Education Act and State funds designated or  
27 appropriated for early intervention services or programs may  
28 be used by the lead agency to pay the provider of services  
29 (A) pending reimbursement from the appropriate State agency  
30 or (B) if (i) the claim for payment is denied in whole or in  
31 part by a public or private source, or would be denied under  
32 the written terms of the public program or plan or private  
33 plan, or (ii) use of private insurance for the service has

1     been exempted under Section 13.25. Payment under item (B)(i)  
2     may be made based on a pre-determination telephone inquiry  
3     supported by written documentation of the denial supplied  
4     thereafter by the insurance carrier.

5           (d) Nothing in this Act shall be construed to permit the  
6     State to reduce medical or other assistance available or to  
7     alter eligibility under Title V and Title XIX of the Social  
8     Security Act relating to the Maternal Child Health Program  
9     and Medicaid for eligible infants and toddlers in this State.

10          (e) The lead agency shall create a central billing  
11     office to receive and dispense all relevant State and federal  
12     resources, as well as local government or independent  
13     resources available, for early intervention services. This  
14     office shall assure that maximum federal resources are  
15     utilized and that providers receive funds with minimal  
16     duplications or interagency reporting and with consolidated  
17     audit procedures.

18          (f) The lead agency shall, by rule, create a system of  
19     payments by families, including a schedule of fees. No fees,  
20     however, may be charged for: implementing child find,  
21     evaluation and assessment, service coordination,  
22     administrative and coordination activities related to the  
23     development, review, and evaluation of Individualized Family  
24     Service Plans, or the implementation of procedural safeguards  
25     and other administrative components of the statewide early  
26     intervention system.

27          The system of payments, called family fees, shall be  
28     structured on a sliding scale based on family income. The  
29     family's coverage or lack of coverage under a public or  
30     private insurance plan or policy shall not be a factor in  
31     determining the amount of the family fees.

32          Each family's fee obligation shall be established  
33     annually, and shall be paid by families to the central  
34     billing office in installments. At the written request of the

1 family, the fee obligation shall be adjusted prospectively at  
2 any point during the year upon proof of a change in family  
3 income or family size. The inability of the parents of an  
4 eligible child to pay family fees due to catastrophic  
5 circumstances or extraordinary expenses shall not result in  
6 the denial of services to the child or the child's family. A  
7 family must document its extraordinary expenses or other  
8 catastrophic circumstances by showing one of the following:  
9 (i) out-of-pocket medical expenses in excess of 15% of gross  
10 income; (ii) a fire, flood, or other disaster causing a  
11 direct out-of-pocket loss in excess of 15% of gross income;  
12 or (iii) other catastrophic circumstances causing  
13 out-of-pocket losses in excess of 15% of gross income. The  
14 family must present proof of loss to its service coordinator,  
15 who shall document it, and the lead agency shall determine  
16 whether the fees shall be reduced, forgiven, or suspended  
17 within 10 business days after the family's request.

18 (g) To ensure that early intervention funds are used as  
19 the payor of last resort for early intervention services, the  
20 lead agency shall determine at the point of early  
21 intervention intake, and again at any periodic review of  
22 eligibility thereafter or upon a change in family  
23 circumstances, whether the family is eligible for or enrolled  
24 in any program for which payment is made directly or through  
25 public or private insurance for any or all of the early  
26 intervention services made available under this Act. The lead  
27 agency shall establish procedures to ensure that payments are  
28 made either directly from these public and private sources  
29 instead of from State or federal early intervention funds, or  
30 as reimbursement for payments previously made from State or  
31 federal early intervention funds.

32 (Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01;  
33 92-307, eff. 8-9-01; revised 10-15-01.)

1           Section 68. The Mental Health and Developmental  
2    Disabilities Code is amended by changing Sections 2-108 and  
3    3-601 as follows:

4           (405 ILCS 5/2-108) (from Ch. 91 1/2, par. 2-108)

5           Sec. 2-108. Use of restraint. Restraint may be used  
6    only as a therapeutic measure to prevent a recipient from  
7    causing physical harm to himself or physical abuse to others.  
8    Restraint may only be applied by a person who has been  
9    trained in the application of the particular type of  
10   restraint to be utilized. In no event shall restraint be  
11   utilized to punish or discipline a recipient, nor is  
12   restraint to be used as a convenience for the staff.

13          (a) Except as provided in this Section, restraint shall  
14   be employed only upon the written order of a physician,  
15   clinical psychologist, clinical social worker, or registered  
16   nurse with supervisory responsibilities. No restraint shall  
17   be ordered unless the physician, clinical psychologist,  
18   clinical social worker, or registered nurse with supervisory  
19   responsibilities, after personally observing and examining  
20   the recipient, is clinically satisfied that the use of  
21   restraint is justified to prevent the recipient from causing  
22   physical harm to himself or others. In no event may restraint  
23   continue for longer than 2 hours unless within that time  
24   period a nurse with supervisory responsibilities or a  
25   physician confirms, in writing, following a personal  
26   examination of the recipient, that the restraint does not  
27   pose an undue risk to the recipient's health in light of the  
28   recipient's physical or medical condition. The order shall  
29   state the events leading up to the need for restraint and the  
30   purposes for which restraint is employed. The order shall  
31   also state the length of time restraint is to be employed and  
32   the clinical justification for that length of time. No order  
33   for restraint shall be valid for more than 16 hours. If

1 further restraint is required, a new order must be issued  
2 pursuant to the requirements provided in this Section.

3 (b) In the event there is an emergency requiring the  
4 immediate use of restraint, it may be ordered temporarily by  
5 a qualified person only where a physician, clinical  
6 psychologist, clinical social worker, or registered nurse  
7 with supervisory responsibilities is not immediately  
8 available. In that event, an order by a nurse, clinical  
9 psychologist, clinical social worker, or physician shall be  
10 obtained pursuant to the requirements of this Section as  
11 quickly as possible, and the recipient shall be examined by a  
12 physician or supervisory nurse within 2 hours after the  
13 initial employment of the emergency restraint. Whoever orders  
14 restraint in emergency situations shall document its  
15 necessity and place that documentation in the recipient's  
16 record.

17 (c) The person who orders restraint shall inform the  
18 facility director or his designee in writing of the use of  
19 restraint within 24 hours.

20 (d) The facility director shall review all restraint  
21 orders daily and shall inquire into the reasons for the  
22 orders for restraint by any person who routinely orders them.

23 (e) Restraint may be employed during all or part of one  
24 24 hour period, the period commencing with the initial  
25 application of the restraint. However, once restraint has  
26 been employed during one 24 hour period, it shall not be used  
27 again on the same recipient during the next 48 hours without  
28 the prior written authorization of the facility director.

29 (f) Restraint shall be employed in a humane and  
30 therapeutic manner and the person being restrained shall be  
31 observed by a qualified person as often as is clinically  
32 appropriate but in no event less than once every 15 minutes.  
33 The qualified person shall maintain a record of the  
34 observations. Specifically, unless there is an immediate

1 danger that the recipient will physically harm himself or  
2 others, restraint shall be loosely applied to permit freedom  
3 of movement. Further, the recipient shall be permitted to  
4 have regular meals and toilet privileges free from the  
5 restraint, except when freedom of action may result in  
6 physical harm to the recipient or others.

7 (g) Every facility that employs restraint shall provide  
8 training in the safe and humane application of each type of  
9 restraint employed. The facility shall not authorize the use  
10 of any type of restraint by an employee who has not received  
11 training in the safe and humane application of that type of  
12 restraint. Each facility in which restraint is used shall  
13 maintain records detailing which employees have been trained  
14 and are authorized to apply restraint, the date of the  
15 training and the type of restraint that the employee was  
16 trained to use.

17 (h) Whenever restraint is imposed upon any recipient  
18 whose primary mode of communication is sign language, the  
19 recipient shall be permitted to have his hands free from  
20 restraint for brief periods each hour hours, except when  
21 freedom may result in physical harm to the recipient or  
22 others.

23 (i) A recipient who is restrained may only be secluded  
24 at the same time pursuant to an explicit written  
25 authorization as provided in Section 2-109 of this Code.  
26 Whenever a recipient is restrained, a member of the facility  
27 staff shall remain with the recipient at all times unless the  
28 recipient has been secluded. A recipient who is restrained  
29 and secluded shall be observed by a qualified person as often  
30 as is clinically appropriate but in no event less than every  
31 15 minutes.

32 (j) Whenever restraint is used, the recipient shall be  
33 advised of his right, pursuant to Sections 2-200 and 2-201 of  
34 this Code, to have any person of his choosing, including the

1 Guardianship and Advocacy Commission or the agency designated  
2 pursuant to the Protection and Advocacy for Developmentally  
3 Disabled Persons Act notified of the restraint. A recipient  
4 who is under guardianship may request that any person of his  
5 choosing be notified of the restraint whether or not the  
6 guardian approves of the notice. Whenever the Guardianship  
7 and Advocacy Commission is notified that a recipient has been  
8 restrained, it shall contact that recipient to determine the  
9 circumstances of the restraint and whether further action is  
10 warranted.

11 (Source: P.A. 87-124; 87-530; 87-895; 88-380; revised  
12 12-07-01.)

13 (405 ILCS 5/3-601) (from Ch. 91 1/2, par. 3-601)

14 Sec. 3-601. Involuntary admission; petition.

15 (a) When a person is asserted to be subject to  
16 involuntary admission and in such a condition that immediate  
17 hospitalization is necessary for the protection of such  
18 person or others from physical harm, any person 18 years of  
19 age or older may present a petition to the facility director  
20 of a mental health facility in the county where the  
21 respondent resides or is present. The petition may be  
22 prepared by the facility director of the facility.

23 (b) The petition shall include all of the following:

24 1. A detailed statement of the reason for the  
25 assertion that the respondent is subject to involuntary  
26 admission, including the signs and symptoms of a mental  
27 illness and a description of any acts, threats, or other  
28 behavior or pattern of ~~er~~ behavior supporting the  
29 assertion and the time and place of their occurrence.

30 2. The name and address of the spouse, parent,  
31 guardian, substitute decision maker, if any, and close  
32 relative, or if none, the name and address of any known  
33 friend of the respondent whom the petitioner has reason

1 to believe may know or have any of the other names and  
 2 addresses. If the petitioner is unable to supply any  
 3 such names and addresses, the petitioner shall state that  
 4 diligent inquiry was made to learn this information and  
 5 specify the steps taken.

6 3. The petitioner's relationship to the respondent  
 7 and a statement as to whether the petitioner has legal or  
 8 financial interest in the matter or is involved in  
 9 litigation with the respondent. If the petitioner has a  
 10 legal or financial interest in the matter or is involved  
 11 in litigation with the respondent, a statement of why the  
 12 petitioner believes it would not be practicable or  
 13 possible for someone else to be the petitioner.

14 4. The names, addresses and phone numbers of the  
 15 witnesses by which the facts asserted may be proved.

16 (c) Knowingly making a material false statement in the  
 17 petition is a Class A misdemeanor.

18 (Source: P.A. 91-726, eff. 6-2-00; revised 12-04-01.)

19 Section 69. The Medical Patient Rights Act is amended by  
 20 changing Section 4 as follows:

21 (410 ILCS 50/4) (from Ch. 111 1/2, par. 5404)

22 Sec. 4. Violations. Any physician or health care  
 23 provider that violates a patient's rights as set forth in  
 24 subparagraph (b) ~~(a)~~ of Section 3 is guilty of a petty  
 25 offense and shall be fined \$500. Any insurance company or  
 26 health service corporation that violates a patient's rights  
 27 as set forth in subparagraph (c) ~~(b)~~ of Section 3 is guilty  
 28 of a petty offense and shall be fined \$1,000. Any physician,  
 29 health care provider, health services corporation or  
 30 insurance company that violates a patient's rights as set  
 31 forth in subsection (d) ~~(e)~~ of Section 3 is guilty of a petty  
 32 offense and shall be fined \$1,000.

1 (Source: P.A. 86-902; revised 1-25-02.)

2 Section 70. The Illinois Clean Indoor Air Act is amended  
3 by changing Section 3 as follows:

4 (410 ILCS 80/3) (from Ch. 111 1/2, par. 8203)

5 Sec. 3. For the purposes of this Act, the following  
6 terms have the meanings ascribed to them in this Section  
7 unless different meanings are plainly indicated by the  
8 context:

9 (a) "Department" means the Department of Public Health.

10 (b) "Proprietor" means any individual or his designated  
11 agent who by virtue of his office, position, authority, or  
12 duties has legal or administrative responsibility for the use  
13 or operation of property.

14 (c) "Public Place" means any enclosed indoor area used  
15 by the public or serving as a place of work including, but  
16 not limited to, hospitals, restaurants, retail stores,  
17 offices, commercial establishments, elevators, indoor  
18 theaters, libraries, art museums, concert halls, public  
19 conveyances, educational facilities, nursing homes,  
20 auditoriums, arenas, and meeting rooms, but excluding bowling  
21 establishments and excluding places whose primary business is  
22 the sale of alcoholic beverages for consumption on the  
23 premises and excluding rooms rented for the purpose of living  
24 quarters or sleeping or housekeeping accommodations from a  
25 hotel, as defined in the Hotel Operators' Occupation Tax Act,  
26 and private, enclosed offices occupied exclusively by  
27 smokers, even though such offices may be visited by  
28 nonsmokers.

29 (d) "Smoking" means the act of inhaling the smoke from  
30 or possessing a lighted cigarette, cigar, pipe, or any other  
31 form of tobacco or similar substance used for smoking.

32 (e) "State agency" has the meaning formerly ascribed to

1 it in subsection (a) of Section 3 of the Illinois Purchasing  
2 Act (now repealed).

3 (f) "Unit of local government" has the meaning ascribed  
4 to it in Section 1 of Article VII of the Illinois  
5 Constitution of 1970.

6 (Source: P.A. 86-1018; revised 1-25-02.)

7 Section 71. The Environmental Protection Act is amended  
8 by changing Sections 15, 19.1, and 57.7 as follows:

9 (415 ILCS 5/15) (from Ch. 111 1/2, par. 1015)

10 Sec. 15. Plans and specifications; demonstration of  
11 capability.

12 (a) Owners of public water supplies, their authorized  
13 representative, or legal custodians, shall submit plans and  
14 specifications to the Agency and obtain written approval  
15 before construction of any proposed public water supply  
16 installations, changes, or additions is started. Plans and  
17 specifications shall be complete and of sufficient detail to  
18 show all proposed construction, changes, or additions that  
19 may affect sanitary quality, mineral quality, or adequacy of  
20 the public water supply; and, where necessary, said plans and  
21 specifications shall be accompanied by supplemental data as  
22 may be required by the Agency to permit a complete review  
23 thereof.

24 (b) All new public water supplies established after  
25 October 1, 1999 shall demonstrate technical, financial, and  
26 managerial capacity as a condition for issuance of a  
27 construction or operation permit by the Agency or its  
28 designee. The demonstration shall be consistent with the  
29 technical, financial, and managerial provisions of the  
30 federal Safe Drinking Water Act (P.L. 93-523 93-532), as now  
31 or hereafter amended. The Agency is authorized to adopt  
32 rules in accordance with the Illinois Administrative

1 Procedure Act to implement the purposes of this subsection.  
2 Such rules must take into account the need for the facility,  
3 facility size, sophistication of treatment of the water  
4 supply, and financial requirements needed for operation of  
5 the facility.

6 (Source: P.A. 90-773, eff. 8-14-98; revised 12-07-01.)

7 (415 ILCS 5/19.1) (from Ch. 111 1/2, par. 1019.1)

8 Sec. 19.1. Legislative findings. The General Assembly  
9 finds:

10 (a) that local government units require assistance in  
11 financing the construction of wastewater treatment works in  
12 order to comply with the State's program of environmental  
13 protection and federally mandated requirements;

14 (b) that the federal Water Quality Act of 1987 provides  
15 an important source of grant awards to the State for  
16 providing assistance to local government units through the  
17 Water Pollution Control Loan Program;

18 (c) that local government units and privately owned  
19 community water supplies require assistance in financing the  
20 construction of their public water supplies to comply with  
21 State and federal drinking water laws and regulations;

22 (d) that the federal Safe Drinking Water Act ("SDWA"),  
23 P.L. 93-523 93-532, as now or hereafter amended, provides an  
24 important source of capitalization grant awards to the State  
25 to provide assistance to local government units and privately  
26 owned community water supplies through the Public Water  
27 Supply Loan Program;

28 (e) that violations of State and federal drinking water  
29 standards threaten the public interest, safety, and welfare,  
30 which demands that the Illinois Environmental Protection  
31 Agency expeditiously adopt emergency rules to administer the  
32 Public Water Supply Loan Program; and

33 (f) that the General Assembly agrees with the

1 conclusions and recommendations of the "Report to the  
 2 Illinois General Assembly on the Issue of Expanding Public  
 3 Water Supply Loan Eligibility to Privately Owned Community  
 4 Water Supplies", dated August 1998, including the stated  
 5 access to the Public Water Supply Loan Program by the  
 6 privately owned public water supplies so that the long term  
 7 integrity and viability of the corpus of the Fund will be  
 8 assured.

9 (Source: P.A. 90-121, eff. 7-17-97; 91-52, eff. 6-30-99;  
 10 91-501, eff. 8-13-99; revised 12-07-01.)

11 (415 ILCS 5/57.7)

12 Sec. 57.7. Leaking underground storage tanks; physical  
 13 soil classification, groundwater investigation, site  
 14 classification, and corrective action.

15 (a) Physical soil classification and groundwater  
 16 investigation.

17 (1) Prior to conducting any physical soil  
 18 classification and groundwater investigation activities  
 19 required by statute or regulation, the owner or operator  
 20 shall prepare and submit to the Agency for the Agency's  
 21 approval or modification:

22 (A) a physical soil classification and  
 23 groundwater investigation plan designed to  
 24 determine site classification, in accordance  
 25 with subsection (b) of this Section, as High  
 26 Priority, Low Priority, or No Further Action.

27 (B) a request for payment of costs  
 28 associated with eligible early action costs as  
 29 provided in Section 57.6(b). However, for  
 30 purposes of payment for early action costs,  
 31 fill materials shall not be removed in an  
 32 amount in excess of 4 feet from the outside  
 33 dimensions of the tank.

1           (2) If the owner or operator intends to seek  
2 payment from the Fund, prior to conducting any physical  
3 soil classification and groundwater investigation  
4 activities required by statute or regulation, the owner  
5 or operator shall submit to the Agency for the Agency's  
6 approval or modification a physical soil classification  
7 and groundwater investigation budget which includes, but  
8 is not limited to, an accounting of all costs associated  
9 with the implementation and completion of the physical  
10 soil classification and groundwater investigation plan.

11           (3) Within 30 days of completion of the physical  
12 soil classification or groundwater investigation report  
13 the owner or operator shall submit to the Agency:

14           (A) all physical soil classification and  
15 groundwater investigation results; and

16           (B) a certification by a Licensed Professional  
17 Engineer of the site's classification as High  
18 Priority, Low Priority, or No Further Action in  
19 accordance with subsection (b) of this Section as  
20 High Priority, Low Priority, or No Further Action.

21 (b) Site Classification.

22           (1) After evaluation of the physical soil  
23 classification and groundwater investigation results,  
24 when required, and general site information, the site  
25 shall be classified as "No Further Action", "Low  
26 Priority", or "High Priority" based on the requirements  
27 of this Section. Site classification shall be determined  
28 by a Licensed Professional Engineer in accordance with  
29 the requirements of this Title and the Licensed  
30 Professional Engineer shall submit a certification to the  
31 Agency of the site classification. The Agency has the  
32 authority to audit site classifications and reject or  
33 modify any site classification inconsistent with the  
34 requirements of this Title.

1           (2) Sites shall be classified as No Further Action  
2 if the criteria in subparagraph (A) are satisfied:

3           (A)(i) The site is located in an area  
4 designated D, E, F and G on the Illinois Geological  
5 Survey Circular (1984) titled "Potential for  
6 Contamination of Shallow Aquifers in Illinois," by  
7 Berg, Richard C., et al.;

8           (ii) A site evaluation under the direction of  
9 a Licensed Professional Engineer verifies the  
10 physical soil classification conditions are  
11 consistent with those indicated on the Illinois  
12 Geological Survey Circular (1984) titled "Potential  
13 for Contamination of Shallow Aquifers in Illinois,"  
14 by Berg, Richard C., et al.; and

15           (iii) The conditions identified in subsections  
16 (b) (3)(B), (C), (D), and (E) do not exist.

17           (B) Groundwater investigation monitoring may  
18 be required to confirm that a site meets the  
19 criteria of a No Further Action site. The Board  
20 shall adopt rules setting forth the criteria under  
21 which the Agency may exercise its discretionary  
22 authority to require investigations and the minimum  
23 field requirements for conducting investigations.

24           (3) Sites shall be classified as High Priority if  
25 any of the following are met:

26           (A) The site is located in an area designated  
27 A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4,  
28 or C5 on the Illinois Geological Survey Circular  
29 (1984) titled "Potential for Contamination of  
30 Shallow Aquifers in Illinois," by Berg, Richard C.,  
31 et al.; a site evaluation under the direction of a  
32 Licensed Professional Engineer verifies the physical  
33 soil classifications conditions are consistent with  
34 those indicated on the Illinois Geological Survey

1 Circular (1984) entitled "Potential for  
2 Contamination of Shallow Aquifers in Illinois," by  
3 Berg, Richard C., et al.; and the results of the  
4 physical soil classification and groundwater  
5 investigation indicate that an applicable indicator  
6 contaminant groundwater quality standard or  
7 groundwater objective has been exceeded at the  
8 property boundary line or 200 feet from the  
9 excavation, whichever is less as a consequence of  
10 the underground storage tank release.

11 (B) The underground storage tank is within the  
12 minimum or maximum setback zone of a potable water  
13 supply well or regulated recharge area of a potable  
14 water supply well.

15 (C) There is evidence that, through natural or  
16 manmade pathways, migration of petroleum or vapors  
17 threaten human health or human safety or may cause  
18 explosions in basements, crawl spaces, utility  
19 conduits, storm or sanitary sewers, vaults or other  
20 confined spaces.

21 (D) Class III special resource groundwater  
22 exists within 200 feet of the excavation.

23 (E) A surface water body is adversely affected  
24 by the presence of a visible sheen or free product  
25 layer as the result of an underground storage tank  
26 release.

27 (4) Sites shall be classified as Low Priority if  
28 all of the following are met:

29 (A) The site does not meet any of the criteria  
30 for classification as a High Priority Site.

31 (B) (i) The site is located in area designated  
32 A1, A2, A3, A4, A5, AX, B1, B2, BX, C1, C2, C3, C4,  
33 C5 on the Illinois Geological Survey Circular (1984)  
34 entitled "Potential for Contamination of Shallow

1           Aquifers in Illinois," by Berg, Richard C., et al.;

2           and

3                   (ii) a site evaluation under the direction of

4           a Licensed Professional Engineer verifies the

5           physical soil classification conditions are

6           consistent with those indicated on the Illinois

7           Geological Survey Circular (1984) titled "Potential

8           for Contamination of Shallow Aquifers in Illinois,"

9           by Berg, Richard C., et al.; and

10                   (iii) the results of the physical soil

11           classification and groundwater investigation do not

12           indicate an applicable indicator contaminant

13           groundwater quality standard or groundwater

14           objective has been exceeded at the property boundary

15           line or 200 feet from the underground storage tank,

16           whichever is less.

17           (5) In the event the results of the physical soil

18           classification and any required groundwater investigation

19           reveal that the actual site geologic characteristics are

20           different than those indicated by the Illinois Geological

21           Survey Circular (1984) titled "Potential for

22           Contamination of Shallow Aquifers in Illinois" by Berg,

23           Richard C., et al., classification of the site shall be

24           determined using the actual site geologic

25           characteristics.

26           (6) For purposes of physical soil classification,

27           the Board is authorized to prescribe by regulation

28           alternatives to use of the Illinois Geological Survey

29           Circular (1984) titled "Potential for Contamination of

30           Shallow Aquifers in Illinois" by Berg, Richard C., et al.

31           (c) Corrective Action.

32                   (1) High Priority Site.

33                           (A) Prior to performance of any corrective

34           action, beyond that required by Section 57.6 and

1 subsection (a) of Section 57.7 of this Act, the  
2 owner or operator shall prepare and submit to the  
3 Agency for the Agency's approval or modification a  
4 corrective action plan designed to mitigate any  
5 threat to human health, human safety or the  
6 environment resulting from the underground storage  
7 tank release.

8 (B) If the owner or operator intends to seek  
9 payment from the Fund, prior to performance of any  
10 corrective action beyond that required by Section  
11 57.6 and subsection (a) of Section 57.7, the owner  
12 or operator shall submit to the Agency for the  
13 Agency's approval or modification a corrective  
14 action plan budget which includes, but is not  
15 limited to, an accounting of all costs associated  
16 with the implementation and completion of the  
17 corrective action plan.

18 (C) The corrective action plan shall do all of  
19 the following:

20 (i) Provide that applicable indicator  
21 contaminant groundwater quality standards or  
22 groundwater objectives will not be exceeded in  
23 groundwater at the property boundary line or  
24 200 feet from the excavation, whichever is  
25 less, or other level if approved by the Agency,  
26 for any contaminant identified in the  
27 groundwater investigation after complete  
28 performance of the corrective action plan.

29 (ii) Provide that Class III special  
30 resource groundwater quality standards for  
31 Class III special resource groundwater within  
32 200 feet of the excavation will not be exceeded  
33 as a result of the underground storage tank  
34 release for any indicator contaminant

1 identified in the groundwater investigation  
2 after complete performance of the corrective  
3 action plan.

4 (iii) Remediate threats due to the  
5 presence or migration, through natural or  
6 manmade pathways, of petroleum in  
7 concentrations sufficient to harm human health  
8 or human safety or to cause explosions in  
9 basements, crawl spaces, utility conduits,  
10 storm or sanitary sewers, vaults or other  
11 confined spaces.

12 (iv) Remediate threats to a potable water  
13 supply.

14 (v) Remediate threats to a surface water  
15 body.

16 (D) Within 30 days of completion of the  
17 corrective action, the owner or operator shall  
18 submit to the Agency such a completion report that  
19 includes a description of the corrective action plan  
20 and a description of the corrective action work  
21 performed and all analytical or sampling results  
22 derived from performance of the corrective action  
23 plan.

24 (E) The Agency shall issue to the owner or  
25 operator a no further remediation letter in  
26 accordance with Section 57.10 if all of the  
27 following are met:

28 (i) The corrective action completion  
29 report demonstrates that: (a) applicable  
30 indicator contaminant groundwater quality  
31 standards or groundwater objectives are not  
32 exceeded at the property boundary line or 200  
33 feet from the excavation, whichever is less, as  
34 a result of the underground storage tank

1 release for any indicator contaminant  
2 identified in the groundwater investigation;  
3 (b) Class III special use resource groundwater  
4 quality standards, for Class III special use  
5 resource groundwater within 200 feet of the  
6 underground storage tank, are not exceeded as a  
7 result of the underground storage tank release  
8 for any contaminant identified in the  
9 groundwater investigation; (c) the underground  
10 storage tank release does not threaten human  
11 health or human safety due to the presence or  
12 migration, through natural or manmade pathways,  
13 of petroleum or hazardous substances in  
14 concentrations sufficient to harm human health  
15 or human safety or to cause explosions in  
16 basements, crawl spaces, utility conduits,  
17 storm or sanitary sewers, vaults or other  
18 confined spaces; (d) the underground storage  
19 tank release does not threaten any surface  
20 water body; and (e) the underground storage  
21 tank release does not threaten any potable  
22 water supply.

23 (ii) The owner or operator submits to the  
24 Agency a certification from a Licensed  
25 Professional Engineer that the work described  
26 in the approved corrective action plan has been  
27 completed and that the information presented in  
28 the corrective action completion report is  
29 accurate and complete.

30 (2) Low Priority Site.

31 (A) Corrective action at a low priority site  
32 must include groundwater monitoring consistent with  
33 part (B) of this paragraph (2).

34 (B) Prior to implementation of groundwater

1 monitoring, the owner or operator shall prepare and  
2 submit to the Agency a groundwater monitoring plan  
3 and, if the owner or operator intends to seek  
4 payment under this Title, an associated budget which  
5 includes, at a minimum, all of the following:

6 (i) Placement of groundwater monitoring  
7 wells at the property line, or at 200 feet from  
8 the excavation which ever is closer, designed  
9 to provide the greatest likelihood of detecting  
10 migration of groundwater contamination.

11 (ii) Quarterly groundwater sampling for a  
12 period of one year, semi-annual sampling for  
13 the second year and annual groundwater sampling  
14 for one subsequent year for all indicator  
15 contaminants identified during the groundwater  
16 investigation.

17 (iii) The annual submittal to the Agency  
18 of a summary of groundwater sampling results.

19 (C) If at any time groundwater sampling  
20 results indicate a confirmed exceedence of  
21 applicable indicator contaminant groundwater quality  
22 standards or groundwater objectives as a result of  
23 the underground storage tank release, the site may  
24 be reclassified as a High Priority Site by the  
25 Agency at any time before the Agency's final  
26 approval of a Low Priority groundwater monitoring  
27 completion report. Agency review and approval shall  
28 be in accordance with paragraph (4) of subsection  
29 (c) of this Section. If the owner or operator elects  
30 to appeal an Agency action to disapprove, modify, or  
31 reject by operation of law a Low Priority  
32 groundwater monitoring completion report, the Agency  
33 shall indicate to the Board in conjunction with such  
34 appeal whether it intends to reclassify the site as

1 High Priority. If a site is reclassified as a High  
2 Priority Site, the owner or operator shall submit a  
3 corrective action plan and budget to the Agency  
4 within 120 days of the confirmed exceedence and  
5 shall initiate compliance with all corrective action  
6 requirements for a High Priority Site.

7 (D) If, throughout the implementation of the  
8 groundwater monitoring plan, the groundwater  
9 sampling results do not confirm an exceedence of  
10 applicable indicator contaminant groundwater quality  
11 standards or groundwater objectives as a result of  
12 the underground storage tank release, the owner or  
13 operator shall submit to the Agency a certification  
14 of a Licensed Professional Engineer so stating.

15 (E) Unless the Agency takes action under  
16 subsection (b)(2)(C) to reclassify a site as high  
17 priority, upon receipt of a certification by a  
18 Licensed Professional Engineer submitted pursuant to  
19 paragraph (2) of subsection (c) of this Section, the  
20 Agency shall issue to the owner or operator a no  
21 further remediation letter in accordance with  
22 Section 57.10.

23 (3) No Further Action Site.

24 (A) No Further Action sites require no  
25 remediation beyond that required in Section 57.6 and  
26 subsection (a) of this Section if the owner or  
27 operator has submitted to the Agency a certification  
28 by a Licensed Professional Engineer that the site  
29 meets all of the criteria for classification as No  
30 Further Action in subsection (b) of this Section.

31 (B) Unless the Agency takes action to reject  
32 or modify a site classification under subsection (b)  
33 of this Section or the site classification is  
34 rejected by operation of law under item (4)(B) of

1 subsection (c) of this Section, upon receipt of a  
2 certification by a Licensed Professional Engineer  
3 submitted pursuant to part (A) of paragraph (3) of  
4 subsection (c) of this Section, the Agency shall  
5 issue to the owner or operator a no further  
6 remediation letter in accordance with Section 57.10.  
7 (4) Agency review and approval.

8 (A) Agency approval of any plan and associated  
9 budget, as described in this item (4), shall be  
10 considered final approval for purposes of seeking  
11 and obtaining payment from the Underground Storage  
12 Tank Fund if the costs associated with the  
13 completion of any such plan are less than or equal  
14 to the amounts approved in such budget.

15 (B) In the event the Agency fails to approve,  
16 disapprove, or modify any plan or report submitted  
17 pursuant to this Title in writing within 120 days of  
18 the receipt by the Agency, the plan or report shall  
19 be considered to be rejected by operation of law for  
20 purposes of this Title and rejected for purposes of  
21 payment from the Leaking Underground Storage Tank  
22 Fund.

23 (i) For purposes of those plans as  
24 identified in subparagraph (E) of this  
25 subsection (c)(4), the Agency's review may be  
26 an audit procedure. Such review or audit shall  
27 be consistent with the procedure for such  
28 review or audit as promulgated by the Board  
29 under item (7) of subsection (b) of Section  
30 57.14. The Agency has the authority to  
31 establish an auditing program to verify  
32 compliance of such plans with the provisions of  
33 this Title.

34 (ii) For purposes of those plans

1 submitted pursuant to Part (E) (iii) of this  
2 paragraph (4) for which payment from the Fund  
3 is not being sought, the Agency need not take  
4 action on such plan until 120 days after it  
5 receives the corrective action completion  
6 report required under Section 57(c)(1)(D). In  
7 the event the Agency approved the plan, it  
8 shall proceed under the provisions of Section  
9 57(c)(4).

10 (C) In approving any plan submitted pursuant  
11 to Part (E) of this paragraph (4), the Agency shall  
12 determine, by a procedure promulgated by the Board  
13 under item (7) of subsection (b) of Section 57.14,  
14 that the costs associated with the plan are  
15 reasonable, will be incurred in the performance of  
16 corrective action, and will not be used for  
17 corrective action activities in excess of those  
18 required to meet the minimum requirements of this  
19 title.

20 (D) For any plan or report received after the  
21 effective date of this amendatory Act of 1993, any  
22 action by the Agency to disapprove or modify a plan  
23 submitted pursuant to this Title shall be provided  
24 to the owner or operator in writing within 120 days  
25 of the receipt by the Agency or, in the case of a  
26 corrective action plan for which payment is not  
27 being sought, within 120 days of receipt of the  
28 corrective action completion report, and shall be  
29 accompanied by:

30 (i) an explanation of the Sections of  
31 this Act which may be violated if the plans  
32 were approved;

33 (ii) an explanation of the provisions of  
34 the regulations, promulgated under this Act,

1 which may be violated if the plan were  
2 approved;

3 (iii) an explanation of the specific type  
4 of information, if any, which the Agency deems  
5 the applicant did not provide the Agency; and

6 (iv) a statement of specific reasons why  
7 the Act and the regulations might not be met if  
8 the plan were approved.

9 Any action by the Agency to disapprove or  
10 modify a plan or report or the rejection of any plan  
11 or report by operation of law shall be subject to  
12 appeal to the Board in accordance with the  
13 procedures of Section 40. If the owner or operator  
14 elects to incorporate modifications required by the  
15 Agency rather than appeal, an amended plan shall be  
16 submitted to the Agency within 35 days of receipt of  
17 the Agency's written notification.

18 (E) For purposes of this Title, the term  
19 "plan" shall include:

20 (i) Any physical soil classification and  
21 groundwater investigation plan submitted  
22 pursuant to item (1)(A) of subsection (a) of  
23 this Section, or budget under item (2) of  
24 subsection (a) of this Section;

25 (ii) Any groundwater monitoring plan or  
26 budget submitted pursuant to subsection  
27 (c)(2)(B) of this Section;

28 (iii) Any corrective action plan  
29 submitted pursuant to subsection (c)(1)(A) of  
30 this Section; or

31 (iv) Any corrective action plan budget  
32 submitted pursuant to subsection (c)(1)(B) of  
33 this Section.

34 (d) For purposes of this Title, the term "indicator

1 contaminant" shall mean, unless and until the Board  
2 promulgates regulations to the contrary, the following: (i)  
3 if an underground storage tank contains gasoline, the  
4 indicator parameter shall be BTEX and Benzene; (ii) if the  
5 tank contained petroleum products consisting of middle  
6 distillate or heavy ends, then the indicator parameter shall  
7 be determined by a scan of PNA's taken from the location  
8 where contamination is most likely to be present; and (iii)  
9 if the tank contained used oil, then the indicator  
10 contaminant shall be those chemical constituents which  
11 indicate the type of petroleum stored in an underground  
12 storage tank. All references in this Title to groundwater  
13 objectives shall mean Class I groundwater standards or  
14 objectives as applicable.

15 (e) (1) Notwithstanding the provisions of this Section,  
16 an owner or operator may proceed to conduct physical soil  
17 classification, groundwater investigation, site  
18 classification or other corrective action prior to the  
19 submittal or approval of an otherwise required plan. If  
20 the owner or operator elects to so proceed, an applicable  
21 plan shall be filed with the Agency at any time. Such  
22 plan shall detail the steps taken to determine the type  
23 of corrective action which was necessary at the site  
24 along with the corrective action taken or to be taken, in  
25 addition to costs associated with activities to date and  
26 anticipated costs.

27 (2) Upon receipt of a plan submitted after  
28 activities have commenced at a site, the Agency shall  
29 proceed to review in the same manner as required under  
30 this Title. In the event the Agency disapproves all or  
31 part of the costs, the owner or operator may appeal such  
32 decision to the Board. The owner or operator shall not  
33 be eligible to be reimbursed for such disapproved costs  
34 unless and until the Board determines that such costs

1           were eligible for payment.

2           (Source: P.A. 88-496; 88-668, eff. 9-16-94; 89-428, eff.  
3           1-1-96; 89-457, eff. 5-22-96; revised 1-25-02.)

4           Section 72. The Radon Industry Licensing Act is amended  
5           by changing Section 65 as follows:

6           (420 ILCS 44/65)

7           Sec. 65. Illinois Administrative Procedure Act. The  
8           provisions of the Illinois Administrative Procedure Act are  
9           hereby expressly adopted and shall apply to all  
10          administrative rules and procedures of the Department under  
11          this Act, except that Section 5-35 of ~~5-0f~~ the Illinois  
12          Administrative Procedure Act, relating to procedures for  
13          rulemaking, does not apply to the adoption of any rule  
14          required by federal law in connection with which the  
15          Department is precluded from exercising any discretion.

16          (Source: P.A. 90-262, eff. 7-30-97; revised 12-07-01.)

17          Section 73. The Firearm Owners Identification Card Act  
18          is amended by changing Section 14 as follows:

19          (430 ILCS 65/14) (from Ch. 38, par. 83-14)

20          Sec. 14. Sentence.

21          (a) A violation of paragraph (1) of subsection (a) of  
22          Section 2, when the person's Firearm Owner's Identification  
23          Card is expired but the person is not otherwise disqualified  
24          from renewing the card, is a Class A misdemeanor.

25          (b) Except as provided in subsection (a) with respect to  
26          an expired card, a violation of paragraph (1) of subsection  
27          (a) of Section 2 is a Class A misdemeanor when the person  
28          does not possess a currently valid Firearm Owner's  
29          Identification Card, but is otherwise eligible under this  
30          Act. A second or subsequent violation is a Class 4 felony.

1 (c) A violation of paragraph (1) of subsection (a) of  
2 Section 2 is a Class 3 felony when:

3 (1) the person's Firearm Owner's Identification  
4 Card is revoked or subject to revocation under Section 8;  
5 or

6 (2) the person's Firearm Owner's Identification  
7 Card is expired and not otherwise eligible for renewal  
8 under this Act; or

9 (3) the person does not possess a currently valid  
10 Firearm Owner's Identification Card, and the person is  
11 not otherwise eligible under this Act.

12 (d) A violation of subsection (a) of Section 3 is a  
13 Class 4 felony. A third or subsequent conviction is a Class 1  
14 felony.

15 (d-5) Any person who knowingly enters false information  
16 on an application for a Firearm Owner's Identification Card,  
17 who knowingly gives a false answer to any question on the  
18 application, or who knowingly submits false evidence in  
19 connection with an application is guilty of a Class 2 felony.

20 (e) Except as provided by Section 6.1 of this Act, any  
21 other violation of this Act is a Class A misdemeanor.

22 (Source: P.A. 91-694, eff. 4-13-00; 92-414, eff. 1-1-02;  
23 92-442, eff. 8-17-01; revised 10-11-01.)

24 Section 74. The Humane Care for Animals Act is amended  
25 by changing Sections 4.01, 4.02, and 16 as follows:

26 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)  
27 Sec. 4.01. Prohibitions.

28 (a) No person may own, capture, breed, train, or lease  
29 any animal which he or she knows is intended for use in any  
30 show, exhibition, program, or other activity featuring or  
31 otherwise involving a fight between such animal and any other  
32 animal or human, or the intentional killing of any animal for

1 the purpose of sport, wagering, or entertainment.

2 (b) No person shall promote, conduct, carry on,  
3 advertise, collect money for or in any other manner assist  
4 or aid in the presentation for purposes of sport, wagering,  
5 or entertainment, any show, exhibition, program, or other  
6 activity involving a fight between 2 or more animals or any  
7 animal and human, or the intentional killing of any animal.

8 (c) No person shall sell or offer for sale, ship,  
9 transport, or otherwise move, or deliver or receive any  
10 animal which he or she knows has been captured, bred, or  
11 trained, or will be used, to fight another animal or human or  
12 be intentionally killed, for the purpose of sport, wagering,  
13 or entertainment.

14 (d) No person shall manufacture for sale, shipment,  
15 transportation or delivery any device or equipment which that  
16 person knows or should know is intended for use in any show,  
17 exhibition, program, or other activity featuring or otherwise  
18 involving a fight between 2 or more animals, or any human and  
19 animal, or the intentional killing of any animal for purposes  
20 of sport, wagering or entertainment.

21 (e) No person shall own, possess, sell or offer for  
22 sale, ship, transport, or otherwise move any equipment or  
23 device which such person knows or should know is intended for  
24 use in connection with any show, exhibition, program, or  
25 activity featuring or otherwise involving a fight between 2  
26 or more animals, or any animal and human, or the intentional  
27 killing of any animal for purposes of sport, wagering or  
28 entertainment.

29 (f) No person shall make available any site, structure,  
30 or facility, whether enclosed or not, which he or she knows  
31 is intended to be used for the purpose of conducting any  
32 show, exhibition, program, or other activity involving a  
33 fight between 2 or more animals, or any animal and human, or  
34 the intentional killing of any animal or knowingly

1 manufacture, distribute, or deliver fittings to be used in a  
2 fight between 2 or more dogs or a dog and a human.

3 (g) No person shall attend or otherwise patronize any  
4 show, exhibition, program, or other activity featuring or  
5 otherwise involving a fight between 2 or more animals, or any  
6 animal and human, or the intentional killing of any animal  
7 for the purposes of sport, wagering or entertainment.

8 (h) No person shall tie or attach or fasten any live  
9 animal to any machine or device propelled by any power for  
10 the purpose of causing such animal to be pursued by a dog or  
11 dogs. This subsection (h) shall apply only when such dog is  
12 intended to be used in a dog fight.

13 (i) Any animals or equipment involved in a violation of  
14 this Section shall be immediately seized and impounded under  
15 Section 12 by the Department when located at any show,  
16 exhibition, program, or other activity featuring or otherwise  
17 involving an animal fight for the purposes of sport,  
18 wagering, or entertainment.

19 (j) Any vehicle or conveyance other than a common  
20 carrier that is used in violation of this Section shall be  
21 seized, held, and offered for sale at public auction by the  
22 sheriff's department of the proper jurisdiction, and the  
23 proceeds from the sale shall be remitted to the general fund  
24 of the county where the violation took place.

25 (k) Any veterinarian in this State who is presented with  
26 an animal for treatment of injuries or wounds resulting from  
27 fighting where there is a reasonable possibility that the  
28 animal was engaged in or utilized for a fighting event for  
29 the purposes of sport, wagering, or entertainment shall file  
30 a report with the Department and cooperate by furnishing the  
31 owners' names, dates, and descriptions of the animal or  
32 animals involved. Any veterinarian who in good faith complies  
33 with the requirements of this subsection has immunity from  
34 any liability, civil, criminal, or otherwise, that may result

1 from his or her actions. For the purposes of any  
2 proceedings, civil or criminal, the good faith of the  
3 veterinarian shall be rebuttably presumed.

4 (1) No person shall conspire or solicit a minor to  
5 violate this Section.

6 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02;  
7 revised 10-11-01.)

8 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

9 Sec. 4.02. Arrests; reports.

10 (a) Any law enforcement officer making an arrest for an  
11 offense involving one or more animals under Section 4.01 of  
12 this Act shall lawfully take possession of all animals and  
13 all paraphernalia, implements, or other property or things  
14 used or employed, or about to be employed, in the violation  
15 of any of the provisions of Section 4.01 of this Act. When a  
16 law enforcement officer has taken possession of such animals,  
17 paraphernalia, implements or other property or things, he or  
18 she shall file with the court before whom the complaint is  
19 made against any person so arrested an affidavit stating  
20 therein the name of the person charged in the complaint, a  
21 description of the property so taken and the time and place  
22 of the taking thereof together with the name of the person  
23 from whom the same was taken and name of the person who  
24 claims to own such property, if different from the person  
25 from whom the dogs were seized and if known, and that the  
26 affiant has reason to believe and does believe, stating the  
27 ground of the belief, that the dogs and property so taken  
28 were used or employed, or were about to be used or employed,  
29 in a violation of Section 4.01 of this Act. He or she shall  
30 thereupon deliver an inventory of the property so taken to  
31 the court of competent jurisdiction. A law enforcement  
32 officer may humanely euthanize dogs that are severely  
33 injured.

1           An owner whose dogs are removed for a violation of  
2 Section 4.01 of this Act must be given written notice of the  
3 circumstances of the removal and of any legal remedies  
4 available to him or her. The notice must be posted at the  
5 place of seizure or delivered to a person residing at the  
6 place of seizure or, if the address of the owner is different  
7 from the address of the person from whom the dogs were  
8 seized, delivered by registered mail to his or her last known  
9 address.

10           The animal control or animal shelter having custody of  
11 the dogs may file a petition with the court requesting that  
12 the person from whom the dogs were seized or the owner of the  
13 dogs be ordered to post security pursuant to Section 3.05 of  
14 this Act.

15           Upon the conviction of the person so charged, all dogs  
16 shall be adopted or humanely euthanized and property so  
17 seized shall be adjudged by the court to be forfeited. Any  
18 outstanding costs incurred by the impounding facility in  
19 boarding and treating the dogs pending the disposition of the  
20 case and disposing of the dogs upon a conviction must be  
21 borne by the person convicted. In no event may the dogs be  
22 adopted by the defendant or anyone residing in his or her  
23 household. If the court finds that the State either failed to  
24 prove the criminal allegations or that the dogs were used in  
25 fighting, the court must direct the delivery of the dogs and  
26 the other property not previously forfeited to the owner of  
27 the dogs and property.

28           Any person authorized by this Section to care for a dog,  
29 to treat a dog, or to attempt to restore a dog to good health  
30 and who is acting in good faith is immune from any civil or  
31 criminal liability that may result from his or her actions.

32           An animal control warden, animal control administrator,  
33 animal shelter employee, or approved humane investigator may  
34 humanely euthanize severely injured, diseased, or suffering

1 dog in exigent circumstances.

2 (b) Any veterinarian in this State who is presented with  
3 an animal for treatment of injuries or wounds resulting from  
4 fighting where there is a reasonable possibility that the  
5 animal was engaged in or utilized for a fighting event shall  
6 file a report with the Department and cooperate by furnishing  
7 the owners' names, date of receipt of the animal or animals  
8 and treatment administered, and descriptions of the animal or  
9 animals involved. Any veterinarian who in good faith makes a  
10 report, as required by this subsection (b), is immune from  
11 any liability, civil, criminal, or otherwise, resulting from  
12 his or her actions. For the purposes of any proceedings,  
13 civil or criminal, the good faith of any such veterinarian  
14 shall be presumed.

15 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02;  
16 revised 10-11-01.)

17 (510 ILCS 70/16) (from Ch. 8, par. 716)

18 Sec. 16. Violations; punishment; injunctions.

19 (a) Any person convicted of violating subsection (l) of  
20 Section 4.01 or Sections 5, 5.01, or 6 of this Act or any  
21 rule, regulation, or order of the Department pursuant  
22 thereto, is guilty of a Class A misdemeanor. A second or  
23 subsequent violation of Section 5, 5.01, or 6 is a Class 4  
24 felony.

25 (b)(1) This subsection (b) does not apply where the  
26 only animals involved in the violation are dogs.

27 (2) Any person convicted of violating subsection  
28 (a), (b), (c) or (h) of Section 4.01 of this Act or any  
29 rule, regulation, or order of the Department pursuant  
30 thereto, is guilty of a Class A misdemeanor.

31 (3) A second or subsequent offense involving the  
32 violation of subsection (a), (b) or (c) of Section 4.01  
33 of this Act or any rule, regulation, or order of the

1 Department pursuant thereto is a Class 4 felony.

2 (4) Any person convicted of violating subsection  
3 (d), (e) or (f) of Section 4.01 of this Act or any rule,  
4 regulation, or order of the Department pursuant thereto,  
5 is guilty of a Class A misdemeanor. A second or  
6 subsequent violation is a Class 4 felony.

7 (5) Any person convicted of violating subsection  
8 (g) of Section 4.01 of this Act or any rule, regulation,  
9 or order of the Department pursuant thereto is guilty of  
10 a Class C misdemeanor.

11 (c)(1) This subsection (c) applies exclusively  
12 where the only animals involved in the violation are  
13 dogs.

14 (2) Any person convicted of violating subsection  
15 (a), (b) or (c) of Section 4.01 of this Act or any rule,  
16 regulation or order of the Department pursuant thereto is  
17 guilty of a Class 4 felony and may be fined an amount not  
18 to exceed \$50,000. A person who knowingly owns a dog for  
19 fighting purposes or for producing a fight between 2 or  
20 more dogs or a dog and human or who knowingly offers for  
21 sale or sells a dog bred for fighting is guilty of a  
22 Class 3 felony if any of the following factors is  
23 present:

24 (i) the dogfight is performed in the presence  
25 of a person under 18 years of age;

26 (ii) the dogfight is performed for the purpose  
27 of or in the presence of illegal wagering activity;  
28 or

29 (iii) the dogfight is performed in furtherance  
30 of streetgang related activity as defined in Section  
31 10 of the Illinois Streetgang Terrorism Omnibus  
32 Prevention Act.

33 (3) Any person convicted of violating subsection  
34 (d) or (e) of Section 4.01 of this Act or any rule,

1 regulation or order of the Department pursuant thereto is  
2 guilty of Class A misdemeanor.

3 (3.5) Any person convicted of violating subsection  
4 (f) of Section 4.01 is guilty of a Class 4 felony.

5 (4) Any person convicted of violating subsection  
6 (g) of Section 4.01 of this Act or any rule, regulation  
7 or order of the Department pursuant thereto is guilty of  
8 a Class C misdemeanor.

9 (5) A second or subsequent violation of subsection  
10 (a), (b) or (c) of Section 4.01 of this Act or any rule,  
11 regulation or order of the Department pursuant thereto is  
12 a Class 3 felony. A second or subsequent violation of  
13 subsection (d) or (e) of Section 4.01 of this Act or any  
14 rule, regulation or order of the Department adopted  
15 pursuant thereto is a Class 3 felony, if in each  
16 violation the person knew or should have known that the  
17 device or equipment under subsection (d) or (e) of that  
18 Section was to be used to carry out a violation where the  
19 only animals involved were dogs. Where such person did  
20 not know or should not reasonably have been expected to  
21 know that the only animals involved in the violation were  
22 dogs, a second or subsequent violation of subsection (d)  
23 or (e) of Section 4.01 of this Act or any rule,  
24 regulation or order of the Department adopted pursuant  
25 thereto is a Class A misdemeanor. A second or subsequent  
26 violation of subsection (g) is a Class B misdemeanor.

27 (6) Any person convicted of violating Section 3.01  
28 of this Act is guilty of a Class A misdemeanor. A second  
29 or subsequent conviction for a violation of Section 3.01  
30 is a Class 4 felony.

31 (7) Any person convicted of violating Section 4.03  
32 is guilty of a Class A misdemeanor. A second or  
33 subsequent violation is a Class 4 felony.

34 (8) Any person convicted of violating Section 4.04

1 is guilty of a Class A misdemeanor where the animal is  
2 not killed or totally disabled, but if the animal is  
3 killed or totally disabled such person shall be guilty of  
4 a Class 4 felony.

5 (8.5) A person convicted of violating subsection  
6 (a) of Section 7.15 is guilty of a Class A misdemeanor.  
7 A person convicted of violating subsection (b) or (c) of  
8 Section 7.15 is (i) guilty of a Class A misdemeanor if  
9 the dog is not killed or totally disabled and (ii) if the  
10 dog is killed or totally disabled, guilty of a Class 4  
11 felony and may be ordered by the court to make  
12 restitution to the disabled person having custody or  
13 ownership of the dog for veterinary bills and replacement  
14 costs of the dog. A second or subsequent violation is a  
15 Class 4 felony.

16 (9) Any person convicted of any other act of abuse  
17 or neglect or of violating any other provision of this  
18 Act, or any rule, regulation, or order of the Department  
19 pursuant thereto, is guilty of a Class B misdemeanor. A  
20 second or subsequent violation is a Class 4 felony with  
21 every day that a violation continues constituting a  
22 separate offense.

23 (d) Any person convicted of violating Section 7.1 is  
24 guilty of a Class C misdemeanor. A second or subsequent  
25 conviction for a violation of Section 7.1 is a Class B  
26 misdemeanor.

27 (e) Any person convicted of violating Section 3.02 is  
28 guilty of a Class 4 felony. A second or subsequent violation  
29 is a Class 3 felony.

30 (f) The Department may enjoin a person from a continuing  
31 violation of this Act.

32 (g) Any person convicted of violating Section 3.03 is  
33 guilty of a Class 3 felony. As a condition of the sentence  
34 imposed under this Section, the court shall order the

1 offender to undergo a psychological or psychiatric evaluation  
2 and to undergo treatment that the court determines to be  
3 appropriate after due consideration of the evaluation.

4 (h) In addition to any other penalty provided by law,  
5 upon a conviction for violating Sections 3, 3.01, 3.02, or  
6 3.03 the court may order the convicted person to undergo a  
7 psychological or psychiatric evaluation and to undergo any  
8 treatment at the convicted person's expense that the court  
9 determines to be appropriate after due consideration of the  
10 evaluation. If the convicted person is a juvenile or a  
11 companion animal hoarder, the court must order the convicted  
12 person to undergo a psychological or psychiatric evaluation  
13 and to undergo treatment that the court determines to be  
14 appropriate after due consideration of the evaluation.

15 (i) In addition to any other penalty provided by law,  
16 upon conviction for violating Sections 3, 3.01, 3.02, or 3.03  
17 the court may order the convicted person to forfeit to an  
18 animal control or animal shelter the animal or animals that  
19 are the basis of the conviction. Upon an order of  
20 forfeiture, the convicted person is deemed to have  
21 permanently relinquished all rights to the animal or animals  
22 that are the basis of the conviction. The forfeited animal  
23 or animals shall be adopted or humanely euthanized. In no  
24 event may the convicted person or anyone residing in his or  
25 her household be permitted to adopt the forfeited animal or  
26 animals. The court, additionally, may order that the  
27 convicted person and persons dwelling in the same household  
28 as the convicted person who conspired, aided, or abetted in  
29 the unlawful act that was the basis of the conviction, or who  
30 knew or should have known of the unlawful act, may not own,  
31 harbor, or have custody or control of any other animals for a  
32 period of time that the court deems reasonable.

33 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;  
34 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff.

1 1-1-02; 92-454, eff. 1-1-02; revised 10-11-01.)

2 Section 75. The Fish and Aquatic Life Code is amended by  
3 changing Section 20-35 as follows:

4 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

5 (Text of Section before amendment by P.A. 92-513)

6 Sec. 20-35. Offenses. Except as prescribed in Section  
7 5-25 and unless otherwise provided in this Code, any person  
8 who is found guilty of violating any of the provisions of  
9 this Code, including administrative rules, is guilty of a  
10 petty offense.

11 Any person who violates any of the provisions of Section  
12 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,  
13 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10,  
14 15-15, 15-20, 15-30, 15-32, 15-40, 15-45, 15-55, 15-60,  
15 15-65, 15-75, 15-80, 15-85, 15-90, 15-95, 15-100, 15-105,  
16 15-110, 15-115, 15-120, 15-130, 15-140, 20-70, 20-75, 20-80,  
17 20-85, 25-10, 25-15, or 25-20 of this Code, including  
18 administrative rules relating to those Sections, is guilty of  
19 a Class B misdemeanor.

20 Any person who violates any of the provisions of Section  
21 1-200, 1-205, 10-55, 10-80, 15-35, or 20-120 of this Code,  
22 including administrative rules relating to those Sections, is  
23 guilty of a Class A misdemeanor.

24 Any person who violates any of the provisions of this  
25 Code, including administrative rules, during the 5 years  
26 following the revocation of his or her license, permit, or  
27 privileges under Section 20-105 is guilty of a Class A  
28 misdemeanor.

29 Any person who violates Section 5-25 of this Code,  
30 including administrative rules, is guilty of a Class 3  
31 felony.

32 Offenses committed by minors under the direct control or

1 with the consent of a parent or guardian may subject the  
2 parent or guardian to the penalties prescribed in this  
3 Section or as otherwise provided in this Code.

4 In addition to any fines imposed under this Section, or  
5 as otherwise provided in this Code, any person found guilty  
6 of unlawfully taking or possessing any aquatic life protected  
7 by this Code shall be assessed a civil penalty for that  
8 aquatic life in accordance with the values prescribed in  
9 Section 5-25 of this Code. This civil penalty shall be  
10 imposed at the time of the conviction by the Circuit Court  
11 for the county where the offense was committed. All  
12 penalties provided for in this Section shall be remitted to  
13 the Department in accordance with the provisions of Section  
14 1-180 of this Code.

15 (Source: P.A. 92-385, eff. 8-16-01.)

16 (Text of Section after amendment by P.A. 92-513)

17 Sec. 20-35. Offenses.

18 (a) Except as prescribed in Section 5-25 and unless  
19 otherwise provided in this Code, any person who is found  
20 guilty of violating any of the provisions of this Code,  
21 including administrative rules, is guilty of a petty offense.

22 Any person who violates any of the provisions of Section  
23 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,  
24 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10,  
25 15-15, 15-20, 15-30, 15-32, 15-40, 15-45, 15-55, 15-60,  
26 15-65, 15-75, 15-80, 15-85, 15-90, 15-95, 15-100, 15-105,  
27 15-110, 15-115, 15-120, 15-130, 15-140, 20-70, 20-75, 20-80,  
28 20-85, 25-10, 25-15, or 25-20 of this Code, including  
29 administrative rules relating to those Sections, is guilty of  
30 a Class B misdemeanor.

31 Any person who violates any of the provisions of Section  
32 1-200, 1-205, 10-55, 10-80, 15-35, or 20-120 of this Code,  
33 including administrative rules relating to those Sections, is  
34 guilty of a Class A misdemeanor.

1 Any person who violates any of the provisions of this  
2 Code, including administrative rules, during the 5 years  
3 following the revocation of his or her license, permit, or  
4 privileges under Section 20-105 is guilty of a Class A  
5 misdemeanor.

6 Any person who violates Section 5-25 of this Code,  
7 including administrative rules, is guilty of a Class 3  
8 felony.

9 (b)(1) It is unlawful for any person to take or attempt  
10 to take aquatic life from any aquatic life farm except with  
11 the consent of the owner of the aquatic life farm. Any  
12 person possessing fishing tackle on the premises of an  
13 aquatic life farm is presumed to be fishing. The presumption  
14 may be rebutted by clear and convincing evidence. All  
15 fishing tackle, apparatus, and vehicles used in the violation  
16 of this subsection (b) shall be confiscated by the arresting  
17 officer. Except as otherwise provided in this subsection,  
18 the seizure and confiscation procedures set forth in Section  
19 1-215 of this Code shall apply. If the confiscated property  
20 is determined by the circuit court to have been used in the  
21 violation of this subsection (b), the confiscated property  
22 shall be sold at public auction by the county sheriff of the  
23 county where the violation occurred. The proceeds of the  
24 sale shall be deposited in the county general fund; provided  
25 that the auction may be stayed by an appropriate court order.

26 (2) A violation of paragraph (1) of this subsection (b)  
27 is a Class A misdemeanor for a first offense and a Class 4  
28 felony for a second or subsequent offense.

29 (c)(1) It is unlawful for any person to trespass or fish  
30 on an aquatic life farm located on a strip mine lake or other  
31 body of water used for aquatic life farming operations, or  
32 within a 200 foot buffer zone surrounding cages or netpens  
33 that are clearly delineated by buoys of a posted aquatic life  
34 farm, by swimming, scuba diving, or snorkeling in, around, or

1 under the aquatic life farm or by operating a watercraft  
2 over, around, or in the aquatic life farm without the consent  
3 of the owner of the aquatic life farm.

4 (2) A violation of paragraph (1) of this subsection (c)  
5 is a Class B misdemeanor for a first offense and a Class A  
6 misdemeanor for a second or subsequent offense. All fishing  
7 tackle, apparatus, and watercraft used in a second or  
8 subsequent violation of this subsection (c) shall be  
9 confiscated by the arresting officer. Except as otherwise  
10 provided in this subsection, the seizure and confiscation  
11 procedures set forth in Section 1-215 of this Code shall  
12 apply. If the confiscated property is determined by the  
13 circuit court to have been used in a violation of this  
14 subsection (c), the confiscated property shall be sold at  
15 public auction by the county sheriff of the county where the  
16 violation occurred. The proceeds of the sale shall be  
17 deposited in the county general fund; provided that the  
18 auction may be stayed by an appropriate court order.

19 (d) Offenses committed by minors under the direct  
20 control or with the consent of a parent or guardian may  
21 subject the parent or guardian to the penalties prescribed in  
22 this Section or as otherwise provided in this Code.

23 (e) In addition to any fines imposed under this Section,  
24 or as otherwise provided in this Code, any person found  
25 guilty of unlawfully taking or possessing any aquatic life  
26 protected by this Code shall be assessed a civil penalty for  
27 that aquatic life in accordance with the values prescribed in  
28 Section 5-25 of this Code. This civil penalty shall be  
29 imposed at the time of the conviction by the Circuit Court  
30 for the county where the offense was committed. Except as  
31 otherwise provided for in subsections (b) and (c) of this  
32 Section, all penalties provided for in this Section shall be  
33 remitted to the Department in accordance with the provisions  
34 of Section 1-180 of this Code.

1 (Source: P.A. 92-385, eff. 8-16-01; 92-513, eff. 6-1-02;  
2 revised 1-7-02.)

3 Section 76. The Wildlife Code is amended by changing  
4 Sections 2.26 and 2.33 as follows:

5 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

6 Sec. 2.26. Deer hunting permits. In this Section, "bona  
7 fide equity shareholder" means an individual who (1)  
8 purchased, for market price, publicly sold stock shares in a  
9 corporation, purchased shares of a privately-held corporation  
10 for a value equal to the percentage of the appraised value of  
11 the corporate assets represented by the ownership in the  
12 corporation, or is a member of a closely-held family-owned  
13 corporation and has purchased or been gifted with shares of  
14 stock in the corporation accurately reflecting his or her  
15 percentage of ownership and (2) intends to retain the  
16 ownership of the shares of stock for at least 5 years.

17 In this Section, "bona fide equity member" means an  
18 individual who (1) (i) became a member upon the formation of  
19 the limited liability company or (ii) has purchased a  
20 distributional interest in a limited liability company for a  
21 value equal to the percentage of the appraised value of the  
22 LLC assets represented by the distributional interest in the  
23 LLC and subsequently becomes a member of the company pursuant  
24 to Article 30 of the Limited Liability Company Act and who  
25 (2) intends to retain the membership for at least 5 years.

26 Any person attempting to take deer shall first obtain a  
27 "Deer Hunting Permit" in accordance with prescribed  
28 regulations set forth in an Administrative Rule. Deer  
29 Hunting Permits shall be issued by the Department. The fee  
30 for a Deer Hunting Permit to take deer with either bow and  
31 arrow or gun shall not exceed \$15.00 for residents of the  
32 State. The Department may by administrative rule provide for

1 non-resident deer hunting permits for which the fee will not  
2 exceed \$200 except as provided below for non-resident  
3 landowners and non-resident archery hunters. The Department  
4 may by administrative rule provide for a non-resident archery  
5 deer permit consisting of not more than 2 harvest tags at a  
6 total cost not to exceed \$225. Permits shall be issued  
7 without charge to:

8 (a) Illinois landowners residing in Illinois who  
9 own at least 40 acres of Illinois land and wish to hunt  
10 their land only,

11 (b) resident tenants of at least 40 acres of  
12 commercial agricultural land where they will hunt, and

13 (c) Bona fide equity shareholders of a corporation  
14 or bona fide equity members of a limited liability  
15 company which owns at least 40 acres of land in a county  
16 in Illinois who wish to hunt on the corporation's or  
17 company's land only. One permit shall be issued without  
18 charge to one bona fide equity shareholder or one bona  
19 fide equity member for each 40 acres of land owned by the  
20 corporation or company in a county; however, the number  
21 of permits issued without charge to bona fide equity  
22 shareholders of any corporation or bona fide equity  
23 members of a limited liability company in any county  
24 shall not exceed 15.

25 Bona fide landowners or tenants who do not wish to hunt  
26 only on the land they own, rent or lease or bona fide equity  
27 shareholders or bona fide equity members who do not wish to  
28 hunt only on the land owned by the corporation or limited  
29 liability company shall be charged the same fee as the  
30 applicant who is not a landowner, tenant, bona fide equity  
31 shareholder, or bona fide equity member. Nonresidents of  
32 Illinois who own at least 40 acres of land and wish to hunt  
33 on their land only shall be charged a fee set by  
34 administrative rule. The method for obtaining these permits

1 shall be prescribed by administrative rule.

2 The deer hunting permit issued without fee shall be valid  
3 on all farm lands which the person to whom it is issued owns,  
4 leases or rents, except that in the case of a permit issued  
5 to a bona fide equity shareholder or bona fide equity member,  
6 the permit shall be valid on all lands owned by the  
7 corporation or limited liability company in the county.

8 The standards and specifications for use of guns and bow  
9 and arrow for deer hunting shall be established by  
10 administrative rule.

11 No person may have in his possession any firearm not  
12 authorized by administrative rule for a specific hunting  
13 season when taking deer.

14 Persons having a firearm deer hunting permit shall be  
15 permitted to take deer only during the period from 1/2 hour  
16 before sunrise to sunset, and only during those days for  
17 which an open season is established for the taking of deer by  
18 use of shotgun or muzzle loading rifle.

19 Persons having an archery deer hunting permit shall be  
20 permitted to take deer only during the period from 1/2 hour  
21 before sunrise to 1/2 hour after sunset, and only during  
22 those days for which an open season is established for the  
23 taking of deer by use of bow and arrow.

24 It shall be unlawful for any person to take deer by use  
25 of dogs, horses, automobiles, aircraft or other vehicles, or  
26 by the use of salt or bait of any kind. An area is  
27 considered as baited during the presence of and for 10  
28 consecutive days following the removal of bait.

29 It shall be unlawful to possess or transport any wild  
30 deer which has been injured or killed in any manner upon a  
31 public highway or public right-of-way of this State unless  
32 exempted by administrative rule.

33 Persons hunting deer must have gun unloaded and no bow  
34 and arrow device shall be carried with the arrow in the

1       nocked position during hours when deer hunting is unlawful.

2             It shall be unlawful for any person, having taken the  
3       legal limit of deer by gun, to further participate with gun  
4       in any deer hunting party.

5             It shall be unlawful for any person, having taken the  
6       legal limit of deer by bow and arrow, to further participate  
7       with bow and arrow in any deer hunting party.

8             The Department may prohibit upland game hunting during  
9       the gun deer season by administrative rule.

10            It shall be legal for handicapped persons, as defined in  
11       Section 2.33, to utilize a crossbow device, as defined in  
12       Department rules, to take deer.

13            Any person who violates any of the provisions of this  
14       Section, including administrative rules, shall be guilty of a  
15       Class B misdemeanor.

16       (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;  
17       revised 9-19-01.)

18            (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

19            Sec. 2.33. Prohibitions.

20            (a) It is unlawful to carry or possess any gun in any  
21       State refuge unless otherwise permitted by administrative  
22       rule.

23            (b) It is unlawful to use or possess any snare or  
24       snare-like device, deadfall, net, or pit trap to take any  
25       species, except that snares not powered by springs or other  
26       mechanical devices may be used to trap fur-bearing mammals,  
27       in water sets only, if at least one-half of the snare noose  
28       is located underwater at all times.

29            (c) It is unlawful for any person at any time to take a  
30       wild mammal protected by this Act from its den by means of  
31       any mechanical device, spade, or digging device or to use  
32       smoke or other gases to dislodge or remove such mammal except  
33       as provided in Section 2.37.

1 (d) It is unlawful to use a ferret or any other small  
2 mammal which is used in the same or similar manner for which  
3 ferrets are used for the purpose of frightening or driving  
4 any mammals from their dens or hiding places.

5 (e) (Blank).

6 (f) It is unlawful to use spears, gigs, hooks or any  
7 like device to take any species protected by this Act.

8 (g) It is unlawful to use poisons, chemicals or  
9 explosives for the purpose of taking any species protected by  
10 this Act.

11 (h) It is unlawful to hunt adjacent to or near any peat,  
12 grass, brush or other inflammable substance when it is  
13 burning.

14 (i) It is unlawful to take, pursue or intentionally  
15 harass or disturb in any manner any wild birds or mammals by  
16 use or aid of any vehicle or conveyance, except as permitted  
17 by the Code of Federal Regulations for the taking of  
18 waterfowl. It is also unlawful to use the lights of any  
19 vehicle or conveyance or any light from or any light  
20 connected to the such vehicle or conveyance in any area where  
21 wildlife may be found except in accordance with Section 2.37  
22 of this Act; ~~however,~~ however, nothing in this Section shall prohibit  
23 the normal use of headlamps for the purpose of driving upon a  
24 roadway. ~~and-except-that~~ Striped skunk, opossum, red fox,  
25 gray fox, raccoon and coyote may be taken during the open  
26 season by use of a small light which is worn on the body or  
27 hand-held by a person on foot and not in any vehicle.

28 (j) It is unlawful to use any shotgun larger than 10  
29 gauge while taking or attempting to take any of the species  
30 protected by this Act.

31 (k) It is unlawful to use or possess in the field any  
32 shotgun shell loaded with a shot size larger than lead BB or  
33 steel T (.20 diameter) when taking or attempting to take any  
34 species of wild game mammals (excluding white-tailed deer),

1 wild game birds, migratory waterfowl or migratory game birds  
2 protected by this Act, except white-tailed deer as provided  
3 for in Section 2.26 and other species as provided for by  
4 subsection (l) or administrative rule.

5 (l) It is unlawful to take any species of wild game,  
6 except white-tailed deer, with a shotgun loaded with slugs  
7 unless otherwise provided for by administrative rule.

8 (m) It is unlawful to use any shotgun capable of holding  
9 more than 3 shells in the magazine or chamber combined,  
10 except on game breeding and hunting preserve areas licensed  
11 under Section 3.27 and except as permitted by the Code of  
12 Federal Regulations for the taking of waterfowl. If the  
13 shotgun is capable of holding more than 3 shells, it shall,  
14 while being used on an area other than a game breeding and  
15 shooting preserve area licensed pursuant to Section 3.27, be  
16 fitted with a one piece plug that is irremovable without  
17 dismantling the shotgun or otherwise altered to render it  
18 incapable of holding more than 3 shells in the magazine and  
19 chamber, combined.

20 (n) It is unlawful for any person, except persons who  
21 possess a permit to hunt from a vehicle as provided in this  
22 Section and persons otherwise permitted by law, to have or  
23 carry any gun in or on any vehicle, conveyance or aircraft,  
24 unless such gun is unloaded and enclosed in a case, except  
25 that at field trials authorized by Section 2.34 of this Act,  
26 unloaded guns or guns loaded with blank cartridges only, may  
27 be carried on horseback while not contained in a case, or to  
28 have or carry any bow or arrow device in or on any vehicle  
29 unless such bow or arrow device is unstrung or enclosed in a  
30 case, or otherwise made inoperable.

31 (o) It is unlawful to use any crossbow for the purpose  
32 of taking any wild birds or mammals, except as provided for  
33 in Section 2.33.

34 (p) It is unlawful to take game birds, migratory game

1 birds or migratory waterfowl with a rifle, pistol, revolver  
2 or airgun.

3 (q) It is unlawful to fire a rifle, pistol, revolver or  
4 airgun on, over or into any waters of this State, including  
5 frozen waters.

6 (r) It is unlawful to discharge any gun or bow and arrow  
7 device along, upon, across, or from any public right-of-way  
8 or highway in this State.

9 (s) It is unlawful to use a silencer or other device to  
10 muffle or mute the sound of the explosion or report resulting  
11 from the firing of any gun.

12 (t) It is unlawful for any person to trap or hunt, or  
13 allow a dog to hunt, within or upon the land of another, or  
14 upon waters flowing over or standing on the land of another,  
15 without first obtaining permission from the owner or tenant.  
16 It shall be prima facie evidence that a person does not have  
17 permission of the owner or tenant if the person is unable to  
18 demonstrate to the law enforcement officer in the field that  
19 permission had been obtained. This provision may only be  
20 rebutted by testimony of the owner or tenant that permission  
21 had been given. Before enforcing this Section the law  
22 enforcement officer must have received notice from the owner  
23 or tenant of a violation of this Section. Statements made to  
24 the law enforcement officer regarding this notice shall not  
25 be rendered inadmissible by the hearsay rule when offered for  
26 the purpose of showing the required notice.

27 (u) It is unlawful for any person to discharge any  
28 firearm for the purpose of taking any of the species  
29 protected by this Act, or hunt with gun or dog, or allow a  
30 dog to hunt, within 300 yards of an inhabited dwelling  
31 without first obtaining permission from the owner or tenant,  
32 except that while trapping, hunting with bow and arrow,  
33 hunting with dog and shotgun using shot shells only, or  
34 hunting with shotgun using shot shells only, or on licensed

1 game breeding and hunting preserve areas, as defined in  
2 Section 3.27, on property operated under a Migratory  
3 Waterfowl Hunting Area Permit, on federally owned and managed  
4 lands and on Department owned, managed, leased or controlled  
5 lands, a 100 yard restriction shall apply.

6 (v) It is unlawful for any person to remove fur-bearing  
7 mammals from, or to move or disturb in any manner, the traps  
8 owned by another person without written authorization of the  
9 owner to do so.

10 (w) It is unlawful for any owner of a dog to knowingly  
11 or wantonly allow his or her dog to pursue, harass or kill  
12 deer.

13 (x) It is unlawful for any person to wantonly or  
14 carelessly injure or destroy, in any manner whatsoever, any  
15 real or personal property on the land of another while  
16 engaged in hunting or trapping thereon.

17 (y) It is unlawful to hunt wild game protected by this  
18 Act between one half hour after sunset and one half hour  
19 before sunrise, except that hunting hours between one half  
20 hour after sunset and one half hour before sunrise may be  
21 established by administrative rule for fur-bearing mammals.

22 (z) It is unlawful to take any game bird (excluding wild  
23 turkeys and crippled pheasants not capable of normal flight  
24 and otherwise irretrievable) protected by this Act when not  
25 flying. Nothing in this Section shall prohibit a person from  
26 carrying an uncased, unloaded shotgun in a boat, while in  
27 pursuit of a crippled migratory waterfowl that is incapable  
28 of normal flight, for the purpose of attempting to reduce the  
29 migratory waterfowl to possession, provided that the attempt  
30 is made immediately upon downing the migratory waterfowl and  
31 is done within 400 yards of the blind from which the  
32 migratory waterfowl was downed. This exception shall apply  
33 only to migratory game birds that are not capable of normal  
34 flight. Migratory waterfowl that are crippled may be taken

1 only with a shotgun as regulated by subsection (j) of this  
2 Section using shotgun shells as regulated in subsection (k)  
3 of this Section.

4 (aa) It is unlawful to use or possess any device that  
5 may be used for tree climbing or cutting, while hunting  
6 fur-bearing mammals.

7 (bb) It is unlawful for any person, except licensed game  
8 breeders, pursuant to Section 2.29 to import, carry into, or  
9 possess alive in this State, any species of wildlife taken  
10 outside of this State, without obtaining permission to do so  
11 from the Director.

12 (cc) It is unlawful for any person to have in his or her  
13 ~~their~~ possession any freshly killed species protected by this  
14 Act during the season closed for taking.

15 (dd) It is unlawful to take any species protected by  
16 this Act and retain it alive.

17 (ee) It is unlawful to possess any rifle while in the  
18 field during gun deer season except as provided in Section  
19 2.26 and administrative rules.

20 (ff) It is unlawful for any person to take any species  
21 protected by this Act, except migratory waterfowl, during the  
22 gun deer hunting season in those counties open to gun deer  
23 hunting, unless he or she wears, when in the field, a cap and  
24 upper outer garment of a solid blaze orange color, with such  
25 articles of clothing displaying a minimum of 400 square  
26 inches of blaze orange material.

27 (gg) It is unlawful during the upland game season for  
28 any person to take upland game with a firearm unless he or  
29 she wears, while in the field, a cap of solid blaze orange  
30 color. For purposes of this Act, upland game is defined as  
31 Bobwhite Quail, Hungarian Partridge, Ring-necked Pheasant,  
32 Eastern Cottontail and Swamp Rabbit.

33 (hh) It shall be unlawful to kill or cripple any species  
34 protected by this Act for which there is a daily bag limit

1 without making a reasonable effort to retrieve such species  
2 and include such in the daily bag limit.

3 (ii) This Section shall apply only to those species  
4 protected by this Act taken within the State. Any species or  
5 any parts thereof, legally taken in and transported from  
6 other states or countries, may be possessed within the State,  
7 except as provided in this Section and Sections 2.35, 2.36  
8 and 3.21.

9 (jj) Nothing contained in this Section shall prohibit  
10 the use of bow and arrow, or prevent the Director from  
11 issuing permits to use a crossbow to handicapped persons as  
12 provided by administrative rule. As used herein,  
13 "handicapped persons" means those persons who have a  
14 permanent physical impairment due to injury or disease,  
15 congenital or acquired, which renders them so severely  
16 disabled as to be unable to use a conventional bow and arrow  
17 device. Permits will be issued only after the receipt of a  
18 physician's statement confirming the applicant is handicapped  
19 as defined above.

20 (kk) Nothing contained in this Section shall prohibit  
21 the Director from issuing permits to paraplegics or to other  
22 disabled persons who meet the requirements set forth in  
23 administrative rule to shoot or hunt from a vehicle as  
24 provided by that rule, provided that such is otherwise in  
25 accord with this Act.

26 (ll) Nothing contained in this Act shall prohibit the  
27 taking of aquatic life protected by the Fish and Aquatic Life  
28 Code or birds and mammals protected by this Act, except deer  
29 and fur-bearing mammals, from a boat not camouflaged or  
30 disguised to alter its identity or to further provide a place  
31 of concealment and not propelled by sail or mechanical power.  
32 However, only shotguns not larger than 10 gauge nor smaller  
33 than .410 bore loaded with not more than 3 shells of a shot  
34 size no larger than lead BB or steel T (.20 diameter) may be

1 used to take species protected by this Act.

2 (mm) Nothing contained in this Act shall prohibit the  
3 use of a shotgun, not larger than 10 gauge nor smaller than a  
4 20 gauge, with a rifled barrel.

5 (Source: P.A. 91-654, eff. 12-15-99; 92-325, eff. 8-9-01;  
6 revised 10-15-01.)

7 Section 77. The Illinois Vehicle Code is amended by  
8 changing Sections 2-123, 3-112, 3-112.1, 3-302, 3-402,  
9 3-405.1, 3-412, 3-616, 3-806.3, 6-205, 6-206, 6-208, 6-500,  
10 7-501, 11-207, 11-501, 11-1201, 11-1201.1, 12-215, 18b-105,  
11 and 18c-2108 and setting forth and renumbering multiple  
12 versions of Section 3-648 as follows:

13 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

14 Sec. 2-123. Sale and Distribution of Information.

15 (a) Except as otherwise provided in this Section, the  
16 Secretary may make the driver's license, vehicle and title  
17 registration lists, in part or in whole, and any statistical  
18 information derived from these lists available to local  
19 governments, elected state officials, state educational  
20 institutions, and all other governmental units of the State  
21 and Federal Government requesting them for governmental  
22 purposes. The Secretary shall require any such applicant for  
23 services to pay for the costs of furnishing such services and  
24 the use of the equipment involved, and in addition is  
25 empowered to establish prices and charges for the services so  
26 furnished and for the use of the electronic equipment  
27 utilized.

28 (b) The Secretary is further empowered to and he may, in  
29 his discretion, furnish to any applicant, other than listed  
30 in subsection (a) of this Section, vehicle or driver data on  
31 a computer tape, disk, other electronic format or computer  
32 processable medium, or printout at a fixed fee of \$250 in

1 advance and require in addition a further sufficient deposit  
2 based upon the Secretary of State's estimate of the total  
3 cost of the information requested and a charge of \$25 per  
4 1,000 units or part thereof identified or the actual cost,  
5 whichever is greater. The Secretary is authorized to refund  
6 any difference between the additional deposit and the actual  
7 cost of the request. This service shall not be in lieu of an  
8 abstract of a driver's record nor of a title or registration  
9 search. This service may be limited to entities purchasing a  
10 minimum number of records as required by administrative rule.  
11 The information sold pursuant to this subsection shall be the  
12 entire vehicle or driver data list, or part thereof. The  
13 information sold pursuant to this subsection shall not  
14 contain personally identifying information unless the  
15 information is to be used for one of the purposes identified  
16 in subsection (f-5) of this Section. Commercial purchasers  
17 of driver and vehicle record databases shall enter into a  
18 written agreement with the Secretary of State that includes  
19 disclosure of the commercial use of the information to be  
20 purchased.

21 (c) Secretary of State may issue registration lists.  
22 The Secretary of State shall compile and publish, at least  
23 annually, a list of all registered vehicles. Each list of  
24 registered vehicles shall be arranged serially according to  
25 the registration numbers assigned to registered vehicles and  
26 shall contain in addition the names and addresses of  
27 registered owners and a brief description of each vehicle  
28 including the serial or other identifying number thereof.  
29 Such compilation may be in such form as in the discretion of  
30 the Secretary of State may seem best for the purposes  
31 intended.

32 (d) The Secretary of State shall furnish no more than 2  
33 current available lists of such registrations to the sheriffs  
34 of all counties and to the chiefs of police of all cities and

1 villages and towns of 2,000 population and over in this State  
2 at no cost. Additional copies may be purchased by the  
3 sheriffs or chiefs of police at the fee of \$500 each or at  
4 the cost of producing the list as determined by the Secretary  
5 of State. Such lists are to be used for governmental  
6 purposes only.

7 (e) (Blank).

8 (e-1) (Blank).

9 (f) The Secretary of State shall make a title or  
10 registration search of the records of his office and a  
11 written report on the same for any person, upon written  
12 application of such person, accompanied by a fee of \$5 for  
13 each registration or title search. The written application  
14 shall set forth the intended use of the requested  
15 information. No fee shall be charged for a title or  
16 registration search, or for the certification thereof  
17 requested by a government agency. The report of the title or  
18 registration search shall not contain personally identifying  
19 information unless the request for a search was made for one  
20 of the purposes identified in subsection (f-5) of this  
21 Section.

22 The Secretary of State shall certify a title or  
23 registration record upon written request. The fee for  
24 certification shall be \$5 in addition to the fee required for  
25 a title or registration search. Certification shall be made  
26 under the signature of the Secretary of State and shall be  
27 authenticated by Seal of the Secretary of State.

28 The Secretary of State may notify the vehicle owner or  
29 registrant of the request for purchase of his title or  
30 registration information as the Secretary deems appropriate.

31 No information shall be released to the requestor until  
32 expiration of a 10 day period. This 10 day period shall not  
33 apply to requests for information made by law enforcement  
34 officials, government agencies, financial institutions,

1 attorneys, insurers, employers, automobile associated  
2 businesses, persons licensed as a private detective or firms  
3 licensed as a private detective agency under the Private  
4 Detective, Private Alarm, and Private Security Act of 1983,  
5 who are employed by or are acting on behalf of law  
6 enforcement officials, government agencies, financial  
7 institutions, attorneys, insurers, employers, automobile  
8 associated businesses, and other business entities for  
9 purposes consistent with the Illinois Vehicle Code, the  
10 vehicle owner or registrant or other entities as the  
11 Secretary may exempt by rule and regulation.

12 Any misrepresentation made by a requestor of title or  
13 vehicle information shall be punishable as a petty offense,  
14 except in the case of persons licensed as a private detective  
15 or firms licensed as a private detective agency which shall  
16 be subject to disciplinary sanctions under Section 22 or 25  
17 of the Private Detective, Private Alarm, and Private Security  
18 Act of 1983.

19 (f-5) The Secretary of State shall not disclose or  
20 otherwise make available to any person or entity any  
21 personally identifying information obtained by the Secretary  
22 of State in connection with a driver's license, vehicle, or  
23 title registration record unless the information is disclosed  
24 for one of the following purposes:

25 (1) For use by any government agency, including any  
26 court or law enforcement agency, in carrying out its  
27 functions, or any private person or entity acting on  
28 behalf of a federal, State, or local agency in carrying  
29 out its functions.

30 (2) For use in connection with matters of motor  
31 vehicle or driver safety and theft; motor vehicle  
32 emissions; motor vehicle product alterations, recalls, or  
33 advisories; performance monitoring of motor vehicles,  
34 motor vehicle parts, and dealers; and removal of

1 non-owner records from the original owner records of  
2 motor vehicle manufacturers.

3 (3) For use in the normal course of business by a  
4 legitimate business or its agents, employees, or  
5 contractors, but only:

6 (A) to verify the accuracy of personal  
7 information submitted by an individual to the  
8 business or its agents, employees, or contractors;  
9 and

10 (B) if such information as so submitted is not  
11 correct or is no longer correct, to obtain the  
12 correct information, but only for the purposes of  
13 preventing fraud by, pursuing legal remedies  
14 against, or recovering on a debt or security  
15 interest against, the individual.

16 (4) For use in research activities and for use in  
17 producing statistical reports, if the personally  
18 identifying information is not published, redisclosed, or  
19 used to contact individuals.

20 (5) For use in connection with any civil, criminal,  
21 administrative, or arbitral proceeding in any federal,  
22 State, or local court or agency or before any  
23 self-regulatory body, including the service of process,  
24 investigation in anticipation of litigation, and the  
25 execution or enforcement of judgments and orders, or  
26 pursuant to an order of a federal, State, or local court.

27 (6) For use by any insurer or insurance support  
28 organization or by a self-insured entity or its agents,  
29 employees, or contractors in connection with claims  
30 investigation activities, antifraud activities, rating,  
31 or underwriting.

32 (7) For use in providing notice to the owners of  
33 towed or impounded vehicles.

34 (8) For use by any private investigative agency or

1 security service licensed in Illinois for any purpose  
2 permitted under this subsection.

3 (9) For use by an employer or its agent or insurer  
4 to obtain or verify information relating to a holder of a  
5 commercial driver's license that is required under  
6 chapter 313 of title 49 of the United States Code.

7 (10) For use in connection with the operation of  
8 private toll transportation facilities.

9 (11) For use by any requester, if the requester  
10 demonstrates it has obtained the written consent of the  
11 individual to whom the information pertains.

12 (12) For use by members of the news media, as  
13 defined in Section 1-148.5, for the purpose of  
14 newsgathering when the request relates to the operation  
15 of a motor vehicle or public safety.

16 (13) For any other use specifically authorized by  
17 law, if that use is related to the operation of a motor  
18 vehicle or public safety.

19 (g) 1. The Secretary of State may, upon receipt of a  
20 written request and a fee of \$6, furnish to the person or  
21 agency so requesting a driver's record. Such document  
22 may include a record of: current driver's license  
23 issuance information, except that the information on  
24 judicial driving permits shall be available only as  
25 otherwise provided by this Code; convictions; orders  
26 entered revoking, suspending or cancelling a driver's  
27 license or privilege; and notations of accident  
28 involvement. All other information, unless otherwise  
29 permitted by this Code, shall remain confidential.  
30 Information released pursuant to a request for a driver's  
31 record shall not contain personally identifying  
32 information, unless the request for the driver's record  
33 was made for one of the purposes set forth in subsection  
34 (f-5) of this Section.

1           2. The Secretary of State may certify an abstract  
2 of a driver's record upon written request therefor.  
3 Such certification shall be made under the signature of  
4 the Secretary of State and shall be authenticated by the  
5 Seal of his office.

6           3. All requests for driving record information  
7 shall be made in a manner prescribed by the Secretary and  
8 shall set forth the intended use of the requested  
9 information.

10           The Secretary of State may notify the affected  
11 driver of the request for purchase of his driver's record  
12 as the Secretary deems appropriate.

13           No information shall be released to the requester  
14 until expiration of a 10 day period. This 10 day period  
15 shall not apply to requests for information made by law  
16 enforcement officials, government agencies, financial  
17 institutions, attorneys, insurers, employers, automobile  
18 associated businesses, persons licensed as a private  
19 detective or firms licensed as a private detective agency  
20 under the Private Detective, Private Alarm, and Private  
21 Security Act of 1983, who are employed by or are acting  
22 on behalf of law enforcement officials, government  
23 agencies, financial institutions, attorneys, insurers,  
24 employers, automobile associated businesses, and other  
25 business entities for purposes consistent with the  
26 Illinois Vehicle Code, the affected driver or other  
27 entities as the Secretary may exempt by rule and  
28 regulation.

29           Any misrepresentation made by a requestor of driver  
30 information shall be punishable as a petty offense,  
31 except in the case of persons licensed as a private  
32 detective or firms licensed as a private detective agency  
33 which shall be subject to disciplinary sanctions under  
34 Section 22 or 25 of the Private Detective, Private Alarm,

1 and Private Security Act of 1983.

2 4. The Secretary of State may furnish without fee,  
3 upon the written request of a law enforcement agency, any  
4 information from a driver's record on file with the  
5 Secretary of State when such information is required in  
6 the enforcement of this Code or any other law relating to  
7 the operation of motor vehicles, including records of  
8 dispositions; documented information involving the use of  
9 a motor vehicle; whether such individual has, or  
10 previously had, a driver's license; and the address and  
11 personal description as reflected on said driver's  
12 record.

13 5. Except as otherwise provided in this Section,  
14 the Secretary of State may furnish, without fee,  
15 information from an individual driver's record on file,  
16 if a written request therefor is submitted by any public  
17 transit system or authority, public defender, law  
18 enforcement agency, a state or federal agency, or an  
19 Illinois local intergovernmental association, if the  
20 request is for the purpose of a background check of  
21 applicants for employment with the requesting agency, or  
22 for the purpose of an official investigation conducted by  
23 the agency, or to determine a current address for the  
24 driver so public funds can be recovered or paid to the  
25 driver, or for any other purpose set forth in subsection  
26 (f-5) of this Section.

27 The Secretary may also furnish the courts a copy of  
28 an abstract of a driver's record, without fee, subsequent  
29 to an arrest for a violation of Section 11-501 or a  
30 similar provision of a local ordinance. Such abstract  
31 may include records of dispositions; documented  
32 information involving the use of a motor vehicle as  
33 contained in the current file; whether such individual  
34 has, or previously had, a driver's license; and the

1 address and personal description as reflected on said  
2 driver's record.

3 6. Any certified abstract issued by the Secretary  
4 of State or transmitted electronically by the Secretary  
5 of State pursuant to this Section, to a court or on  
6 request of a law enforcement agency, for the record of a  
7 named person as to the status of the person's driver's  
8 license shall be prima facie evidence of the facts  
9 therein stated and if the name appearing in such abstract  
10 is the same as that of a person named in an information  
11 or warrant, such abstract shall be prima facie evidence  
12 that the person named in such information or warrant is  
13 the same person as the person named in such abstract and  
14 shall be admissible for any prosecution under this Code  
15 and be admitted as proof of any prior conviction or proof  
16 of records, notices, or orders recorded on individual  
17 driving records maintained by the Secretary of State.

18 7. Subject to any restrictions contained in the  
19 Juvenile Court Act of 1987, and upon receipt of a proper  
20 request and a fee of \$6, the Secretary of State shall  
21 provide a driver's record to the affected driver, or the  
22 affected driver's attorney, upon verification. Such  
23 record shall contain all the information referred to in  
24 paragraph 1 of this subsection (g) plus: any recorded  
25 accident involvement as a driver; information recorded  
26 pursuant to subsection (e) of Section 6-117 and paragraph  
27 (4) of subsection (a) of Section 6-204 of this Code. All  
28 other information, unless otherwise permitted by this  
29 Code, shall remain confidential.

30 (h) The Secretary shall not disclose social security  
31 numbers except pursuant to a written request by, or with the  
32 prior written consent of, the individual except: (1) to  
33 officers and employees of the Secretary who have a need to  
34 know the social security numbers in performance of their

1 official duties, (2) to law enforcement officials for a  
2 lawful, civil or criminal law enforcement investigation, and  
3 if the head of the law enforcement agency has made a written  
4 request to the Secretary specifying the law enforcement  
5 investigation for which the social security numbers are being  
6 sought, (3) to the United States Department of  
7 Transportation, or any other State, pursuant to the  
8 administration and enforcement of the Commercial Motor  
9 Vehicle Safety Act of 1986, (4) pursuant to the order of a  
10 court of competent jurisdiction, or (5) to the Department of  
11 Public Aid for utilization in the child support enforcement  
12 duties assigned to that Department under provisions of the  
13 Public Aid Code after the individual has received advanced  
14 meaningful notification of what redisclosure is sought by the  
15 Secretary in accordance with the federal Privacy Act.

16 (i) (Blank).

17 (j) Medical statements or medical reports received in  
18 the Secretary of State's Office shall be confidential. No  
19 confidential information may be open to public inspection or  
20 the contents disclosed to anyone, except officers and  
21 employees of the Secretary who have a need to know the  
22 information contained in the medical reports and the Driver  
23 License Medical Advisory Board, unless so directed by an  
24 order of a court of competent jurisdiction.

25 (k) All fees collected under this Section shall be paid  
26 into the Road Fund of the State Treasury, except that \$3 of  
27 the \$6 fee for a driver's record shall be paid into the  
28 Secretary of State Special Services Fund.

29 (l) (Blank).

30 (m) Notations of accident involvement that may be  
31 disclosed under this Section shall not include notations  
32 relating to damage to a vehicle or other property being  
33 transported by a tow truck. This information shall remain  
34 confidential, provided that nothing in this subsection (m)

1 shall limit disclosure of any notification of accident  
2 involvement to any law enforcement agency or official.

3 (n) Requests made by the news media for driver's  
4 license, vehicle, or title registration information may be  
5 furnished without charge or at a reduced charge, as  
6 determined by the Secretary, when the specific purpose for  
7 requesting the documents is deemed to be in the public  
8 interest. Waiver or reduction of the fee is in the public  
9 interest if the principal purpose of the request is to access  
10 and disseminate information regarding the health, safety, and  
11 welfare or the legal rights of the general public and is not  
12 for the principal purpose of gaining a personal or commercial  
13 benefit. The information provided pursuant to this subsection  
14 shall not contain personally identifying information unless  
15 the information is to be used for one of the purposes  
16 identified in subsection (f-5) of this Section.

17 (o) ~~(m)~~ The redisclosure of personally identifying  
18 information obtained pursuant to this Section is prohibited,  
19 except to the extent necessary to effectuate the purpose for  
20 which the original disclosure of the information was  
21 permitted.

22 (p) ~~(n)~~ The Secretary of State is empowered to adopt  
23 rules to effectuate this Section.

24 (Source: P.A. 91-37, eff. 7-1-99; 91-357, eff. 7-29-99;  
25 91-716, eff. 10-1-00; 92-32, eff. 7-1-01; revised 9-10-01.)

26 (625 ILCS 5/3-112) (from Ch. 95 1/2, par. 3-112)

27 Sec. 3-112. Transfer.

28 (a) If an owner transfers his interest in a vehicle,  
29 other than by the creation of a security interest, at the  
30 time of the delivery of the vehicle he shall execute to the  
31 transferee an assignment and warranty of title in the space  
32 provided on the certificate of title, or as the Secretary of  
33 State prescribes, and cause the certificate and assignment to

1 be mailed or delivered to the transferee or to the Secretary  
2 of State.

3 If the vehicle is subject to a tax under the Mobile Home  
4 Local Services Tax Act in a county with a population of less  
5 than 3,000,000, the owner shall also provide to the  
6 transferee a certification by the treasurer of the county in  
7 which the vehicle is situated that all taxes imposed upon the  
8 vehicle for the years the owner was the actual titleholder of  
9 the vehicle have been paid. The transferee shall be liable  
10 only for the taxes he or she incurred while he or she was the  
11 actual titleholder of the mobile home. The county treasurer  
12 shall refund any amount of taxes paid by the transferee that  
13 were imposed in years when the transferee was not the actual  
14 titleholder. The provisions of this amendatory Act of 1997  
15 (P.A. 90-542) apply retroactively to January 1, 1996. In no  
16 event may the county treasurer refund amounts paid by the  
17 transferee during any year except the 10 years immediately  
18 preceding the year in which the refund is made. If the owner  
19 is a licensed dealer who has purchased the vehicle and is  
20 holding it for resale, in lieu of acquiring a certification  
21 from the county treasurer he shall forward the certification  
22 received from the previous owner to the next buyer of the  
23 vehicle. The owner shall cause the certification to be  
24 mailed or delivered to the Secretary of State with the  
25 certificate of title and assignment.

26 (b) Except as provided in Section 3-113, the transferee  
27 shall, promptly and within 20 days after delivery to him of  
28 the vehicle and the assigned title, execute the application  
29 for a new certificate of title in the space provided therefor  
30 on the certificate or as the Secretary of State prescribes,  
31 and cause the certificate and application to be mailed or  
32 delivered to the Secretary of State.

33 (c) Upon request of the owner or transferee, a  
34 lienholder in possession of the certificate of title shall,

1 unless the transfer was a breach of his security agreement,  
2 either deliver the certificate to the transferee for delivery  
3 to the Secretary of State or, upon receipt from the  
4 transferee of the owner's assignment, the transferee's  
5 application for a new certificate and the required fee, mail  
6 or deliver them to the Secretary of State. The delivery of  
7 the certificate does not affect the rights of the lienholder  
8 under his security agreement.

9 (d) If a security interest is reserved or created at the  
10 time of the transfer, the certificate of title shall be  
11 retained by or delivered to the person who becomes the  
12 lienholder, and the parties shall comply with the provisions  
13 of Section 3-203.

14 (e) Except as provided in Section 3-113 and as between  
15 the parties, a transfer by an owner is not effective until  
16 the provisions of this Section and Section 3-115 have been  
17 complied with; however, an owner who has delivered possession  
18 of the vehicle to the transferee and has complied with the  
19 provisions of this Section and Section 3-115 requiring action  
20 by him as not liable as owner for any damages thereafter  
21 resulting from operation of the vehicle.

22 (f) The Secretary of State shall not process any  
23 application for a transfer of an interest in a vehicle if any  
24 fees or taxes due under this Act from the transferor or the  
25 transferee have not been paid upon reasonable notice and  
26 demand.

27 (g) If the Secretary of State receives an application  
28 for transfer of a vehicle subject to a tax under the Mobile  
29 ~~Mobile~~ Home Local Services Tax Act in a county with a  
30 population of less than 3,000,000, such application must be  
31 accompanied by the required certification by the county  
32 treasurer or tax assessor authorizing the issuance of the  
33 title.

34 (Source: P.A. 90-212, eff. 1-1-98; 90-542, eff. 12-1-97;

1 90-655, eff. 7-30-98; revised 2-6-01.)

2 (625 ILCS 5/3-112.1) (from Ch. 95 1/2, par. 3-112.1)

3 Sec. 3-112.1. Odometer.

4 (a) All titles issued by the Secretary of State  
5 beginning January, 1990, shall provide for an odometer  
6 certification substantially as follows:

7 "I certify to the best of my knowledge that the odometer  
8 reading is and reflects the actual mileage of the vehicle  
9 unless one of the following statements is checked.

10 .....

11 ( ) 1. The mileage stated is in excess of its  
12 mechanical limits.

13 ( ) 2. The odometer reading is not the actual mileage.  
14 Warning - Odometer Discrepancy."

15 (b) When executing any transfer of title which contains  
16 the odometer certification as described in paragraph (a)  
17 above, each transferor of a motor vehicle must supply on the  
18 title form the following information:

19 (1) The odometer reading at the time of transfer  
20 and an indication if the mileage is in excess of its  
21 mechanical limits or if it is not the actual mileage;

22 (2) The date of transfer;

23 (3) The transferor's printed name and signature;  
24 and

25 (4) The transferee's printed name and address.

26 (c) The transferee must sign on the title form  
27 indicating that he or she is aware of the odometer  
28 certification made by the transferor.

29 (d) The transferor will not be required to disclose the  
30 current odometer reading and the transferee will not have to  
31 acknowledge such disclosure under the following  
32 circumstances:

33 (1) A vehicle having a Gross Vehicle Weight Rating

1 of more than 16,000 pounds;

2 (2) A vehicle that is not self-propelled;

3 (3) A vehicle that is 10 years old or older;

4 (4) A vehicle sold directly by the manufacturer to  
5 any agency of the United States; and

6 (5) A vehicle manufactured without an odometer.

7 (e) When the transferor signs the title transfer such  
8 transferor acknowledges that he or she is aware that Federal  
9 regulations and State law require him or her to state the  
10 odometer mileage upon transfer of ownership. An inaccurate  
11 or untruthful statement with intent to defraud subjects the  
12 transferor to liability for damages to the transferee  
13 pursuant to the federal Motor Vehicle Information and Cost  
14 Act of 1972, P.L. 92-513 as amended by P.L. 94-364. No  
15 transferor shall be liable for damages as provided under this  
16 Section who transfers title to a motor vehicle which has an  
17 odometer reading that has been altered or tampered with by a  
18 previous owner, unless that transferor knew or had reason to  
19 know of such alteration or tampering and sold such vehicle  
20 with an intent to defraud. A cause of action is hereby  
21 created by which any person who, with intent to defraud,  
22 violates any requirement imposed under this Section shall be  
23 liable in an amount equal to the sum of:

24 (1) three times the amount of actual damages  
25 sustained or \$1,500, whichever is the greater; and

26 (2) in the case of any successful action to enforce  
27 the foregoing liability, the costs of the action together  
28 with reasonable attorney fees as determined by the court.

29 Any recovery based on a cause of action under this  
30 Section shall be offset by any recovery made pursuant to the  
31 federal Motor Vehicle Information and Cost Savings Act of  
32 1972.

33 (f) The provisions of this Section shall not apply to  
34 any motorcycle, motor driven cycle, moped or antique vehicle.

1 (g) The Secretary of State may adopt rules and  
2 regulations providing for a transition period for all  
3 non-conforming titles.

4 (Source: P.A. 91-357, eff. 7-29-99; revised 12-04-01.)

5 (625 ILCS 5/3-302) (from Ch. 95 1/2, par. 3-302)

6 Sec. 3-302. Application for title; contents. Every  
7 application for a certificate of title for a rebuilt vehicle  
8 shall be made upon a form prescribed by the Secretary of  
9 State, and shall include the following:

10 1. The name, residence and mailing address of the  
11 owner;

12 2. A description of the vehicle including, so far  
13 as the following data exists: its make, year-model,  
14 identifying number, type of body, whether new or used,  
15 and as to vehicles of the second division, whether  
16 for-hire, not-for-hire, or both for-hire and  
17 not-for-hire;

18 3. The date of purchase by applicant, the name and  
19 address of the person from whom the vehicle was acquired  
20 and the names and addresses of any lienholders in the  
21 order of their priority; and

22 4. The current odometer reading at the time of  
23 transfer and that the stated odometer reading is one of  
24 the following: actual mileage, not the actual mileage or  
25 mileage is in excess of its mechanical limits; and

26 5. Any further information the Secretary of State  
27 reasonably requires to identify the vehicle and to enable  
28 him to determine whether the owner is entitled to a  
29 certificate of title and the existence or nonexistence of  
30 security interests in the vehicle.

31 (Source: P.A. 86-444; 87-206; revised 1-25-02.)

32 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

1           Sec.     3-402.  Vehicles     subject     to     registration;  
2     exceptions.

3           A.     Exemptions and Policy.  Every motor vehicle, trailer,  
4     semitrailer and pole trailer when driven or moved upon a  
5     highway shall be subject to the registration and certificate  
6     of title provisions of this Chapter except:

7                 (1)  Any such vehicle driven or moved upon a highway  
8     in conformance with the provisions of this Chapter  
9     relating to manufacturers, transporters, dealers,  
10    lienholders or nonresidents or under a temporary  
11    registration permit issued by the Secretary of State;

12                (2)  Any implement of husbandry whether of a type  
13    otherwise subject to registration hereunder or not which  
14    is only incidentally operated or moved upon a highway,  
15    which shall include a not-for-hire movement for the  
16    purpose of delivering farm commodities to a place of  
17    first processing or sale, or to a place of storage;

18                (3)  Any special mobile equipment as herein defined;

19                (4)  Any vehicle which is propelled exclusively by  
20    electric power obtained from overhead trolley wires  
21    though not operated upon rails;

22                (5)  Any vehicle which is equipped and used  
23    exclusively as a pumper, ladder truck, rescue vehicle,  
24    searchlight truck, or other fire apparatus, but not a  
25    vehicle of a type which would otherwise be subject to  
26    registration as a vehicle of the first division;

27                (6)  Any vehicle which is owned and operated by the  
28    federal government and externally displays evidence of  
29    federal ownership.  It is the policy of the State of  
30    Illinois to promote and encourage the fullest use of its  
31    highways and to enhance the flow of commerce thus  
32    contributing to the economic, agricultural, industrial  
33    and social growth and development of this State, by  
34    authorizing the Secretary of State to negotiate and enter

1 into reciprocal or proportional agreements or  
2 arrangements with other States, or to issue declarations  
3 setting forth reciprocal exemptions, benefits and  
4 privileges with respect to vehicles operated interstate  
5 which are properly registered in this and other States,  
6 assuring nevertheless proper registration of vehicles in  
7 Illinois as may be required by this Code;

8 (7) Any converter dolly or tow dolly which merely  
9 serves as substitute wheels for another legally licensed  
10 vehicle. A title may be issued on a voluntary basis to a  
11 tow dolly upon receipt of the manufacturer's certificate  
12 of origin or the bill of sale;

13 (8) Any house trailer found to be an abandoned  
14 mobile home under the Abandoned Mobile Home Act;

15 (9) Any vehicle that is not properly registered or  
16 does not have registration plates issued to the owner or  
17 operator affixed thereto, or that does have registration  
18 plates issued to the owner or operator affixed thereto  
19 but the plates are not appropriate for the weight of the  
20 vehicle, provided that this exemption shall apply only  
21 while the vehicle is being transported or operated by a  
22 towing service and has a third tow plate affixed to it.

23 B. Reciprocity. Any motor vehicle, trailer, semitrailer  
24 or pole trailer need not be registered under this Code  
25 provided the same is operated interstate and in accordance  
26 with the following provisions and any rules and regulations  
27 promulgated pursuant thereto:

28 (1) A nonresident owner, except as otherwise  
29 provided in this Section, owning any foreign registered  
30 vehicle of a type otherwise subject to registration  
31 hereunder, may operate or permit the operation of such  
32 vehicle within this State in interstate commerce without  
33 registering such vehicle in, or paying any fees to, this  
34 State subject to the condition that such vehicle at all

1 times when operated in this State is operated pursuant to  
2 a reciprocity agreement, arrangement or declaration by  
3 this State, and further subject to the condition that  
4 such vehicle at all times when operated in this State is  
5 duly registered in, and displays upon it, a valid  
6 registration card and registration plate or plates issued  
7 for such vehicle in the place of residence of such owner  
8 and is issued and maintains in such vehicle a valid  
9 Illinois reciprocity permit as required by the Secretary  
10 of State, and provided like privileges are afforded to  
11 residents of this State by the State of residence of such  
12 owner.

13 Every nonresident including any foreign corporation  
14 carrying on business within this State and owning and  
15 regularly operating in such business any motor vehicle,  
16 trailer or semitrailer within this State in intrastate  
17 commerce, shall be required to register each such vehicle  
18 and pay the same fees therefor as is required with  
19 reference to like vehicles owned by residents of this  
20 State.

21 (2) Any motor vehicle, trailer, semitrailer and  
22 pole trailer operated interstate need not be registered  
23 in this State, provided:

24 (a) that the vehicle same is properly  
25 registered in another State pursuant to law or to a  
26 reciprocity agreement, arrangement or declaration;  
27 or

28 (b) that such vehicle is part of a fleet of  
29 vehicles owned or operated by the same person who  
30 registers such fleet of vehicles pro rata among the  
31 various States in which such fleet operates; or

32 (c) that such vehicle is part of a fleet of  
33 vehicles, a portion of which are registered with the  
34 Secretary of State of Illinois in accordance with an

1 agreement or arrangement concurred in by the  
2 Secretary of State of Illinois based on one or more  
3 of the following factors: ratio of miles in Illinois  
4 as against total miles in all jurisdictions; situs  
5 or base of a vehicle, or where it is principally  
6 garaged, or from whence it is principally dispatched  
7 or where the movements of such vehicle usually  
8 originate; situs of the residence of the owner or  
9 operator thereof, or of his principal office or  
10 offices, or of his places of business; the routes  
11 traversed and whether regular or irregular routes  
12 are traversed, and the jurisdictions traversed and  
13 served; and such other factors as may be deemed  
14 material by the Secretary and the motor vehicle  
15 administrators of the other jurisdictions involved  
16 in such apportionment. ~~and~~

17 ~~(d) that~~ Such vehicles shall maintain therein any  
18 reciprocity permit which may be required by the Secretary  
19 of State pursuant to rules and regulations which the  
20 Secretary of State may promulgate in the administration  
21 of this Code, in the public interest.

22 (3) (a) In order to effectuate the purposes of this  
23 Code, the Secretary of State of Illinois is  
24 empowered to negotiate and execute written  
25 reciprocal agreements or arrangements with the duly  
26 authorized representatives of other jurisdictions,  
27 including States, districts, territories and  
28 possessions of the United States, and foreign  
29 states, provinces, or countries, granting to owners  
30 or operators of vehicles duly registered or licensed  
31 in such other jurisdictions and for which evidence  
32 of compliance is supplied, benefits, privileges and  
33 exemption from the payment, wholly or partially, of  
34 any taxes, fees or other charges imposed with

1           respect to the ownership or operation of such  
2           vehicles by the laws of this State except the tax  
3           imposed by the Motor Fuel Tax Law, approved March  
4           25, 1929, as amended, and the tax imposed by the Use  
5           Tax Act, approved July 14, 1955, as amended.

6           The Secretary of State may negotiate agreements  
7           or arrangements as are in the best interests of this  
8           State and the residents of this State pursuant to  
9           the policies expressed in this Section taking into  
10          consideration the reciprocal exemptions, benefits  
11          and privileges available and accruing to residents  
12          of this State and vehicles registered in this State.

13          (b) Such reciprocal agreements or arrangements  
14          shall provide that vehicles duly registered or  
15          licensed in this State when operated upon the  
16          highways of such other jurisdictions, shall receive  
17          exemptions, benefits and privileges of a similar  
18          kind or to a similar degree as extended to vehicles  
19          from such jurisdictions in this State.

20          (c) Such agreements or arrangements may also  
21          authorize the apportionment of registration or  
22          licensing of fleets of vehicles operated interstate,  
23          based on any or all of the following factors: ratio  
24          of miles in Illinois as against total miles in all  
25          jurisdictions; situs or base of a vehicle, or where  
26          it is principally garaged or from whence it is  
27          principally dispatched or where the movements of  
28          such vehicle usually originate; situs of the  
29          residence of the owner or operator thereof, or of  
30          his principal office or offices, or of his places of  
31          business; the routes traversed and whether regular  
32          or irregular routes are traversed, and the  
33          jurisdictions traversed and served; and such other  
34          factors as may be deemed material by the Secretary

1 and the motor vehicle administrators of the other  
2 jurisdictions involved in such apportionment, and  
3 such vehicles shall likewise be entitled to  
4 reciprocal exemptions, benefits and privileges.

5 (d) Such agreements or arrangements shall also  
6 provide that vehicles being operated in intrastate  
7 commerce in Illinois shall comply with the  
8 registration and licensing laws of this State,  
9 except that vehicles which are part of an  
10 apportioned fleet may conduct an intrastate  
11 operation incidental to their interstate operations.  
12 Any motor vehicle properly registered and qualified  
13 under any reciprocal agreement or arrangement under  
14 this Code and not having a situs or base within  
15 Illinois may complete the inbound movement of a  
16 trailer or semitrailer to an Illinois destination  
17 that was brought into Illinois by a motor vehicle  
18 also properly registered and qualified under this  
19 Code and not having a situs or base within Illinois,  
20 or may complete an outbound movement of a trailer or  
21 semitrailer to an out-of-state destination that was  
22 originated in Illinois by a motor vehicle also  
23 properly registered and qualified under this Code  
24 and not having a situs or base in Illinois, only if  
25 the operator thereof did not break bulk of the cargo  
26 laden in such inbound or outbound trailer or  
27 semitrailer. Adding or unloading intrastate cargo on  
28 such inbound or outbound trailer or semitrailer  
29 shall be deemed as breaking bulk.

30 (e) Such agreements or arrangements may also  
31 provide for the determination of the proper State in  
32 which leased vehicles shall be registered based on  
33 the factors set out in subsection (c) above and for  
34 apportionment of registration of fleets of leased

1 vehicles by the lessee or by the lessor who leases  
2 such vehicles to persons who are not fleet  
3 operators.

4 (f) Such agreements or arrangements may also  
5 include reciprocal exemptions, benefits or  
6 privileges accruing under The Illinois Driver  
7 Licensing Law or The Driver License Compact.

8 (4) The Secretary of State is further authorized to  
9 examine the laws and requirements of other jurisdictions,  
10 and, in the absence of a written agreement or  
11 arrangement, to issue a written declaration of the extent  
12 and nature of the exemptions, benefits and privileges  
13 accorded to vehicles of this State by such other  
14 jurisdictions, and the extent and nature of reciprocal  
15 exemptions, benefits and privileges thereby accorded by  
16 this State to the vehicles of such other jurisdictions.  
17 A declaration by the Secretary of State may include any,  
18 part or all reciprocal exemptions, benefits and  
19 privileges or provisions as may be included within an  
20 agreement or arrangement.

21 (5) All agreements, arrangements, declarations and  
22 amendments thereto, shall be in writing and become  
23 effective when signed by the Secretary of State, and  
24 copies of all such documents shall be available to the  
25 public upon request.

26 (6) The Secretary of State is further authorized to  
27 require the display by foreign registered trucks,  
28 truck-tractors and buses, entitled to reciprocal  
29 benefits, exemptions or privileges hereunder, a  
30 reciprocity permit for external display before any such  
31 reciprocal benefits, exemptions or privileges are  
32 granted. The Secretary of State shall provide suitable  
33 application forms for such permit and shall promulgate  
34 and publish reasonable rules and regulations for the

1 administration and enforcement of the provisions of this  
2 Code including a provision for revocation of such permit  
3 as to any vehicle operated wilfully in violation of the  
4 terms of any reciprocal agreement, arrangement or  
5 declaration or in violation of the Illinois Motor Carrier  
6 of Property Law, as amended.

7 (7) (a) Upon the suspension, revocation or denial  
8 of one or more of all reciprocal benefits,  
9 privileges and exemptions existing pursuant to the  
10 terms and provisions of this Code or by virtue of a  
11 reciprocal agreement or arrangement or declaration  
12 thereunder; or, upon the suspension, revocation or  
13 denial of a reciprocity permit; or, upon any action  
14 or inaction of the Secretary in the administration  
15 and enforcement of the provisions of this Code, any  
16 person, resident or nonresident, so aggrieved, may  
17 serve upon the Secretary, a petition in writing and  
18 under oath, setting forth the grievance of the  
19 petitioner, the grounds and basis for the relief  
20 sought, and all necessary facts and particulars, and  
21 request an administrative hearing thereon. Within  
22 20 days, the Secretary shall set a hearing date as  
23 early as practical. The Secretary may, in his  
24 discretion, supply forms for such a petition. The  
25 Secretary may require the payment of a fee of not  
26 more than \$50 for the filing of any petition,  
27 motion, or request for hearing conducted pursuant to  
28 this Section. These fees must be deposited into the  
29 Secretary of State DUI Administration Fund, a  
30 special fund that is hereby created in the State  
31 treasury, and, subject to appropriation and as  
32 directed by the Secretary of State, shall be used to  
33 fund the operation of the hearings department of the  
34 Office of the Secretary of State and for no other

1           purpose. The Secretary shall establish by rule the  
2           amount and the procedures, terms, and conditions  
3           relating to these fees.

4           (b) The Secretary may likewise, in his  
5           discretion and upon his own petition, order a  
6           hearing, when in his best judgment, any person is  
7           not entitled to the reciprocal benefits, privileges  
8           and exemptions existing pursuant to the terms and  
9           provisions of this Code or under a reciprocal  
10          agreement or arrangement or declaration thereunder  
11          or that a vehicle owned or operated by such person  
12          is improperly registered or licensed, or that an  
13          Illinois resident has improperly registered or  
14          licensed a vehicle in another jurisdiction for the  
15          purposes of violating or avoiding the registration  
16          laws of this State.

17          (c) The Secretary shall notify a petitioner or  
18          any other person involved of such a hearing, by  
19          giving at least 10 days notice, in writing, by U.S.  
20          Mail, Registered or Certified, or by personal  
21          service, at the last known address of such  
22          petitioner or person, specifying the time and place  
23          of such hearing. Such hearing shall be held before  
24          the Secretary, or any person as he may designate,  
25          and unless the parties mutually agree to some other  
26          county in Illinois, the hearing shall be held in the  
27          County of Sangamon or the County of Cook.  
28          Appropriate records of the hearing shall be kept,  
29          and the Secretary shall issue or cause to be issued,  
30          his decision on the case, within 30 days after the  
31          close of such hearing or within 30 days after  
32          receipt of the transcript thereof, and a copy shall  
33          likewise be served or mailed to the petitioner or  
34          person involved.

1                   (d) The actions or inactions or  
2                   determinations, or findings and decisions upon an  
3                   administrative hearing, of the Secretary, shall be  
4                   subject to judicial review in the Circuit Court of  
5                   the County of Sangamon or the County of Cook, and  
6                   the provisions of the Administrative Review Law, and  
7                   all amendments and modifications thereof and rules  
8                   adopted pursuant thereto, apply to and govern all  
9                   such reviewable matters.

10                   Any reciprocal agreements or arrangements  
11                   entered into by the Secretary of State or any  
12                   declarations issued by the Secretary of State  
13                   pursuant to any law in effect prior to the effective  
14                   date of this Code are not hereby abrogated, and such  
15                   shall continue in force and effect until amended  
16                   pursuant to the provisions of this Code or expire  
17                   pursuant to the terms or provisions thereof.

18                   (Source: P.A. 92-418, eff. 8-17-01; revised 12-04-01.)

19                   (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

20                   Sec. 3-405.1. Application for vanity and personalized  
21                   license plates.

22                   (a) Vanity license plates mean any license plates,  
23                   assigned to a passenger motor vehicle of the first division,  
24                   to a motor vehicle of the second division registered at not  
25                   more than 8,000 pounds or to a recreational vehicle, which  
26                   display a registration number containing 4 to 7 letters as  
27                   requested by the owner of the vehicle and license plates  
28                   issued to retired members of Congress under Section 3-610.1  
29                   or to retired members of the General Assembly as provided in  
30                   Section 3-606.1. A license plate consisting of 3 letters and  
31                   no numbers or of 1, 2 or 3 numbers, upon its becoming  
32                   available, is a vanity license plate. Personalized license  
33                   plates mean any license plates, assigned to a passenger motor

1 vehicle of the first division, to a motor vehicle of the  
2 second division, or to a recreational vehicle, which display  
3 a registration number containing a combination of letters and  
4 numbers as prescribed by rule, as requested by the owner of  
5 the vehicle.

6 (b) For any registration period commencing after 1979,  
7 any person who is the registered owner of a passenger motor  
8 vehicle of the first division, of a motor vehicle of the  
9 second division registered at not more than 8,000 pounds or  
10 of a recreational vehicle registered with the Secretary of  
11 State or who makes application for an original registration  
12 of such a motor vehicle or renewal registration of such a  
13 motor vehicle may, upon payment of a fee prescribed in  
14 Section 3-806.1, apply to the Secretary of State for  
15 personalized license plates.

16 (c) Except as otherwise provided in this Chapter 3 for  
17 ~~plates-issued-under-Sections-3-627,3-631,-and-3-632,~~ vanity  
18 and personalized license plates as issued under this Section  
19 shall be the same color and design as other passenger vehicle  
20 license plates and shall not in any manner conflict with any  
21 other existing passenger, commercial, trailer, motorcycle, or  
22 special license plate series. However, special registration  
23 plates issued under Sections 3-611 and 3-616 for vehicles  
24 operated by or for persons with disabilities may also be  
25 vanity or personalized license plates.

26 (d) Vanity and personalized license plates shall be  
27 issued only to the registered owner of the vehicle on which  
28 they are to be displayed, except as provided in Sections  
29 3-611 and 3-616 for special registration plates for vehicles  
30 operated by or for persons with disabilities.

31 (e) An applicant for the issuance of vanity or  
32 personalized license plates or subsequent renewal thereof  
33 shall file an application in such form and manner and by such  
34 date as the Secretary of State may, in his discretion,

1 require.

2 No vanity nor personalized license plates shall be  
3 approved, manufactured, or distributed that contain any  
4 characters, symbols other than the international  
5 accessibility symbol for vehicles operated by or for persons  
6 with disabilities, foreign words, or letters of punctuation.

7 (f) Vanity and personalized license plates as issued  
8 pursuant to this Act may be subject to the Staggered  
9 Registration System as prescribed by the Secretary of State.

10 (Source: P.A. 88-685, eff. 1-24-95; 89-282, eff. 8-10-95;  
11 89-611, eff. 1-1-97; revised 1-28-02.)

12 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

13 Sec. 3-412. Registration plates and registration  
14 stickers to be furnished by the Secretary of State.

15 (a) The Secretary of State upon registering a vehicle  
16 subject to annual registration for the first time shall  
17 issue or shall cause to be issued to the owner one  
18 registration plate for a motorcycle, trailer, semitrailer,  
19 motorized pedalcycle or truck-tractor, 2 registration plates  
20 for other motor vehicles and, where applicable, current  
21 registration stickers for motor vehicles of the first  
22 division. The provisions of this Section may be made  
23 applicable to such vehicles of the second division, as the  
24 Secretary of State may, from time to time, in his discretion  
25 designate. On subsequent annual registrations during the term  
26 of the registration plate as provided in Section 3-414.1, the  
27 Secretary shall issue or cause to be issued registration  
28 stickers as evidence of current registration. However, the  
29 issuance of annual registration stickers to vehicles  
30 registered under the provisions of Section 3-402.1 of this  
31 Code may not be required if the Secretary deems the issuance  
32 unnecessary.

33 (b) Every registration plate shall have displayed upon

1 it the registration number assigned to the vehicle for which  
2 it is issued, the name of this State, which may be  
3 abbreviated, the year number for which it was issued, which  
4 may be abbreviated, the phrase "Land of Lincoln", (except as  
5 otherwise provided in this Chapter 3) Sections 3-626, 3-629,  
6 3-633, 3-634, 3-637, 3-638, and 3-642, and such other letters  
7 or numbers as the Secretary may prescribe. However, for  
8 apportionment plates issued to vehicles registered under  
9 Section 3-402.1, the phrase "Land of Lincoln" may be omitted  
10 to allow for the word "apportioned" to be displayed. The  
11 Secretary may in his discretion prescribe that letters be  
12 used as prefixes only on registration plates issued to  
13 vehicles of the first division which are registered under  
14 this Code and only as suffixes on registration plates issued  
15 to other vehicles. Every registration sticker issued as  
16 evidence of current registration shall designate the year  
17 number for which it is issued and such other letters or  
18 numbers as the Secretary may prescribe and shall be of a  
19 contrasting color with the registration plates and  
20 registration stickers of the previous year.

21 (c) Each registration plate and the required letters and  
22 numerals thereon, except the year number for which issued,  
23 shall be of sufficient size to be plainly readable from a  
24 distance of 100 feet during daylight, and shall be coated  
25 with reflectorizing material. The dimensions of the plate  
26 issued to vehicles of the first division shall be 6 by 12  
27 inches.

28 (d) The Secretary of State shall issue for every  
29 passenger motor vehicle rented without a driver the same type  
30 of registration plates as the type of plates issued for a  
31 private passenger vehicle.

32 (e) The Secretary of State shall issue for every  
33 passenger car used as a taxicab or livery, distinctive  
34 registration plates.

1           (f) The Secretary of State shall issue for every  
2 motorcycle distinctive registration plates distinguishing  
3 between motorcycles having 150 or more cubic centimeters  
4 piston displacement, or having less than 150 cubic centimeter  
5 piston displacement.

6           (g) Registration plates issued to vehicles for-hire may  
7 display a designation as determined by the Secretary that  
8 such vehicles are for-hire.

9           (h) The Secretary of State shall issue for each electric  
10 vehicle distinctive registration plates which shall  
11 distinguish between electric vehicles having a maximum  
12 operating speed of 45 miles per hour or more and those having  
13 a maximum operating speed of less than 45 miles per hour.

14           (i) The Secretary of State shall issue for every public  
15 and private ambulance registration plates identifying the  
16 vehicle as an ambulance. The Secretary shall forward to the  
17 Department of Public Aid registration information for the  
18 purpose of verification of claims filed with the Department  
19 by ambulance owners for payment for services to public  
20 assistance recipients.

21           (j) The Secretary of State shall issue for every public  
22 and private medical carrier or rescue vehicle livery  
23 registration plates displaying numbers within ranges of  
24 numbers reserved respectively for medical carriers and rescue  
25 vehicles. The Secretary shall forward to the Department of  
26 Public Aid registration information for the purpose of  
27 verification of claims filed with the Department by owners of  
28 medical carriers or rescue vehicles for payment for services  
29 to public assistance recipients.

30           (Source: P.A. 89-424, eff. 6-1-96; 89-564, eff. 7-1-97;  
31 89-612, eff. 8-9-96; 89-621, eff. 1-1-97; 89-639, eff.  
32 1-1-97; 90-14, eff. 7-1-97; 90-533, eff. 11-14-97; 90-655,  
33 eff. 7-30-98; revised 1-28-02.)

1 (625 ILCS 5/3-616) (from Ch. 95 1/2, par. 3-616)  
2 Sec. 3-616. Person with disabilities license plates.

3 (a) Upon receiving an application for a certificate of  
4 registration for a motor vehicle of the first division or for  
5 a motor vehicle of the second division weighing no more than  
6 8,000 pounds, accompanied with payment of the registration  
7 fees required under this Code from a person with disabilities  
8 or a person who is deaf or hard of hearing, the Secretary of  
9 State, if so requested, shall issue to such person  
10 registration plates as provided for in Section 3-611,  
11 provided that the person with disabilities or person who is  
12 deaf or hard of hearing must not be disqualified from  
13 obtaining a driver's license under subsection 8 of Section  
14 6-103 of this Code, and further provided that any person  
15 making such a request must submit a statement certified by a  
16 licensed physician to the effect that such person is a person  
17 with disabilities as defined by Section 1-159.1 of this Code,  
18 or alternatively provide adequate documentation that such  
19 person has a Class 1A, Class 2A or Type Four disability under  
20 the provisions of Section 4A of the Illinois Identification  
21 Card Act. For purposes of this Section, an Illinois Disabled  
22 Person Identification Card issued pursuant to the Illinois  
23 Identification Card Act indicating that the person thereon  
24 named has a disability shall be adequate documentation of  
25 such a disability.

26 (b) The Secretary shall issue plates under this Section  
27 to a parent or legal guardian of a person with disabilities  
28 if the person with disabilities has a Class 1A or Class 2A  
29 disability as defined in Section 4A of the Illinois  
30 Identification Card Act or is a person with disabilities as  
31 defined by Section 1-159.1 of this Code, and does not possess  
32 a vehicle registered in his or her name, provided that the  
33 person with disabilities relies frequently on the parent or  
34 legal guardian for transportation. Only one vehicle 2 per

1 family may be registered under this subsection, unless the  
2 applicant can justify in writing the need for one additional  
3 set of plates. Any person requesting special plates under  
4 this subsection shall submit such documentation or such  
5 physician's statement as is required in subsection (a) and a  
6 statement describing the circumstances qualifying for  
7 issuance of special plates under this subsection.

8 (c) The Secretary may issue a person with disabilities  
9 parking decal or device to a person with disabilities as  
10 defined by Section 1-159.1 without regard to qualification of  
11 such person with disabilities for a driver's license or  
12 registration of a vehicle by such person with disabilities or  
13 such person's immediate family, provided such person with  
14 disabilities making such a request has been issued a Disabled  
15 Person Identification Card indicating that the person named  
16 thereon has a Class 1A or Class 2A disability, or  
17 alternatively, submits a statement certified by a licensed  
18 physician to the effect that such person is a person with  
19 disabilities as defined by Section 1-159.1.

20 (d) The Secretary shall prescribe by rules and  
21 regulations procedures to certify or re-certify as necessary  
22 the eligibility of persons whose disabilities are other than  
23 permanent for special plates or person with disabilities  
24 parking decals or devices issued under subsections (a), (b)  
25 and (c). Except as provided under subsection (f) of this  
26 Section, no such special plates, decals or devices shall be  
27 issued by the Secretary of State to or on behalf of any  
28 person with disabilities unless such person is certified as  
29 meeting the definition of a person with disabilities pursuant  
30 to Section 1-159.1 or meeting the requirement of a Type Four  
31 disability as provided under Section 4A of the Illinois  
32 Identification Card Act for the period of time that the  
33 physician determines the applicant will have the disability,  
34 but not to exceed 6 months from the date of certification or

1     recertification.

2           (e) Any person requesting special plates under this  
3     Section may also apply to have the special plates  
4     personalized, as provided under Section 3-405.1.

5           (f) The Secretary of State, upon application, shall  
6     issue person with disabilities registration plates or a  
7     person with disabilities parking decal to corporations,  
8     school districts, State or municipal agencies, limited  
9     liability companies, nursing homes, convalescent homes, or  
10    special education cooperatives which will transport persons  
11    with disabilities. The Secretary shall prescribe by rule a  
12    means to certify or re-certify the eligibility of  
13    organizations to receive person with disabilities plates or  
14    decals and to designate which of the 2 person with  
15    disabilities emblems shall be placed on qualifying vehicles.

16          (g) The Secretary of State, or his designee, may enter  
17    into agreements with other jurisdictions, including foreign  
18    jurisdictions, on behalf of this State relating to the  
19    extension of parking privileges by such jurisdictions to  
20    permanently disabled residents of this State who display a  
21    special license plate or parking device that contains the  
22    International symbol of access on his or her motor vehicle,  
23    and to recognize such plates or devices issued by such other  
24    jurisdictions. This State shall grant the same parking  
25    privileges which are granted to disabled residents of this  
26    State to any non-resident whose motor vehicle is licensed in  
27    another state, district, territory or foreign country if such  
28    vehicle displays the international symbol of access or a  
29    distinguishing insignia on license plates or parking device  
30    issued in accordance with the laws of the non-resident's  
31    state, district, territory or foreign country.

32    (Source: P.A. 91-769, eff. 6-9-00; 92-16, eff. 6-28-01;  
33    92-411, eff. 1-1-02; revised 10-12-01.)

1 (625 ILCS 5/3-648)

2 Sec. 3-648. Education license plates.

3 (a) The Secretary, upon receipt of an application made  
4 in the form prescribed by the Secretary, may issue special  
5 registration plates designated as Education license plates.  
6 The special plates issued under this Section shall be affixed  
7 only to passenger vehicles of the first division and motor  
8 vehicles of the second division weighing not more than 8,000  
9 pounds. Plates issued under this Section shall expire  
10 according to the multi-year procedure established by Section  
11 3-414.1 of this Code.

12 (b) The design and color of the plates shall be  
13 determined by a contest that every elementary school pupil in  
14 the State of Illinois is eligible to enter. The designs  
15 submitted for the contest shall be judged on September 30,  
16 2002, and the winning design shall be selected by a committee  
17 composed of the Secretary, the Director of State Police, 2  
18 members of the Senate, one member chosen by the President of  
19 the Senate and one member chosen by the Senate Minority  
20 Leader, and 2 members of the House of Representatives, one  
21 member chosen by the Speaker of the House and one member  
22 chosen by the House Minority Leader. The Secretary may allow  
23 the plates to be issued as vanity or personalized plates  
24 under Section 3-405.1 of the Code. The Secretary shall  
25 prescribe stickers or decals as provided under Section 3-412  
26 of this Code.

27 (c) An applicant for the special plate shall be charged  
28 a \$40 fee for original issuance, in addition to the  
29 appropriate registration fee. Of this \$40 additional original  
30 issuance fee, \$15 shall be deposited into the Secretary of  
31 State Special License Plate Fund, to be used by the Secretary  
32 to help defray the administrative processing costs, and \$25  
33 shall be deposited into the Illinois Future Teacher Corps  
34 Scholarship Fund. For each registration renewal period, a

1 \$40 fee, in addition to the appropriate registration fee,  
2 shall be charged. Of this \$40 additional renewal fee, \$2  
3 shall be deposited into the Secretary of State Special  
4 License Plate Fund and \$38 shall be deposited into the  
5 Illinois Future Teacher Corps Scholarship Fund. Each fiscal  
6 year, once deposits from the additional original issuance and  
7 renewal fees into the Secretary of State Special License  
8 Plate Fund have reached \$500,000, all the amounts received  
9 for the additional fees for the balance of the fiscal year  
10 shall be deposited into the Illinois Future Teacher Corps  
11 Scholarship Fund.

12 (d) The Illinois Future Teacher Corps Scholarship Fund  
13 is created as a special fund in the State treasury.  
14 Ninety-five percent of the moneys in the Illinois Future  
15 Teacher Corps Scholarship Fund shall be appropriated to the  
16 Illinois Student Assistance Commission for scholarships under  
17 Section 65.65 of the Higher Education Student Assistance Act,  
18 and 5% of the moneys in the Illinois Future Teacher Corps  
19 Scholarship Fund shall be appropriated to the State Board of  
20 Education for grants to the Golden Apple Foundation for  
21 Excellence in Teaching, a recognized charitable organization  
22 that meets the requirements of Title 26, Section 501(c)(3) of  
23 the United States Code.

24 (Source: P.A. 92-445, eff. 8-17-01.)

25 (625 ILCS 5/3-650)

26 Sec. 3-650. ~~3-648~~. Army Combat Veteran license plates.

27 (a) In addition to any other special license plate, the  
28 Secretary, upon receipt of all applicable fees and  
29 applications made in the form prescribed by the Secretary of  
30 State, may issue Army Combat Veteran license plates to  
31 residents of Illinois who meet eligibility requirements  
32 prescribed by the Secretary of State. The special Army  
33 Combat Veteran plate issued under this Section shall be

1 affixed only to passenger vehicles of the first division and  
2 motor vehicles of the second division weighing not more than  
3 8,000 pounds. Plates issued under this Section shall expire  
4 according to the staggered multi-year procedure established  
5 by Section 3-414.1 of this Code.

6 (b) The plates shall display the Army Combat Infantry  
7 Badge. In all other respects, the design, color, and format  
8 of the plates shall be within the discretion of the Secretary  
9 of State. The Secretary may, in his or her discretion, allow  
10 the plates to be issued as vanity plates or personalized in  
11 accordance with Section 3-405.1 of this Code. The plates are  
12 not required to designate "Land Of Lincoln", as prescribed in  
13 subsection (b) of Section 3-412 of this Code. The Secretary  
14 shall prescribe the eligibility requirements and, in his or  
15 her discretion, shall approve and prescribe stickers or  
16 decals as provided under Section 3-412.

17 (c) An applicant shall be charged a \$15 fee for original  
18 issuance in addition to the applicable registration fee.  
19 This additional fee shall be deposited into the Secretary of  
20 State Special License Plate Fund. For each registration  
21 renewal period, a \$2 fee, in addition to the appropriate  
22 registration fee, shall be charged and shall be deposited  
23 into the Secretary of State Special License Plate Fund.

24 (Source: P.A. 92-79, eff. 1-1-02; revised 10-17-01.)

25 (625 ILCS 5/3-651)

26 Sec. 3-651. ~~3-648~~ U.S. Marine Corps license plates.

27 (a) In addition to any other special license plate, the  
28 Secretary, upon receipt of all applicable fees and  
29 applications made in the form prescribed by the Secretary of  
30 State, may issue special registration plates designated as  
31 U.S. Marine Corps license plates to residents of Illinois who  
32 meet eligibility requirements prescribed by the Secretary of  
33 State. The special plate issued under this Section shall be

1 affixed only to passenger vehicles of the first division,  
2 motor vehicles of the second division weighing not more than  
3 8,000 pounds, and recreational vehicles as defined by Section  
4 1-169 of this Code. Plates issued under this Section shall  
5 expire according to the staggered multi-year procedure  
6 established by Section 3-414.1 of this Code.

7 (b) The design, color, and format of the plates shall be  
8 wholly within the discretion of the Secretary of State,  
9 except that the U.S. Marine Corps emblem shall appear on the  
10 plates. The Secretary may, in his or her discretion, allow  
11 the plates to be issued as vanity or personalized plates in  
12 accordance with Section 3-405.1 of this Code. The plates are  
13 not required to designate "Land Of Lincoln", as prescribed in  
14 subsection (b) of Section 3-412 of this Code. The Secretary  
15 shall prescribe the eligibility requirements and, in his or  
16 her discretion, shall approve and prescribe stickers or  
17 decals as provided under Section 3-412.

18 (c) An applicant shall be charged a \$20 fee for original  
19 issuance in addition to the applicable registration fee. Of  
20 this additional fee, \$15 shall be deposited into the  
21 Secretary of State Special License Plate Fund and \$5 shall be  
22 deposited into the Marine Corps Scholarship Fund. For each  
23 registration renewal period, a \$20 fee, in addition to the  
24 appropriate registration fee, shall be charged. Of this  
25 additional fee, \$2 shall be deposited into the Secretary of  
26 State Special License Plate Fund and \$18 shall be deposited  
27 into the Marine Corps Scholarship Fund.

28 (d) The Marine Corps Scholarship Fund is created as a  
29 special fund in the State treasury. All moneys in the Marine  
30 Corps Scholarship Fund shall, subject to appropriation by the  
31 General Assembly and approval by the Secretary, be used by  
32 the Marine Corps Scholarship Foundation, Inc., a recognized  
33 charitable organization that meets the requirements of Title  
34 26, Section 501(c)(3) of the United States Code, to provide

1 grants for scholarships for higher education. The scholarship  
2 recipients must be the children of current or former members  
3 of the United States Marine Corps who meet the academic,  
4 financial, and other requirements established by the Marine  
5 Corps Scholarship Foundation. In addition, the recipients  
6 must be Illinois residents and must attend a college or  
7 university located within the State of Illinois.

8 The State Treasurer shall require the Marine Corps  
9 Scholarship Foundation to establish a separate account for  
10 receipt of the proceeds of the Marine Corps Scholarship Fund.  
11 That account shall be subject to audit either annually or at  
12 another interval, as determined by the State Treasurer.  
13 Proceeds from the Marine Corps Scholarship Fund shall be  
14 transferred on a quarterly basis by the State Treasurer's  
15 office to this separate account.

16 (Source: P.A. 92-467, eff. 1-1-02; revised 10-17-01.)

17 (625 ILCS 5/3-652)

18 Sec. 3-652. ~~3-648.~~ Chicago and Northeast Illinois  
19 District Council of Carpenters license plates.

20 (a) The Secretary, upon receipt of all applicable fees  
21 and applications made in the form prescribed by the  
22 Secretary, may issue special registration plates designated  
23 as Chicago and Northeast Illinois District Council of  
24 Carpenters license plates.

25 The special plates issued under this Section shall be  
26 affixed only to passenger vehicles of the first division or  
27 motor vehicles of the second division weighing not more than  
28 8,000 pounds.

29 Plates issued under this Section shall expire according  
30 to the multi-year procedure established by Section 3-414.1 of  
31 this Code.

32 (b) The design and color of the special plates shall be  
33 wholly within the discretion of the Secretary. Appropriate

1 documentation, as determined by the Secretary, shall  
2 accompany each application. The Secretary may allow the  
3 plates to be issued as vanity plates or personalized plates  
4 under Section 3-405.1 of this Code. The Secretary shall  
5 prescribe stickers or decals as provided under Section 3-412  
6 of this Code.

7 (c) An applicant for the special plate shall be charged  
8 a \$25 fee for original issuance in addition to the  
9 appropriate registration fee. Of this fee, \$10 shall be  
10 deposited into the Chicago and Northeast Illinois District  
11 Council of Carpenters Fund and \$15 shall be deposited into  
12 the Secretary of State Special License Plate Fund, to be used  
13 by the Secretary to help defray the administrative processing  
14 costs.

15 For each registration renewal period, a \$25 fee, in  
16 addition to the appropriate registration fee, shall be  
17 charged. Of this fee, \$23 shall be deposited into the  
18 Chicago and Northeast Illinois District Council of Carpenters  
19 Fund and \$2 shall be deposited into the Secretary of State  
20 Special License Plate Fund.

21 (d) The Chicago and Northeast Illinois District Council  
22 of Carpenters Fund is created as a special fund in the State  
23 treasury. All moneys in the Chicago and Northeast Illinois  
24 District Council of Carpenters Fund shall be paid, subject to  
25 appropriation by the General Assembly and approval by the  
26 Secretary, as grants for charitable purposes sponsored by the  
27 Chicago and Northeast Illinois District Council of  
28 Carpenters.

29 (Source: P.A. 92-477, eff. 1-1-02; revised 10-17-01.)

30 (625 ILCS 5/3-653)

31 (This Section may contain text from a Public Act with a  
32 delayed effective date)

33 Sec. 3-653. 3-648- Pet Friendly license plates.

1           (a) The Secretary, upon receipt of an application made  
2 in the form prescribed by the Secretary, may issue special  
3 registration plates designated as Pet Friendly license  
4 plates. The special plates issued under this Section shall  
5 be affixed only to passenger vehicles of the first division,  
6 motor vehicles of the second division weighing not more than  
7 8,000 pounds, and recreational vehicles as defined in Section  
8 1-169 of this Code. Plates issued under this Section shall  
9 expire according to the multi-year procedure established by  
10 Section 3-414.1 of this Code.

11           (b) The design and color of the plates is wholly within  
12 the discretion of the Secretary, except that the phrase "I am  
13 pet friendly" shall be on the plates. The Secretary may allow  
14 the plates to be issued as vanity plates or personalized  
15 plates under Section 3-405.1 of the Code. The Secretary  
16 shall prescribe stickers or decals as provided under Section  
17 3-412 of this Code.

18           (c) An applicant for the special plate shall be charged  
19 a \$40 fee for original issuance in addition to the  
20 appropriate registration fee. Of this additional fee, \$25  
21 shall be deposited into the Pet Overpopulation Control Fund  
22 and \$15 shall be deposited into the Secretary of State  
23 Special License Plate Fund, to be used by the Secretary to  
24 help defray the administrative processing costs.

25           For each registration renewal period, a \$27 fee, in  
26 addition to the appropriate registration fee, shall be  
27 charged. Of this additional fee, \$25 shall be deposited into  
28 the Pet Overpopulation Control Fund and \$2 shall be deposited  
29 into the Secretary of State Special License Plate Fund.

30           (d) The Pet Overpopulation Control Fund is created as a  
31 special fund in the State treasury. All moneys in the Pet  
32 Overpopulation Control Fund shall be paid, subject to  
33 appropriation by the General Assembly and approval by the  
34 Secretary, as grants to humane societies exempt from federal

1 income taxation under Section 501(c)(3) of the Internal  
2 Revenue Code to be used solely for the humane sterilization  
3 of dogs and cats in the State of Illinois. In approving  
4 grants under this subsection (d), the Secretary shall  
5 consider recommendations for grants made by a volunteer board  
6 appointed by the Secretary that shall consist of 5 Illinois  
7 residents who are officers or directors of humane societies  
8 operating in different regions in Illinois.

9 (Source: P.A. 92-520, eff. 6-1-02; revised 1-16-02.)

10 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

11 Sec. 3-806.3. Senior Citizens.

12 Commencing with the 1986 registration year and extending  
13 through the 2000 registration year, the registration fee paid  
14 by any vehicle owner who has claimed and received a grant  
15 under the "Senior Citizens and Disabled Persons Property Tax  
16 Relief and Pharmaceutical Assistance Act" or who is the  
17 spouse of such a person shall be reduced by 50% for passenger  
18 cars displaying standard multi-year registration plates  
19 issued under Section 3-414.1, motor vehicles displaying  
20 special registration plates issued under Section 3-616, motor  
21 vehicles registered at 8,000 pounds or less under Section  
22 3-815(a) and recreational vehicles registered at 8,000 pounds  
23 or less under Section 3-815(b). Widows and widowers of  
24 claimants shall also be entitled to the reduced registration  
25 rate for the registration year in which the claimant was  
26 eligible.

27 Commencing with the 2001 registration year, the  
28 registration fee paid by any vehicle owner who has claimed  
29 and received a grant under the "Senior Citizens and Disabled  
30 Persons Property Tax Relief and Pharmaceutical Assistance  
31 Act" or who is the spouse of such a person shall be \$24  
32 instead of the fee otherwise provided in this Code for  
33 passenger cars displaying standard multi-year registration

1 plates issued under Section 3-414.1, motor vehicles  
2 displaying special registration plates issued under Section  
3 3-616, motor vehicles registered at 8,000 pounds or less  
4 under Section 3-815(a) and recreational vehicles registered  
5 at 8,000 pounds or less under Section 3-815(b). Widows and  
6 widowers of claimants shall also be entitled to this reduced  
7 registration fee for the registration year in which the  
8 claimant was eligible.

9 No more than one reduced registration fee under this  
10 Section shall be allowed during any 12 month period based on  
11 the primary eligibility of any individual, whether such  
12 reduced registration fee is allowed to the individual or to  
13 the spouse, widow or widower of such individual. This  
14 Section does not apply to the fee paid in addition to the  
15 registration fee for motor vehicles displaying vanity  
16 personalized license plates under Section 3-806.1.

17 (Source: P.A. 91-37, eff. 7-1-99; revised 12-06-01.)

18 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

19 Sec. 6-205. Mandatory revocation of license or permit;  
20 Hardship cases.

21 (a) Except as provided in this Section, the Secretary of  
22 State shall immediately revoke the license or permit of any  
23 driver upon receiving a report of the driver's conviction of  
24 any of the following offenses:

25 1. Reckless homicide resulting from the operation  
26 of a motor vehicle;

27 2. Violation of Section 11-501 of this Code or a  
28 similar provision of a local ordinance relating to the  
29 offense of operating or being in physical control of a  
30 vehicle while under the influence of alcohol, other drug  
31 or drugs, intoxicating compound or compounds, or any  
32 combination thereof;

33 3. Any felony under the laws of any State or the

1 federal government in the commission of which a motor  
2 vehicle was used;

3 4. Violation of Section 11-401 of this Code  
4 relating to the offense of leaving the scene of a traffic  
5 accident involving death or personal injury;

6 5. Perjury or the making of a false affidavit or  
7 statement under oath to the Secretary of State under this  
8 Code or under any other law relating to the ownership or  
9 operation of motor vehicles;

10 6. Conviction upon 3 charges of violation of  
11 Section 11-503 of this Code relating to the offense of  
12 reckless driving committed within a period of 12 months;

13 7. Conviction of the offense of automobile theft as  
14 defined in Section 4-102 of this Code;

15 8. Violation of Section 11-504 of this Code  
16 relating to the offense of drag racing;

17 9. Violation of Chapters 8 and 9 of this Code;

18 10. Violation of Section 12-5 of the Criminal Code  
19 of 1961 arising from the use of a motor vehicle;

20 11. Violation of Section 11-204.1 of this Code  
21 relating to aggravated fleeing or attempting to elude a  
22 police officer;

23 12. Violation of paragraph (1) of subsection (b) of  
24 Section 6-507, or a similar law of any other state,  
25 relating to the unlawful operation of a commercial motor  
26 vehicle;

27 13. Violation of paragraph (a) of Section 11-502 of  
28 this Code or a similar provision of a local ordinance if  
29 the driver has been previously convicted of a violation  
30 of that Section or a similar provision of a local  
31 ordinance and the driver was less than 21 years of age at  
32 the time of the offense.

33 (b) The Secretary of State shall also immediately revoke  
34 the license or permit of any driver in the following

1 situations:

2 1. Of any minor upon receiving the notice provided  
3 for in Section 5-901 of the Juvenile Court Act of 1987  
4 that the minor has been adjudicated under that Act as  
5 having committed an offense relating to motor vehicles  
6 prescribed in Section 4-103 of this Code;

7 2. Of any person when any other law of this State  
8 requires either the revocation or suspension of a license  
9 or permit.

10 (c) Whenever a person is convicted of any of the  
11 offenses enumerated in this Section, the court may recommend  
12 and the Secretary of State in his discretion, without regard  
13 to whether the recommendation is made by the court may, upon  
14 application, issue to the person a restricted driving permit  
15 granting the privilege of driving a motor vehicle between the  
16 petitioner's residence and petitioner's place of employment  
17 or within the scope of the petitioner's employment related  
18 duties, or to allow transportation for the petitioner or a  
19 household member of the petitioner's family for the receipt  
20 of necessary medical care or, if the professional evaluation  
21 indicates, provide transportation for the petitioner for  
22 alcohol remedial or rehabilitative activity, or for the  
23 petitioner to attend classes, as a student, in an accredited  
24 educational institution; if the petitioner is able to  
25 demonstrate that no alternative means of transportation is  
26 reasonably available and the petitioner will not endanger the  
27 public safety or welfare; provided that the Secretary's  
28 discretion shall be limited to cases where undue hardship  
29 would result from a failure to issue the restricted driving  
30 permit.

31 If a person's license or permit has been revoked or  
32 suspended due to 2 or more convictions of violating Section  
33 11-501 of this Code or a similar provision of a local  
34 ordinance or a similar out-of-state offense, arising out of

1 separate occurrences, that person, if issued a restricted  
2 driving permit, may not operate a vehicle unless it has been  
3 equipped with an ignition interlock device as defined in  
4 Section 1-129.1.

5 If a person's license or permit has been revoked or  
6 suspended 2 or more times within a 10 year period due to a  
7 single conviction of violating Section 11-501 of this Code or  
8 a similar provision of a local ordinance or a similar  
9 out-of-state offense, and a statutory summary suspension  
10 under Section 11-501.1, or 2 or more statutory summary  
11 suspensions, or combination of 2 offenses, or of an offense  
12 and a statutory summary suspension, arising out of separate  
13 occurrences, that person, if issued a restricted driving  
14 permit, may not operate a vehicle unless it has been equipped  
15 with an ignition interlock device as defined in Section  
16 1-129.1. The person must pay to the Secretary of State DUI  
17 Administration Fund an amount not to exceed \$20 per month.  
18 The Secretary shall establish by rule the amount and the  
19 procedures, terms, and conditions relating to these fees. If  
20 the restricted driving permit was issued for employment  
21 purposes, then this provision does not apply to the operation  
22 of an occupational vehicle owned or leased by that person's  
23 employer. In each case the Secretary of State may issue a  
24 restricted driving permit for a period he deems appropriate,  
25 except that the permit shall expire within one year from the  
26 date of issuance. The Secretary may not, however, issue a  
27 restricted driving permit to any person whose current  
28 revocation is the result of a second or subsequent conviction  
29 for a violation of Section 11-501 of this Code or a similar  
30 provision of a local ordinance relating to the offense of  
31 operating or being in physical control of a motor vehicle  
32 while under the influence of alcohol, other drug or drugs,  
33 intoxicating compound or compounds, or any similar  
34 out-of-state offense, or any combination thereof, until the

1 expiration of at least one year from the date of the  
2 revocation. A restricted driving permit issued under this  
3 Section shall be subject to cancellation, revocation, and  
4 suspension by the Secretary of State in like manner and for  
5 like cause as a driver's license issued under this Code may  
6 be cancelled, revoked, or suspended; except that a conviction  
7 upon one or more offenses against laws or ordinances  
8 regulating the movement of traffic shall be deemed sufficient  
9 cause for the revocation, suspension, or cancellation of a  
10 restricted driving permit. The Secretary of State may, as a  
11 condition to the issuance of a restricted driving permit,  
12 require the applicant to participate in a designated driver  
13 remedial or rehabilitative program. The Secretary of State is  
14 authorized to cancel a restricted driving permit if the  
15 permit holder does not successfully complete the program.  
16 However, if an individual's driving privileges have been  
17 revoked in accordance with paragraph 13 of subsection (a) of  
18 this Section, no restricted driving permit shall be issued  
19 until the individual has served 6 months of the revocation  
20 period.

21 (d) Whenever a person under the age of 21 is convicted  
22 under Section 11-501 of this Code or a similar provision of a  
23 local ordinance, the Secretary of State shall revoke the  
24 driving privileges of that person. One year after the date  
25 of revocation, and upon application, the Secretary of State  
26 may, if satisfied that the person applying will not endanger  
27 the public safety or welfare, issue a restricted driving  
28 permit granting the privilege of driving a motor vehicle only  
29 between the hours of 5 a.m. and 9 p.m. or as otherwise  
30 provided by this Section for a period of one year. After  
31 this one year period, and upon reapplication for a license as  
32 provided in Section 6-106, upon payment of the appropriate  
33 reinstatement fee provided under paragraph (b) of Section  
34 6-118, the Secretary of State, in his discretion, may issue

1 the applicant a license, or extend the restricted driving  
2 permit as many times as the Secretary of State deems  
3 appropriate, by additional periods of not more than 12 months  
4 each, until the applicant attains 21 years of age.

5 If a person's license or permit has been revoked or  
6 suspended due to 2 or more convictions of violating Section  
7 11-501 of this Code or a similar provision of a local  
8 ordinance or a similar out-of-state offense, arising out of  
9 separate occurrences, that person, if issued a restricted  
10 driving permit, may not operate a vehicle unless it has been  
11 equipped with an ignition interlock device as defined in  
12 Section 1-129.1.

13 If a person's license or permit has been revoked or  
14 suspended 2 or more times within a 10 year period due to a  
15 single conviction of violating Section 11-501 of this Code or  
16 a similar provision of a local ordinance or a similar  
17 out-of-state offense, and a statutory summary suspension  
18 under Section 11-501.1, or 2 or more statutory summary  
19 suspensions, or combination of 2 offenses, or of an offense  
20 and a statutory summary suspension, arising out of separate  
21 occurrences, that person, if issued a restricted driving  
22 permit, may not operate a vehicle unless it has been equipped  
23 with an ignition interlock device as defined in Section  
24 1-129.1. The person must pay to the Secretary of State DUI  
25 Administration Fund an amount not to exceed \$20 per month.  
26 The Secretary shall establish by rule the amount and the  
27 procedures, terms, and conditions relating to these fees. If  
28 the restricted driving permit was issued for employment  
29 purposes, then this provision does not apply to the operation  
30 of an occupational vehicle owned or leased by that person's  
31 employer. A restricted driving permit issued under this  
32 Section shall be subject to cancellation, revocation, and  
33 suspension by the Secretary of State in like manner and for  
34 like cause as a driver's license issued under this Code may

1 be cancelled, revoked, or suspended; except that a conviction  
2 upon one or more offenses against laws or ordinances  
3 regulating the movement of traffic shall be deemed sufficient  
4 cause for the revocation, suspension, or cancellation of a  
5 restricted driving permit. The revocation periods contained  
6 in this subparagraph shall apply to similar out-of-state  
7 convictions.

8 (e) This Section is subject to the provisions of the  
9 Driver License Compact.

10 (f) Any revocation imposed upon any person under  
11 subsections 2 and 3 of paragraph (b) that is in effect on  
12 December 31, 1988 shall be converted to a suspension for a  
13 like period of time.

14 (g) The Secretary of State shall not issue a restricted  
15 driving permit to a person under the age of 16 years whose  
16 driving privileges have been revoked under any provisions of  
17 this Code.

18 (h) The Secretary of State shall require the use of  
19 ignition interlock devices on all vehicles owned by an  
20 individual who has been convicted of a second or subsequent  
21 offense under Section 11-501 of this Code or a similar  
22 provision of a local ordinance. The Secretary shall  
23 establish by rule and regulation the procedures for  
24 certification and use of the interlock system.

25 (i) The Secretary of State may not issue a restricted  
26 driving permit for a period of one year after a second or  
27 subsequent revocation of driving privileges under clause  
28 (a)(2) of this Section; however, one year after the date of a  
29 second or subsequent revocation of driving privileges under  
30 clause (a)(2) of this Section, the Secretary of State may,  
31 upon application, issue a restricted driving permit under the  
32 terms and conditions of subsection (c).

33 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01;  
34 92-418, eff. 8-17-01; revised 8-24-01.)

1 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)  
2 Sec. 6-206. Discretionary authority to suspend or revoke  
3 license or permit; Right to a hearing.

4 (a) The Secretary of State is authorized to suspend or  
5 revoke the driving privileges of any person without  
6 preliminary hearing upon a showing of the person's records or  
7 other sufficient evidence that the person:

8 1. Has committed an offense for which mandatory  
9 revocation of a driver's license or permit is required  
10 upon conviction;

11 2. Has been convicted of not less than 3 offenses  
12 against traffic regulations governing the movement of  
13 vehicles committed within any 12 month period. No  
14 revocation or suspension shall be entered more than 6  
15 months after the date of last conviction;

16 3. Has been repeatedly involved as a driver in  
17 motor vehicle collisions or has been repeatedly convicted  
18 of offenses against laws and ordinances regulating the  
19 movement of traffic, to a degree that indicates lack of  
20 ability to exercise ordinary and reasonable care in the  
21 safe operation of a motor vehicle or disrespect for the  
22 traffic laws and the safety of other persons upon the  
23 highway;

24 4. Has by the unlawful operation of a motor vehicle  
25 caused or contributed to an accident resulting in death  
26 or injury requiring immediate professional treatment in a  
27 medical facility or doctor's office to any person, except  
28 that any suspension or revocation imposed by the  
29 Secretary of State under the provisions of this  
30 subsection shall start no later than 6 months after being  
31 convicted of violating a law or ordinance regulating the  
32 movement of traffic, which violation is related to the  
33 accident, or shall start not more than one year after the  
34 date of the accident, whichever date occurs later;

- 1           5. Has permitted an unlawful or fraudulent use of a  
2 driver's license, identification card, or permit;
- 3           6. Has been lawfully convicted of an offense or  
4 offenses in another state, including the authorization  
5 contained in Section 6-203.1, which if committed within  
6 this State would be grounds for suspension or revocation;
- 7           7. Has refused or failed to submit to an  
8 examination provided for by Section 6-207 or has failed  
9 to pass the examination;
- 10          8. Is ineligible for a driver's license or permit  
11 under the provisions of Section 6-103;
- 12          9. Has made a false statement or knowingly  
13 concealed a material fact or has used false information  
14 or identification in any application for a license,  
15 identification card, or permit;
- 16          10. Has possessed, displayed, or attempted to  
17 fraudulently use any license, identification card, or  
18 permit not issued to the person;
- 19          11. Has operated a motor vehicle upon a highway of  
20 this State when the person's driving privilege or  
21 privilege to obtain a driver's license or permit was  
22 revoked or suspended unless the operation was authorized  
23 by a judicial driving permit, probationary license to  
24 drive, or a restricted driving permit issued under this  
25 Code;
- 26          12. Has submitted to any portion of the application  
27 process for another person or has obtained the services  
28 of another person to submit to any portion of the  
29 application process for the purpose of obtaining a  
30 license, identification card, or permit for some other  
31 person;
- 32          13. Has operated a motor vehicle upon a highway of  
33 this State when the person's driver's license or permit  
34 was invalid under the provisions of Sections 6-107.1 and

1 6-110;

2 14. Has committed a violation of Section 6-301,  
3 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or  
4 14B of the Illinois Identification Card Act;

5 15. Has been convicted of violating Section 21-2 of  
6 the Criminal Code of 1961 relating to criminal trespass  
7 to vehicles in which case, the suspension shall be for  
8 one year;

9 16. Has been convicted of violating Section 11-204  
10 of this Code relating to fleeing from a police officer;

11 17. Has refused to submit to a test, or tests, as  
12 required under Section 11-501.1 of this Code and the  
13 person has not sought a hearing as provided for in  
14 Section 11-501.1;

15 18. Has, since issuance of a driver's license or  
16 permit, been adjudged to be afflicted with or suffering  
17 from any mental disability or disease;

18 19. Has committed a violation of paragraph (a) or  
19 (b) of Section 6-101 relating to driving without a  
20 driver's license;

21 20. Has been convicted of violating Section 6-104  
22 relating to classification of driver's license;

23 21. Has been convicted of violating Section 11-402  
24 of this Code relating to leaving the scene of an accident  
25 resulting in damage to a vehicle in excess of \$1,000, in  
26 which case the suspension shall be for one year;

27 22. Has used a motor vehicle in violating paragraph  
28 (3), (4), (7), or (9) of subsection (a) of Section 24-1  
29 of the Criminal Code of 1961 relating to unlawful use of  
30 weapons, in which case the suspension shall be for one  
31 year;

32 23. Has, as a driver, been convicted of committing  
33 a violation of paragraph (a) of Section 11-502 of this  
34 Code for a second or subsequent time within one year of a

1 similar violation;

2 24. Has been convicted by a court-martial or  
3 punished by non-judicial punishment by military  
4 authorities of the United States at a military  
5 installation in Illinois of or for a traffic related  
6 offense that is the same as or similar to an offense  
7 specified under Section 6-205 or 6-206 of this Code;

8 25. Has permitted any form of identification to be  
9 used by another in the application process in order to  
10 obtain or attempt to obtain a license, identification  
11 card, or permit;

12 26. Has altered or attempted to alter a license or  
13 has possessed an altered license, identification card, or  
14 permit;

15 27. Has violated Section 6-16 of the Liquor Control  
16 Act of 1934;

17 28. Has been convicted of the illegal possession,  
18 while operating or in actual physical control, as a  
19 driver, of a motor vehicle, of any controlled substance  
20 prohibited under the Illinois Controlled Substances Act  
21 or any cannabis prohibited under the provisions of the  
22 Cannabis Control Act, in which case the person's driving  
23 privileges shall be suspended for one year, and any  
24 driver who is convicted of a second or subsequent  
25 offense, within 5 years of a previous conviction, for the  
26 illegal possession, while operating or in actual physical  
27 control, as a driver, of a motor vehicle, of any  
28 controlled substance prohibited under the provisions of  
29 the Illinois Controlled Substances Act or any cannabis  
30 prohibited under the Cannabis Control Act shall be  
31 suspended for 5 years. Any defendant found guilty of this  
32 offense while operating a motor vehicle, shall have an  
33 entry made in the court record by the presiding judge  
34 that this offense did occur while the defendant was

1 operating a motor vehicle and order the clerk of the  
2 court to report the violation to the Secretary of State;

3 29. Has been convicted of the following offenses  
4 that were committed while the person was operating or in  
5 actual physical control, as a driver, of a motor vehicle:  
6 criminal sexual assault, predatory criminal sexual  
7 assault of a child, aggravated criminal sexual assault,  
8 criminal sexual abuse, aggravated criminal sexual abuse,  
9 juvenile pimping, soliciting for a juvenile prostitute  
10 and the manufacture, sale or delivery of controlled  
11 substances or instruments used for illegal drug use or  
12 abuse in which case the driver's driving privileges shall  
13 be suspended for one year;

14 30. Has been convicted a second or subsequent time  
15 for any combination of the offenses named in paragraph 29  
16 of this subsection, in which case the person's driving  
17 privileges shall be suspended for 5 years;

18 31. Has refused to submit to a test as required by  
19 Section 11-501.6 or has submitted to a test resulting in  
20 an alcohol concentration of 0.08 or more or any amount of  
21 a drug, substance, or compound resulting from the  
22 unlawful use or consumption of cannabis as listed in the  
23 Cannabis Control Act, a controlled substance as listed in  
24 the Illinois Controlled Substances Act, or an  
25 intoxicating compound as listed in the Use of  
26 Intoxicating Compounds Act, in which case the penalty  
27 shall be as prescribed in Section 6-208.1;

28 32. Has been convicted of Section 24-1.2 of the  
29 Criminal Code of 1961 relating to the aggravated  
30 discharge of a firearm if the offender was located in a  
31 motor vehicle at the time the firearm was discharged, in  
32 which case the suspension shall be for 3 years;

33 33. Has as a driver, who was less than 21 years of  
34 age on the date of the offense, been convicted a first

1 time of a violation of paragraph (a) of Section 11-502 of  
2 this Code or a similar provision of a local ordinance;

3 34. Has committed a violation of Section 11-1301.5  
4 of this Code;

5 35. Has committed a violation of Section 11-1301.6  
6 of this Code; or

7 36. Is under the age of 21 years at the time of  
8 arrest and has been convicted of not less than 2  
9 offenses against traffic regulations governing the  
10 movement of vehicles committed within any 24 month  
11 period. No revocation or suspension shall be entered  
12 more than 6 months after the date of last conviction; or

13 37. Has committed a violation of subsection (c) of  
14 Section 11-907 of this Code.

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
16 and 27 of this subsection, license means any driver's  
17 license, any traffic ticket issued when the person's driver's  
18 license is deposited in lieu of bail, a suspension notice  
19 issued by the Secretary of State, a duplicate or corrected  
20 driver's license, a probationary driver's license or a  
21 temporary driver's license.

22 (b) If any conviction forming the basis of a suspension  
23 or revocation authorized under this Section is appealed, the  
24 Secretary of State may rescind or withhold the entry of the  
25 order of suspension or revocation, as the case may be,  
26 provided that a certified copy of a stay order of a court is  
27 filed with the Secretary of State. If the conviction is  
28 affirmed on appeal, the date of the conviction shall relate  
29 back to the time the original judgment of conviction was  
30 entered and the 6 month limitation prescribed shall not  
31 apply.

32 (c) 1. Upon suspending or revoking the driver's license  
33 or permit of any person as authorized in this Section,  
34 the Secretary of State shall immediately notify the

1 person in writing of the revocation or suspension. The  
2 notice to be deposited in the United States mail, postage  
3 prepaid, to the last known address of the person.

4 2. If the Secretary of State suspends the driver's  
5 license of a person under subsection 2 of paragraph (a)  
6 of this Section, a person's privilege to operate a  
7 vehicle as an occupation shall not be suspended, provided  
8 an affidavit is properly completed, the appropriate fee  
9 received, and a permit issued prior to the effective date  
10 of the suspension, unless 5 offenses were committed, at  
11 least 2 of which occurred while operating a commercial  
12 vehicle in connection with the driver's regular  
13 occupation. All other driving privileges shall be  
14 suspended by the Secretary of State. Any driver prior to  
15 operating a vehicle for occupational purposes only must  
16 submit the affidavit on forms to be provided by the  
17 Secretary of State setting forth the facts of the  
18 person's occupation. The affidavit shall also state the  
19 number of offenses committed while operating a vehicle in  
20 connection with the driver's regular occupation. The  
21 affidavit shall be accompanied by the driver's license.  
22 Upon receipt of a properly completed affidavit, the  
23 Secretary of State shall issue the driver a permit to  
24 operate a vehicle in connection with the driver's regular  
25 occupation only. Unless the permit is issued by the  
26 Secretary of State prior to the date of suspension, the  
27 privilege to drive any motor vehicle shall be suspended  
28 as set forth in the notice that was mailed under this  
29 Section. If an affidavit is received subsequent to the  
30 effective date of this suspension, a permit may be issued  
31 for the remainder of the suspension period.

32 The provisions of this subparagraph shall not apply  
33 to any driver required to obtain a commercial driver's  
34 license under Section 6-507 during the period of a

1           disqualification of commercial driving privileges under  
2           Section 6-514.

3           Any person who falsely states any fact in the  
4           affidavit required herein shall be guilty of perjury  
5           under Section 6-302 and upon conviction thereof shall  
6           have all driving privileges revoked without further  
7           rights.

8           3. At the conclusion of a hearing under Section  
9           2-118 of this Code, the Secretary of State shall either  
10          rescind or continue an order of revocation or shall  
11          substitute an order of suspension; or, good cause  
12          appearing therefor, rescind, continue, change, or extend  
13          the order of suspension. If the Secretary of State does  
14          not rescind the order, the Secretary may upon  
15          application, to relieve undue hardship, issue a  
16          restricted driving permit granting the privilege of  
17          driving a motor vehicle between the petitioner's  
18          residence and petitioner's place of employment or within  
19          the scope of his employment related duties, or to allow  
20          transportation for the petitioner, or a household member  
21          of the petitioner's family, to receive necessary medical  
22          care and if the professional evaluation indicates,  
23          provide transportation for alcohol remedial or  
24          rehabilitative activity, or for the petitioner to attend  
25          classes, as a student, in an accredited educational  
26          institution; if the petitioner is able to demonstrate  
27          that no alternative means of transportation is reasonably  
28          available and the petitioner will not endanger the public  
29          safety or welfare.

30          If a person's license or permit has been revoked or  
31          suspended due to 2 or more convictions of violating  
32          Section 11-501 of this Code or a similar provision of a  
33          local ordinance or a similar out-of-state offense,  
34          arising out of separate occurrences, that person, if

1 issued a restricted driving permit, may not operate a  
2 vehicle unless it has been equipped with an ignition  
3 interlock device as defined in Section 1-129.1.

4 If a person's license or permit has been revoked or  
5 suspended 2 or more times within a 10 year period due to  
6 a single conviction of violating Section 11-501 of this  
7 Code or a similar provision of a local ordinance or a  
8 similar out-of-state offense, and a statutory summary  
9 suspension under Section 11-501.1, or 2 or more statutory  
10 summary suspensions, or combination of 2 offenses, or of  
11 an offense and a statutory summary suspension, arising  
12 out of separate occurrences, that person, if issued a  
13 restricted driving permit, may not operate a vehicle  
14 unless it has been equipped with an ignition interlock  
15 device as defined in Section 1-129.1. The person must pay  
16 to the Secretary of State DUI Administration Fund an  
17 amount not to exceed \$20 per month. The Secretary shall  
18 establish by rule the amount and the procedures, terms,  
19 and conditions relating to these fees. If the restricted  
20 driving permit was issued for employment purposes, then  
21 this provision does not apply to the operation of an  
22 occupational vehicle owned or leased by that person's  
23 employer. In each case the Secretary may issue a  
24 restricted driving permit for a period deemed  
25 appropriate, except that all permits shall expire within  
26 one year from the date of issuance. The Secretary may  
27 not, however, issue a restricted driving permit to any  
28 person whose current revocation is the result of a second  
29 or subsequent conviction for a violation of Section  
30 11-501 of this Code or a similar provision of a local  
31 ordinance relating to the offense of operating or being  
32 in physical control of a motor vehicle while under the  
33 influence of alcohol, other drug or drugs, intoxicating  
34 compound or compounds, or any similar out-of-state

1 offense, or any combination of those offenses, until the  
2 expiration of at least one year from the date of the  
3 revocation. A restricted driving permit issued under this  
4 Section shall be subject to cancellation, revocation, and  
5 suspension by the Secretary of State in like manner and  
6 for like cause as a driver's license issued under this  
7 Code may be cancelled, revoked, or suspended; except that  
8 a conviction upon one or more offenses against laws or  
9 ordinances regulating the movement of traffic shall be  
10 deemed sufficient cause for the revocation, suspension,  
11 or cancellation of a restricted driving permit. The  
12 Secretary of State may, as a condition to the issuance of  
13 a restricted driving permit, require the applicant to  
14 participate in a designated driver remedial or  
15 rehabilitative program. The Secretary of State is  
16 authorized to cancel a restricted driving permit if the  
17 permit holder does not successfully complete the program.

18 (c-5) The Secretary of State may, as a condition of the  
19 reissuance of a driver's license or permit to an applicant  
20 whose driver's license or permit has been suspended before he  
21 or she reached the age of 18 years pursuant to any of the  
22 provisions of this Section, require the applicant to  
23 participate in a driver remedial education course and be  
24 retested under Section 6-109 of this Code.

25 (d) This Section is subject to the provisions of the  
26 Drivers License Compact.

27 (e) The Secretary of State shall not issue a restricted  
28 driving permit to a person under the age of 16 years whose  
29 driving privileges have been suspended or revoked under any  
30 provisions of this Code.

31 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;  
32 92-458, eff. 8-22-01; revised 8-27-01.)

33 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

1           Sec. 6-208. Period of Suspension - Application After  
2   Revocation.

3           (a) Except as otherwise provided by this Code or any  
4   other law of this State, the Secretary of State shall not  
5   suspend a driver's license, permit or privilege to drive a  
6   motor vehicle on the highways for a period of more than one  
7   year.

8           (b) Any person whose license, permit or privilege to  
9   drive a motor vehicle on the highways has been revoked shall  
10   not be entitled to have such license, permit or privilege  
11   renewed or restored. However, such person may, except as  
12   provided under subsection (d) of Section 6-205, make  
13   application for a license pursuant to Section 6-106 (i) if  
14   the revocation was for a cause which has been removed or (ii)  
15   as provided in the following subparagraphs:

16           1. Except as provided in subparagraphs 2, 3, and 4,  
17   the person may make application for a license after the  
18   expiration of one year from the effective date of the  
19   revocation or, in the case of a violation of paragraph  
20   (b) of Section 11-401 of this Code or a similar provision  
21   of a local ordinance, after the expiration of 3 years  
22   from the effective date of the revocation or, in the case  
23   of a violation of Section 9-3 of the Criminal Code of  
24   1961 relating to the offense of reckless homicide, after  
25   the expiration of 2 years from the effective date of the  
26   revocation or after the expiration of 24 months from the  
27   date of release from a period of imprisonment as provided  
28   in Section 6-103 of this Code, whichever is later.

29           2. If such person is convicted of committing a  
30   second violation within a 20 year period of:

31                   (A) Section 11-501 of this Code, or a similar  
32   provision of a local ordinance; or

33                   (B) Paragraph (b) of Section 11-401 of this  
34   Code, or a similar provision of a local ordinance;

1 or

2 (C) Section 9-3 of the Criminal Code of 1961,  
3 as amended, relating to the offense of reckless  
4 homicide; or

5 (D) any combination of the above offenses  
6 committed at different instances;

7 then such person may not make application for a license  
8 until after the expiration of 5 years from the effective  
9 date of the most recent revocation. The 20 year period  
10 shall be computed by using the dates the offenses were  
11 committed and shall also include similar out-of-state  
12 offenses.

13 3. However, except as provided in subparagraph 4,  
14 if such person is convicted of committing a third, or  
15 subsequent, violation or any combination of the above  
16 offenses, including similar out-of-state offenses,  
17 contained in subparagraph 2, then such person may not  
18 make application for a license until after the expiration  
19 of 10 years from the effective date of the most recent  
20 revocation.

21 4. The person may not make application for a  
22 license if the person is convicted of committing a fourth  
23 or subsequent violation of Section 11-501 of this Code or  
24 a similar provision of a local ordinance, Section 11-401  
25 of this Code, Section 9-3 of the Criminal Code of 1961,  
26 or a combination of these offenses or similar provisions  
27 of local ordinances or similar out-of-state offenses.

28 Notwithstanding any other provision of this Code, all  
29 persons referred to in this paragraph (b) may not have their  
30 privileges restored until the Secretary receives payment of  
31 the required reinstatement fee pursuant to subsection (b) of  
32 Section 6-118.

33 In no event shall the Secretary issue such license unless  
34 and until such person has had a hearing pursuant to this Code

1 and the appropriate administrative rules and the Secretary is  
2 satisfied, after a review or investigation of such person,  
3 that to grant the privilege of driving a motor vehicle on the  
4 highways will not endanger the public safety or welfare.

5 (c) If a person prohibited under paragraph (2) or  
6 paragraph (3) of subsection (c-4) of Section 11-501 from  
7 driving any vehicle not equipped with an ignition interlock  
8 device nevertheless is convicted of driving a vehicle that is  
9 not equipped with the device, that person is prohibited from  
10 driving any vehicle not equipped with an ignition interlock  
11 device for an additional period of time equal to the initial  
12 time period that the person was required to use an ignition  
13 interlock device.

14 (Source: P.A. 91-357, eff. 7-29-99; 92-343, eff. 1-1-02;  
15 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; revised  
16 10-12-01.)

17 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)  
18 Sec. 6-500. Definitions of words and phrases.  
19 Notwithstanding the definitions set forth elsewhere in this  
20 Code, for purposes of the Uniform Commercial Driver's License  
21 Act (UCDLA), the words and phrases listed below shall have  
22 the meanings ascribed to them as follows:

23 (1) Alcohol. "Alcohol" means any substance containing  
24 any form of alcohol, including but not limited to: ethanol,  
25 methanol, propanol, and isopropanol.

26 (2) Alcohol concentration. "Alcohol concentration"  
27 means:

28 (A) (a) the number of grams of alcohol per 210  
29 liters of breath; or

30 (B) (b) the number of grams of alcohol per 100  
31 milliliters of blood; or

32 (C) (c) the number of grams of alcohol per 67  
33 milliliters of urine.

1 Alcohol tests administered within 2 hours of the driver  
2 being "stopped or detained" shall be considered that driver's  
3 "alcohol concentration" for the purposes of enforcing this  
4 UCCLA.

5 (3) (Blank).

6 (4) (Blank).

7 (5) (Blank).

8 (6) Commercial Motor Vehicle.

9 (A) "Commercial motor vehicle" means a motor  
10 vehicle, except those referred to in subdivision (B)  
11 ~~paragraph---~~(d), designed to transport passengers or  
12 property if:

13 (i) (a) the vehicle has a GVWR of 26,001  
14 pounds or more or such a lesser GVWR as subsequently  
15 determined by federal regulations or the Secretary  
16 of State; or any combination of vehicles with a GCWR  
17 of 26,001 pounds or more, provided the GVWR of any  
18 vehicle or vehicles being towed is 10,001 pounds or  
19 more; or

20 (ii) (b) the vehicle is designed to transport  
21 16 or more persons; or

22 (iii) (c) the vehicle is transporting  
23 hazardous materials and is required to be placarded  
24 in accordance with 49 C.F.R. Part 172, subpart F.

25 (B) (d) Pursuant to the interpretation of the  
26 Commercial Motor Vehicle Safety Act of 1986 by the  
27 Federal Highway Administration, the definition of  
28 "commercial motor vehicle" does not include:

29 (i) recreational vehicles, when operated  
30 primarily for personal use;

31 (ii) United States Department of Defense  
32 vehicles being operated by non-civilian personnel.  
33 This includes any operator on active military duty;  
34 members of the Reserves; National Guard; personnel

1           on part-time training; and National Guard military  
 2           technicians (civilians who are required to wear  
 3           military uniforms and are subject to the Code of  
 4           Military Justice); or

5                   (iii) firefighting and other emergency  
 6           equipment with audible and visual signals, owned or  
 7           operated by or for a governmental entity, which is  
 8           necessary to the preservation of life or property or  
 9           the execution of emergency governmental functions  
 10          which are normally not subject to general traffic  
 11          rules and regulations.

12          (7) Controlled Substance. "Controlled substance" shall  
 13          have the same meaning as defined in Section 102 of the  
 14          Illinois Controlled Substances Act, and shall also include  
 15          cannabis as defined in Section 3 of the Cannabis Control Act.

16          (8) Conviction. "Conviction" means an unvacated  
 17          adjudication of guilt or a determination that a person has  
 18          violated or failed to comply with the law in a court of  
 19          original jurisdiction or an authorized administrative  
 20          tribunal; an unvacated forfeiture of bail or collateral  
 21          deposited to secure the person's appearance in court; the  
 22          payment of a fine or court cost regardless of whether the  
 23          imposition of sentence is deferred and ultimately a judgment  
 24          dismissing the underlying charge is entered; or a violation  
 25          of a condition of release without bail, regardless of whether  
 26          or not the penalty is rebated, suspended or probated.

27          (9) (Blank).

28          (10) (Blank).

29          (11) (Blank).

30          (12) (Blank).

31          (13) Driver. "Driver" means any person who drives,  
 32          operates, or is in physical control of a commercial motor  
 33          vehicle, or who is required to hold a CDL.

34          (14) Employee. "Employee" means a person who is

1 employed as a commercial motor vehicle driver. A person who  
2 is self-employed as a commercial motor vehicle driver must  
3 comply with the requirements of this UCDLA pertaining to  
4 employees. An owner-operator on a long-term lease shall be  
5 considered an employee.

6 (15) Employer. "Employer" means a person (including the  
7 United States, a State or a local authority) who owns or  
8 leases a commercial motor vehicle or assigns employees to  
9 operate such a vehicle. A person who is self-employed as a  
10 commercial motor vehicle driver must comply with the  
11 requirements of this UCDLA.

12 (16) (Blank).

13 (17) Foreign jurisdiction. "Foreign jurisdiction" means  
14 a sovereign jurisdiction that does not fall within the  
15 definition of "State".

16 (18) (Blank).

17 (19) (Blank).

18 (20) Hazardous Material. Upon a finding by the United  
19 States Secretary of Transportation, in his or her discretion,  
20 under 49 App. U.S.C. 5103(a), that the transportation of a  
21 particular quantity and form of material in commerce may pose  
22 an unreasonable risk to health and safety or property, he or  
23 she shall designate the quantity and form of material or  
24 group or class of the materials as a hazardous material. The  
25 materials so designated may include but are not limited to  
26 explosives, radioactive materials, etiologic agents,  
27 flammable liquids or solids, combustible liquids or solids,  
28 poisons, oxidizing or corrosive materials, and compressed  
29 gases.

30 (21) Long-term lease Long-term-lease. "Long-term lease"  
31 "Long-term-lease" means a lease of a commercial motor vehicle  
32 by the owner-lessor to a lessee, for a period of more than 29  
33 days.

34 (22) Motor Vehicle. "Motor vehicle" means every vehicle

1 which is self-propelled, and every vehicle which is propelled  
2 by electric power obtained from over head trolley wires but  
3 not operated upon rails, except vehicles moved solely by  
4 human power and motorized wheel chairs.

5 (23) Non-resident CDL. "Non-resident CDL" means a  
6 commercial driver's license issued by a state to an  
7 individual who is domiciled in a foreign jurisdiction.

8 (24) (Blank).

9 (25) (Blank).

10 (25.5) Railroad-Highway Grade Crossing Violation.  
11 "Railroad-highway grade crossing violation" means a  
12 violation, while operating a commercial motor vehicle, of any  
13 of the following:

14 (A) ~~(1)~~ An offense listed in subsection (j) of  
15 Section 6-514 of this Code.

16 (B) ~~(2)~~ Section 11-1201 of this Code.

17 (C) ~~(3)~~ Section 11-1201.1 of this Code.

18 (D) ~~(4)~~ Section 11-1202 of this Code.

19 (E) ~~(5)~~ Section 11-1203 of this Code.

20 (F) ~~(6)~~ 92 Illinois Administrative Code 392.10.

21 (G) ~~(7)~~ 92 Illinois Administrative Code 392.11.

22 (H) ~~(8)~~ Any local ordinance that is similar to any  
23 of items (A) ~~(1)~~ through (G) ~~(7)~~.

24 (26) Serious Traffic Violation. "Serious traffic  
25 violation" means:

26 (A) ~~(a)~~ a conviction when operating a commercial  
27 motor vehicle of:

28 (i) a violation relating to excessive  
29 speeding, involving a single speeding charge of 15  
30 miles per hour or more above the legal speed limit;  
31 or

32 (ii) a violation relating to reckless driving;  
33 or

34 (iii) a violation of any State law or local

1 ordinance relating to motor vehicle traffic control  
2 (other than parking violations) arising in  
3 connection with a fatal traffic accident; or

4 (iv) a violation of Section 6-501, relating to  
5 having multiple driver's licenses; or

6 (v) a violation of paragraph (a)<sub>7</sub> of Section  
7 6-507, relating to the requirement to have a valid  
8 CDL; or

9 (vi) a violation relating to improper or  
10 erratic traffic lane changes; or

11 (vii) a violation relating to following  
12 another vehicle too closely; or

13 (B) ~~(b)~~ any other similar violation of a law or  
14 local ordinance of any state relating to motor vehicle  
15 traffic control, other than a parking violation, which  
16 the Secretary of State determines by administrative rule  
17 to be serious.

18 (27) State. "State" means a state of the United States,  
19 the District of Columbia and any province or territory of  
20 Canada.

21 (28) (Blank).

22 (29) (Blank).

23 (30) (Blank).

24 (31) (Blank).

25 (Source: P.A. 92-249, eff. 1-1-02; revised 9-19-01.)

26 (625 ILCS 5/7-501) (from Ch. 95 1/2, par. 7-501)

27 Sec. 7-501. Assigned Risk Plans. If, on or before  
28 January 1, 1946, every insurance carrier authorized to write  
29 automobile bodily injury liability insurance in this State  
30 shall not subscribe to an assigned risk plan approved by the  
31 Director of Insurance, providing that no carrier may withdraw  
32 therefrom after approval of the Director, the Director of  
33 Insurance shall, when he finds that an application for

1     bodily injury or property damage insurance by a risk, which  
2     may become subject to this Act or is a local public entity  
3     subject to the Local Governmental and Governmental Employees  
4     Tort Immunity Act, and in good faith is entitled to such  
5     insurance, has been rejected by 3 insurance carriers,  
6     designate an insurance carrier which shall be obligated to  
7     issue forthwith its usual form of policy providing such  
8     insurance for such risk. The Director shall make equitable  
9     distribution of such assignments among insurance carriers  
10    proportionate, so far as practicable, by premiums to the  
11    respective net direct automobile bodily injury premium  
12    writings of the carriers authorized to do business in this  
13    State. The Director of Insurance shall establish rules and  
14    regulations for the administration of the provisions of this  
15    Section.

16         If any carrier refuses or neglects to comply with the  
17    provisions of this Section or with any lawful order or ruling  
18    made by the Director of Insurance pursuant to this Section,  
19    the Director may, after notice and hearing, suspend the  
20    license of such carrier to transact any insurance business in  
21    this State until such carrier shall have complied with such  
22    order. The provisions of the Administrative Review Law, and  
23    all amendments and modifications thereof, and the rules  
24    adopted pursuant thereto, shall apply to and govern all  
25    proceedings for the judicial review of final administrative  
26    decisions of the Director of Insurance hereunder.

27    (Source: P.A. 90-89, eff. 1-1-98; revised 12-07-01.)

28         (625 ILCS 5/11-207) (from Ch. 95 1/2, par. 11-207)

29         Sec. 11-207. Provisions of this Chapter Aet uniform  
30    throughout State. The provisions of this Chapter shall be  
31    applicable and uniform throughout this State and in all  
32    political subdivisions and municipalities therein, and no  
33    local authority shall enact or enforce any ordinance rule or

1 regulation in conflict with the provisions of this Chapter  
 2 unless expressly authorized herein. Local authorities may,  
 3 however, adopt additional traffic regulations which are not  
 4 in conflict with the provisions of this Chapter, but such  
 5 regulations shall not be effective until signs giving  
 6 reasonable notice thereof are posted.

7 (Source: P.A. 85-532; revised 12-04-01.)

8 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

9 Sec. 11-501. Driving while under the influence of  
 10 alcohol, other drug or drugs, intoxicating compound or  
 11 compounds or any combination thereof.

12 (a) A person shall not drive or be in actual physical  
 13 control of any vehicle within this State while:

14 (1) the alcohol concentration in the person's blood  
 15 or breath is 0.08 or more based on the definition of  
 16 blood and breath units in Section 11-501.2;

17 (2) under the influence of alcohol;

18 (3) under the influence of any intoxicating  
 19 compound or combination of intoxicating compounds to a  
 20 degree that renders the person incapable of driving  
 21 safely;

22 (4) under the influence of any other drug or  
 23 combination of drugs to a degree that renders the person  
 24 incapable of safely driving;

25 (5) under the combined influence of alcohol, other  
 26 drug or drugs, or intoxicating compound or compounds to a  
 27 degree that renders the person incapable of safely  
 28 driving; or

29 (6) there is any amount of a drug, substance, or  
 30 compound in the person's breath, blood, or urine  
 31 resulting from the unlawful use or consumption of  
 32 cannabis listed in the Cannabis Control Act, a controlled  
 33 substance listed in the Illinois Controlled Substances

1 Act, or an intoxicating compound listed in the Use of  
2 Intoxicating Compounds Act.

3 (b) The fact that any person charged with violating this  
4 Section is or has been legally entitled to use alcohol, other  
5 drug or drugs, or intoxicating compound or compounds, or any  
6 combination thereof, shall not constitute a defense against  
7 any charge of violating this Section.

8 (c) Except as provided under paragraphs (c-3), (c-4),  
9 and (d) of this Section, every person convicted of violating  
10 this Section or a similar provision of a local ordinance,  
11 shall be guilty of a Class A misdemeanor and, in addition to  
12 any other criminal or administrative action, for any second  
13 conviction of violating this Section or a similar provision  
14 of a law of another state or local ordinance committed within  
15 5 years of a previous violation of this Section or a similar  
16 provision of a local ordinance shall be mandatorily sentenced  
17 to a minimum of 5 days of imprisonment or assigned to a  
18 minimum of 30 days of community service as may be determined  
19 by the court. Every person convicted of violating this  
20 Section or a similar provision of a local ordinance shall be  
21 subject to an additional mandatory minimum fine of \$500 and  
22 an additional mandatory 5 days of community service in a  
23 program benefiting children if the person committed a  
24 violation of paragraph (a) or a similar provision of a local  
25 ordinance while transporting a person under age 16. Every  
26 person convicted a second time for violating this Section or  
27 a similar provision of a local ordinance within 5 years of a  
28 previous violation of this Section or a similar provision of  
29 a law of another state or local ordinance shall be subject to  
30 an additional mandatory minimum fine of \$500 and an  
31 additional 10 days of mandatory community service in a  
32 program benefiting children if the current offense was  
33 committed while transporting a person under age 16. The  
34 imprisonment or assignment under this subsection shall not be

1 subject to suspension nor shall the person be eligible for  
2 probation in order to reduce the sentence or assignment.

3 (c-1) (1) A person who violates this Section during a  
4 period in which his or her driving privileges are revoked  
5 or suspended, where the revocation or suspension was for  
6 a violation of this Section, Section 11-501.1, paragraph  
7 (b) of Section 11-401, or Section 9-3 of the Criminal  
8 Code of 1961 is guilty of a Class 4 felony.

9 (2) A person who violates this Section a third time  
10 during a period in which his or her driving privileges  
11 are revoked or suspended where the revocation or  
12 suspension was for a violation of this Section, Section  
13 11-501.1, paragraph (b) of Section 11-401, or Section 9-3  
14 of the Criminal Code of 1961 is guilty of a Class 3  
15 felony.

16 (3) A person who violates this Section a fourth or  
17 subsequent time during a period in which his or her  
18 driving privileges are revoked or suspended where the  
19 revocation or suspension was for a violation of this  
20 Section, Section 11-501.1, paragraph (b) of Section  
21 11-401, or Section 9-3 of the Criminal Code of 1961 is  
22 guilty of a Class 2 felony.

23 (c-2) (Blank).

24 (c-3) Every person convicted of violating this Section  
25 or a similar provision of a local ordinance who had a  
26 child under age 16 in the vehicle at the time of the  
27 offense shall have his or her punishment under this Act  
28 enhanced by 2 days of imprisonment for a first offense,  
29 10 days of imprisonment for a second offense, 30 days of  
30 imprisonment for a third offense, and 90 days of  
31 imprisonment for a fourth or subsequent offense, in  
32 addition to the fine and community service required under  
33 subsection (c) and the possible imprisonment required  
34 under subsection (d). The imprisonment or assignment

1 under this subsection shall not be subject to suspension  
2 nor shall the person be eligible for probation in order  
3 to reduce the sentence or assignment.

4 (c-4) When a person is convicted of violating Section  
5 11-501 of this Code or a similar provision of a local  
6 ordinance, the following penalties apply when his or her  
7 blood, breath, or urine was .16 or more based on the  
8 definition of blood, breath, or urine units in Section  
9 11-501.2 or when that person is convicted of violating this  
10 Section while transporting a child under the age of 16:

11 (1) A person who is convicted of violating  
12 subsection (a) of Section 11-501 of this Code a first  
13 time, in addition to any other penalty that may be  
14 imposed under subsection (c), is subject to a mandatory  
15 minimum of 100 hours of community service and a minimum  
16 fine of \$500.

17 (2) A person who is convicted of violating  
18 subsection (a) of Section 11-501 of this Code a second  
19 time within 10 years, in addition to any other penalty  
20 that may be imposed under subsection (c), is subject to a  
21 mandatory minimum of 2 days of imprisonment and a minimum  
22 fine of \$1,250.

23 (3) A person who is convicted of violating  
24 subsection (a) of Section 11-501 of this Code a third  
25 time within 20 years is guilty of a Class 4 felony and,  
26 in addition to any other penalty that may be imposed  
27 under subsection (c), is subject to a mandatory minimum  
28 of 90 days of imprisonment and a minimum fine of \$2,500.

29 (4) A person who is convicted of violating this  
30 subsection (c-4) a fourth or subsequent time is guilty of  
31 a Class 2 felony and, in addition to any other penalty  
32 that may be imposed under subsection (c), is not eligible  
33 for a sentence of probation or conditional discharge and  
34 is subject to a minimum fine of \$2,500.

1 (d) (1) Every person convicted of committing a violation  
2 of this Section shall be guilty of aggravated driving  
3 under the influence of alcohol, other drug or drugs, or  
4 intoxicating compound or compounds, or any combination  
5 thereof if:

6 (A) the person committed a violation of this  
7 Section, or a similar provision of a law of another  
8 state or a local ordinance when the cause of action  
9 is the same as or substantially similar to this  
10 Section, for the third or subsequent time;

11 (B) the person committed a violation of  
12 paragraph (a) while driving a school bus with  
13 children on board;

14 (C) the person in committing a violation of  
15 paragraph (a) was involved in a motor vehicle  
16 accident that resulted in great bodily harm or  
17 permanent disability or disfigurement to another,  
18 when the violation was a proximate cause of the  
19 injuries;

20 (D) the person committed a violation of  
21 paragraph (a) for a second time and has been  
22 previously convicted of violating Section 9-3 of the  
23 Criminal Code of 1961 relating to reckless homicide  
24 in which the person was determined to have been  
25 under the influence of alcohol, other drug or drugs,  
26 or intoxicating compound or compounds as an element  
27 of the offense or the person has previously been  
28 convicted under subparagraph (C) of this paragraph  
29 (1); or

30 (E) the person, in committing a violation of  
31 paragraph (a) while driving at any speed in a school  
32 speed zone at a time when a speed limit of 20 miles  
33 per hour was in effect under subsection (a) of  
34 Section 11-605 of this Code, was involved in a motor

1           vehicle accident that resulted in bodily harm, other  
2           than great bodily harm or permanent disability or  
3           disfigurement, to another person, when the violation  
4           of paragraph (a) was a proximate cause of the bodily  
5           harm.

6           (2) Aggravated driving under the influence of  
7           alcohol, other drug or drugs, or intoxicating compound or  
8           compounds, or any combination thereof is a Class 4  
9           felony. For ~~7-7-0E~~(E) a violation of subparagraph (C)  
10          of paragraph (1) of this subsection (d), the defendant,  
11          if sentenced to a term of imprisonment, shall be  
12          sentenced to not less than one year nor more than 12  
13          years. For any prosecution under this subsection (d), a  
14          certified copy of the driving abstract of the defendant  
15          shall be admitted as proof of any prior conviction.

16          (e) After a finding of guilt and prior to any final  
17          sentencing, or an order for supervision, for an offense based  
18          upon an arrest for a violation of this Section or a similar  
19          provision of a local ordinance, individuals shall be required  
20          to undergo a professional evaluation to determine if an  
21          alcohol, drug, or intoxicating compound abuse problem exists  
22          and the extent of the problem, and undergo the imposition of  
23          treatment as appropriate. Programs conducting these  
24          evaluations shall be licensed by the Department of Human  
25          Services. The cost of any professional evaluation shall be  
26          paid for by the individual required to undergo the  
27          professional evaluation.

28          (f) Every person found guilty of violating this Section,  
29          whose operation of a motor vehicle while in violation of this  
30          Section proximately caused any incident resulting in an  
31          appropriate emergency response, shall be liable for the  
32          expense of an emergency response as provided under Section  
33          5-5-3 of the Unified Code of Corrections.

34          (g) The Secretary of State shall revoke the driving

1 privileges of any person convicted under this Section or a  
2 similar provision of a local ordinance.

3 (h) Every person sentenced under paragraph (2) or (3) of  
4 subsection (c-1) of this Section or subsection (d) of this  
5 Section and who receives a term of probation or conditional  
6 discharge shall be required to serve a minimum term of either  
7 60 days community service or 10 days of imprisonment as a  
8 condition of the probation or conditional discharge. This  
9 mandatory minimum term of imprisonment or assignment of  
10 community service shall not be suspended and shall not be  
11 subject to reduction by the court.

12 (i) The Secretary of State shall require the use of  
13 ignition interlock devices on all vehicles owned by an  
14 individual who has been convicted of a second or subsequent  
15 offense of this Section or a similar provision of a local  
16 ordinance. The Secretary shall establish by rule and  
17 regulation the procedures for certification and use of the  
18 interlock system.

19 (j) In addition to any other penalties and liabilities,  
20 a person who is found guilty of or pleads guilty to violating  
21 this Section, including any person placed on court  
22 supervision for violating this Section, shall be fined \$100,  
23 payable to the circuit clerk, who shall distribute the money  
24 to the law enforcement agency that made the arrest. If the  
25 person has been previously convicted of violating this  
26 Section or a similar provision of a local ordinance, the fine  
27 shall be \$200. In the event that more than one agency is  
28 responsible for the arrest, the \$100 or \$200 shall be shared  
29 equally. Any moneys received by a law enforcement agency  
30 under this subsection (j) shall be used to purchase law  
31 enforcement equipment that will assist in the prevention of  
32 alcohol related criminal violence throughout the State. This  
33 shall include, but is not limited to, in-car video cameras,  
34 radar and laser speed detection devices, and alcohol breath

1 testers. Any moneys received by the Department of State  
 2 Police under this subsection (j) shall be deposited into the  
 3 State Police DUI Fund and shall be used to purchase law  
 4 enforcement equipment that will assist in the prevention of  
 5 alcohol related criminal violence throughout the State.

6 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;  
 7 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.  
 8 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,  
 9 eff. 1-1-02; 92-431, eff. 1-1-02; revised 10-12-01.)

10 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

11 Sec. 11-1201. Obedience to signal indicating approach of  
 12 train.

13 (a) Whenever any person driving a vehicle approaches a  
 14 railroad grade crossing such person must exercise due care  
 15 and caution as the existence of a railroad track across a  
 16 highway is a warning of danger, and under any of the  
 17 circumstances stated in this Section, the driver shall stop  
 18 within 50 feet but not less than 15 feet from the nearest  
 19 rail of the railroad and shall not proceed until he can do so  
 20 safely. The foregoing requirements shall apply when:

21 1. A clearly visible electric or mechanical signal  
 22 device gives warning of the immediate approach of a  
 23 railroad train;

24 2. A crossing gate is lowered or a human flagman  
 25 gives or continues to give a signal of the approach or  
 26 passage of a railroad train;

27 3. A railroad train approaching a highway crossing  
 28 emits a warning signal and such railroad train, by reason  
 29 of its speed or nearness to such crossing, is an  
 30 immediate hazard;

31 4. An approaching railroad train is plainly visible  
 32 and is in hazardous proximity to such crossing;

33 5. A railroad train is approaching so closely that

1 an immediate hazard is created.

2 (b) No person shall drive any vehicle through, around or  
3 under any crossing gate or barrier at a railroad crossing  
4 while such gate or barrier is closed or is being opened or  
5 closed.

6 (c) The Department, and local authorities with the  
7 approval of the Department, are hereby authorized to  
8 designate particularly dangerous highway grade crossings of  
9 railroads and to erect stop signs thereat. When such stop  
10 signs are erected the driver of any vehicle shall stop within  
11 50 feet but not less than 15 feet from the nearest rail of  
12 such railroad and shall proceed only upon exercising due  
13 care.

14 (d) At any railroad grade crossing provided with  
15 railroad crossbuck signs, without automatic, electric, or  
16 mechanical signal devices, crossing gates, or a human flagman  
17 giving a signal of the approach or passage of a train, the  
18 driver of a vehicle shall in obedience to the railroad  
19 crossbuck sign, yield the right-of-way and slow down to a  
20 speed reasonable for the existing conditions and shall stop,  
21 if required for safety, at a clearly marked stopped line, or  
22 if no stop line, within 50 feet but not less than 15 feet  
23 from the nearest rail of the railroad and shall not proceed  
24 until he or she can do so safely. If a driver is involved in  
25 a collision at a railroad crossing or interferes with the  
26 movement of a train after driving past the railroad crossbuck  
27 sign, the collision or interference is prima facie evidence  
28 of the driver's failure to yield right-of-way.

29 (d-5) No person may drive any vehicle through a railroad  
30 crossing if there is insufficient space to drive completely  
31 through the crossing without stopping.

32 (e) It is unlawful to violate any part of this Section.  
33 A first conviction of a person for a violation of any part of  
34 this Section shall result in a mandatory fine of \$250; all

1 subsequent convictions of that person for any violation of  
2 any part of this Section shall each result in a mandatory  
3 fine of \$500.

4 (f) Corporate authorities of municipal corporations  
5 regulating operators of vehicles that fail to obey signals  
6 indicating the presence, approach, passage, or departure of a  
7 train shall impose fines as established in subsection (e) of  
8 this Section.

9 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02;  
10 revised 9-19-01)

11 (625 ILCS 5/11-1201.1)

12 Sec. 11-1201.1. Automated Railroad Crossing Enforcement  
13 System.

14 (a) For the purposes of this Section, an automated  
15 railroad grade crossing enforcement system is a system  
16 operated by a law enforcement agency that records a driver's  
17 response to automatic, electrical or mechanical signal  
18 devices and crossing gates. The system shall be designed to  
19 obtain a clear photograph or other recorded image of the  
20 vehicle, vehicle operator and the vehicle registration plate  
21 of a vehicle in violation of Section 11-1201. The photograph  
22 or other recorded image shall also display the time, date and  
23 location of the violation.

24 (b) Commencing on January 1, 1996, the Illinois Commerce  
25 Commission and the Commuter Rail Board of the Regional  
26 Transportation Authority shall, in cooperation with local law  
27 enforcement agencies, establish a 5 year pilot program within  
28 a county with a population of between 750,000 and 1,000,000  
29 using an automated railroad grade crossing enforcement  
30 system. The Commission shall determine the 3 railroad grade  
31 crossings within that county that pose the greatest threat to  
32 human life based upon the number of accidents and fatalities  
33 at the crossings during the past 5 years and with approval of

1 the local law enforcement agency equip the crossings with an  
2 automated railroad grade crossing enforcement system.

3 (b-1) Commencing on July 20, 2001 (the effective date of  
4 Public Act 92-98) ~~this-amendatory-Act--of--the--92nd--General~~  
5 ~~Assembly~~, the Illinois Commerce Commission and the Commuter  
6 Rail Board may, in cooperation with the local law enforcement  
7 agency, establish in a county with a population of between  
8 750,000 and 1,000,000 a 2 year pilot program using an  
9 automated railroad grade crossing enforcement system. This  
10 pilot program may be established at a railroad grade crossing  
11 designated by local authorities. No State moneys may be  
12 expended on the automated railroad grade crossing enforcement  
13 system established under this pilot program.

14 (c) For each violation of Section 11-1201 recorded by an  
15 automatic railroad grade crossing system, the local law  
16 enforcement agency having jurisdiction shall issue a written  
17 Uniform Traffic Citation of the violation to the registered  
18 owner of the vehicle as the alleged violator. The Uniform  
19 Traffic Citation shall be delivered to the registered owner  
20 of the vehicle, by mail, within 30 days of the violation.  
21 The Uniform Traffic Citation shall include the name and  
22 address of vehicle owner, the vehicle registration number,  
23 the offense charged, the time, date, and location of the  
24 violation, the first available court date and that the basis  
25 of the citation is the photograph or other recorded image  
26 from the automated railroad grade crossing enforcement  
27 system.

28 (d) The Uniform Traffic Citation issued to the  
29 registered owner of the vehicle shall be accompanied by a  
30 written notice, the contents of which is set forth in  
31 subsection (d-1) of this Section, explaining how the  
32 registered owner of the vehicle can elect to proceed by  
33 either paying the fine or challenging the issuance of the  
34 Uniform Traffic Citation.

1 (d-1) The written notice explaining the alleged  
2 violator's rights and obligations must include the following  
3 text:

4 "You have been served with the accompanying Uniform  
5 Traffic Citation and cited with having violated Section  
6 11-1201 of the Illinois Vehicle Code. You can elect to  
7 proceed by:

8 1. Paying the fine; or

9 2. Challenging the issuance of the Uniform Traffic  
10 Citation in court; or

11 3. If you were not the operator of the vehicle at the  
12 time of the alleged offense, notifying in writing the  
13 local law enforcement agency that issued the Uniform  
14 Traffic Citation of the number of the Uniform Traffic  
15 Citation received and the name and address of the person  
16 operating the vehicle at the time of the alleged offense.  
17 If you fail to so notify in writing the local law  
18 enforcement agency of the name and address of the  
19 operator of the vehicle at the time of the alleged  
20 offense, you may be presumed to have been the operator of  
21 the vehicle at the time of the alleged offense."

22 (d-2) If the registered owner of the vehicle was not the  
23 operator of the vehicle at the time of the alleged offense,  
24 and if the registered owner notifies the local law  
25 enforcement agency having jurisdiction of the name and  
26 address of the operator of the vehicle at the time of the  
27 alleged offense, the local law enforcement agency having  
28 jurisdiction shall then issue a written Uniform Traffic  
29 Citation to the person alleged by the registered owner to  
30 have been the operator of the vehicle at the time of the  
31 alleged offense. If the registered owner fails to notify in  
32 writing the local law enforcement agency having jurisdiction  
33 of the name and address of the operator of the vehicle at the  
34 time of the alleged offense, the registered owner may be

1 presumed to have been the operator of the vehicle at the time  
2 of the alleged offense.

3 (e) Evidence.

4 (i) A certificate alleging that a violation of  
5 Section 11-1201 occurred, sworn to or affirmed by a duly  
6 authorized agency, based on inspection of recorded images  
7 produced by an automated railroad crossing enforcement  
8 system are evidence of the facts contained in the  
9 certificate and are admissible in any proceeding alleging  
10 a violation under this Section.

11 (ii) Photographs or recorded images made by an  
12 automatic railroad grade crossing enforcement system are  
13 confidential and shall be made available only to the  
14 alleged violator and governmental and law enforcement  
15 agencies for purposes of adjudicating a violation of  
16 Section 11-1201 of the Illinois Vehicle Code. However,  
17 any photograph or other recorded image evidencing a  
18 violation of Section 11-1201 shall be admissible in any  
19 proceeding resulting from the issuance of the Uniform  
20 Traffic Citation when there is reasonable and sufficient  
21 proof of the accuracy of the camera or electronic  
22 instrument recording the image. There is a rebuttable  
23 presumption that the photograph or recorded image is  
24 accurate if the camera or electronic recording instrument  
25 was in good working order at the beginning and the end of  
26 the day of the alleged offense.

27 (f) Rail crossings equipped with an automatic railroad  
28 grade crossing enforcement system shall be posted with a sign  
29 visible to approaching traffic stating that the railroad  
30 grade crossing is being monitored, that citations will be  
31 issued, and the amount of the fine for violation.

32 (g) Except as provided in subsection (b-1), the cost of  
33 the installation and maintenance of each automatic railroad  
34 grade crossing enforcement system shall be paid from the

1 Grade Crossing Protection Fund if the rail line is not owned  
2 by Commuter Rail Board of the Regional Transportation  
3 Authority. Except as provided in subsection (b-1), if the  
4 rail line is owned by the Commuter Rail Board of the Regional  
5 Transportation Authority, the costs of the installation and  
6 maintenance shall be paid from the Regional Transportation  
7 Authority's portion of the Public Transportation Fund.

8 (h) The Illinois Commerce Commission shall issue a  
9 report to the General Assembly at the conclusion of the 5  
10 year pilot program established under subsection (b) on the  
11 effectiveness of the automatic railroad grade crossing  
12 enforcement system.

13 (i) If any part or parts of this Section are held by a  
14 court of competent jurisdiction to be unconstitutional, the  
15 unconstitutionality shall not affect the validity of the  
16 remaining parts of this Section. The General Assembly hereby  
17 declares that it would have passed the remaining parts of  
18 this Section if it had known that the other part or parts of  
19 this Section would be declared unconstitutional.

20 (j) Penalty.

21 (i) A violation of this Section is a petty offense  
22 for which a fine of \$250 shall be imposed for a first  
23 violation, and a fine of \$500 shall be imposed for a  
24 second or subsequent violation.

25 (ii) For a second or subsequent violation, the  
26 Secretary of State may suspend the registration of the  
27 motor vehicle for a period of at least 6 months.

28 (Source: P.A. 92-98, eff. 7-20-01; 92-245, eff. 8-3-01;  
29 revised 10-18-01.)

30 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

31 Sec. 12-215. Oscillating, rotating or flashing lights on  
32 motor vehicles. Except as otherwise provided in this Code:

33 (a) The use of red or white oscillating, rotating or

1 flashing lights, whether lighted or unlighted, is prohibited  
2 except on:

3 1. Law enforcement vehicles of State, Federal or  
4 local authorities;

5 2. A vehicle operated by a police officer or county  
6 coroner and designated or authorized by local  
7 authorities, in writing, as a law enforcement vehicle;  
8 however, such designation or authorization must be  
9 carried in the vehicle;

10 3. Vehicles of local fire departments and State or  
11 federal firefighting vehicles;

12 4. Vehicles which are designed and used exclusively  
13 as ambulances or rescue vehicles; furthermore, such  
14 lights shall not be lighted except when responding to an  
15 emergency call for and while actually conveying the sick  
16 or injured;

17 5. Tow trucks licensed in a state that requires  
18 such lights; furthermore, such lights shall not be  
19 lighted on any such tow truck while the tow truck is  
20 operating in the State of Illinois; and

21 6. Vehicles of the Illinois Emergency Management  
22 Agency, and vehicles of the Department of Nuclear Safety.

23 (b) The use of amber oscillating, rotating or flashing  
24 lights, whether lighted or unlighted, is prohibited except  
25 on:

26 1. Second division vehicles designed and used for  
27 towing or hoisting vehicles; furthermore, such lights  
28 shall not be lighted except as required in this paragraph  
29 1; such lights shall be lighted when such vehicles are  
30 actually being used at the scene of an accident or  
31 disablement; if the towing vehicle is equipped with a  
32 flat bed that supports all wheels of the vehicle being  
33 transported, the lights shall not be lighted while the  
34 vehicle is engaged in towing on a highway; if the towing

1 vehicle is not equipped with a flat bed that supports all  
2 wheels of a vehicle being transported, the lights shall  
3 be lighted while the towing vehicle is engaged in towing  
4 on a highway during all times when the use of headlights  
5 is required under Section 12-201 of this Code;

6 2. Motor vehicles or equipment of the State of  
7 Illinois, local authorities and contractors; furthermore,  
8 such lights shall not be lighted except while such  
9 vehicles are engaged in maintenance or construction  
10 operations within the limits of construction projects;

11 3. Vehicles or equipment used by engineering or  
12 survey crews; furthermore, such lights shall not be  
13 lighted except while such vehicles are actually engaged  
14 in work on a highway;

15 4. Vehicles of public utilities, municipalities, or  
16 other construction, maintenance or automotive service  
17 vehicles except that such lights shall be lighted only as  
18 a means for indicating the presence of a vehicular  
19 traffic hazard requiring unusual care in approaching,  
20 overtaking or passing while such vehicles are engaged in  
21 maintenance, service or construction on a highway;

22 5. Oversized vehicle or load; however, such lights  
23 shall only be lighted when moving under permit issued by  
24 the Department under Section 15-301 of this Code;

25 6. The front and rear of motorized equipment owned  
26 and operated by the State of Illinois or any political  
27 subdivision thereof, which is designed and used for  
28 removal of snow and ice from highways;

29 7. Fleet safety vehicles registered in another  
30 state, furthermore, such lights shall not be lighted  
31 except as provided for in Section 12-212 of this Code;

32 8. Such other vehicles as may be authorized by  
33 local authorities;

34 9. Law enforcement vehicles of State or local

1 authorities when used in combination with red  
2 oscillating, rotating or flashing lights;

3 10. Vehicles used for collecting or delivering mail  
4 for the United States Postal Service provided that such  
5 lights shall not be lighted except when such vehicles are  
6 actually being used for such purposes;

7 11. Any vehicle displaying a slow-moving vehicle  
8 emblem as provided in Section 12-205.1;

9 12. All trucks equipped with self-compactors or  
10 roll-off hoists and roll-on containers for garbage or  
11 refuse hauling. Such lights shall not be lighted except  
12 when such vehicles are actually being used for such  
13 purposes;

14 13. Vehicles used by a security company, alarm  
15 responder, or control agency, if the security company,  
16 alarm responder, or control agency is bound by a contract  
17 with a federal, State, or local government entity to use  
18 the lights; and

19 14. Security vehicles of the Department of Human  
20 Services; however, the lights shall not be lighted except  
21 when being used for security related purposes under the  
22 direction of the superintendent of the facility where the  
23 vehicle is located.

24 (c) The use of blue oscillating, rotating or flashing  
25 lights, whether lighted or unlighted, is prohibited except  
26 on:

- 27 1. Rescue squad vehicles not owned by a fire
- 28 department and vehicles owned or fully operated by a:
- 29 voluntary firefighter;
- 30 paid firefighter;
- 31 part-paid firefighter;
- 32 call firefighter;
- 33 member of the board of trustees of a fire
- 34 protection district;

1                   paid or unpaid member of a rescue squad; or  
2                   paid or unpaid member of a voluntary ambulance  
3                   unit.

4                   However, such lights are not to be lighted except  
5                   when responding to a bona fide emergency.

6                   2. Police department vehicles in cities having a  
7                   population of 500,000 or more inhabitants.

8                   3. Law enforcement vehicles of State or local  
9                   authorities when used in combination with red  
10                  oscillating, rotating or flashing lights.

11                  4. Vehicles of local fire departments and State or  
12                  federal firefighting vehicles when used in combination  
13                  with red oscillating, rotating or flashing lights.

14                  5. Vehicles which are designed and used exclusively  
15                  as ambulances or rescue vehicles when used in combination  
16                  with red oscillating, rotating or flashing lights;  
17                  furthermore, such lights shall not be lighted except when  
18                  responding to an emergency call.

19                  6. Vehicles that are equipped and used exclusively  
20                  as organ transport vehicles when used in combination with  
21                  red oscillating, rotating, or flashing lights;  
22                  furthermore, these lights shall only be lighted when the  
23                  transportation is declared an emergency by a member of  
24                  the transplant team or a representative of the organ  
25                  procurement organization.

26                  7. Vehicles of the Illinois Emergency Management  
27                  Agency and vehicles of the Department of Nuclear Safety,  
28                  when used in combination with red oscillating, rotating,  
29                  or flashing lights.

30                  (c-1) In addition to the blue oscillating, rotating, or  
31                  flashing lights permitted under subsection (c), and  
32                  notwithstanding subsection (a), a vehicle operated by a  
33                  voluntary firefighter may be equipped with flashing white  
34                  headlights and blue grill lights, which may be used only in

1 responding to an emergency call.

2 (d) The use of a combination of amber and white  
3 oscillating, rotating or flashing lights, whether lighted or  
4 unlighted, is prohibited, except motor vehicles or equipment  
5 of the State of Illinois, local authorities and contractors  
6 may be so equipped; furthermore, such lights shall not be  
7 lighted except while such vehicles are engaged in highway  
8 maintenance or construction operations within the limits of  
9 highway construction projects.

10 (e) All oscillating, rotating or flashing lights  
11 referred to in this Section shall be of sufficient intensity,  
12 when illuminated, to be visible at 500 feet in normal  
13 sunlight.

14 (f) Nothing in this Section shall prohibit a  
15 manufacturer of oscillating, rotating or flashing lights or  
16 his representative from temporarily mounting such lights on a  
17 vehicle for demonstration purposes only.

18 (g) Any person violating the provisions of subsections  
19 (a), (b), (c) or (d) of this Section who without lawful  
20 authority stops or detains or attempts to stop or detain  
21 another person shall be guilty of a Class 4 felony.

22 (h) Except as provided in subsection (g) above, any  
23 person violating the provisions of subsections (a) or (c) of  
24 this Section shall be guilty of a Class A misdemeanor.

25 (Source: P.A. 91-357, eff. 7-29-99; 92-138, eff. 7-24-01;  
26 92-407, eff. 8-17-01; revised 9-12-01)

27 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)  
28 Sec. 18b-105. Rules and Regulations.

29 (a) The Department is authorized to make and adopt  
30 reasonable rules and regulations and orders consistent with  
31 law necessary to carry out the provisions of this Chapter.

32 (b) The following parts of Title 49 of the Code of  
33 Federal Regulations, as now in effect, are hereby adopted by

1 reference as though they were set out in full:

2 Part 383 - Commercial Driver's License Standards,  
3 Requirements, and Penalties;

4 Part 385 - Safety Fitness Procedures;

5 Part 390 - Federal Motor Carrier Safety Regulations:  
6 General;

7 Part 391 - Qualifications of Drivers;

8 Part 392 - Driving of Motor Vehicles;

9 Part 393 - Parts and Accessories Necessary for Safe  
10 Operation;

11 Part 395 - Hours of Service of Drivers, except as  
12 provided in Section 18b-106.1; and

13 Part 396 - Inspection, Repair and Maintenance.

14 (c) The following parts and Sections of the Federal  
15 Motor Carrier Safety Regulations shall not apply to those  
16 intrastate carriers, drivers or vehicles subject to  
17 subsection (b).

18 (1) Section 393.93 of Part 393 for those vehicles  
19 manufactured before June 30, 1972.

20 (2) Section 393.86 of Part 393 for those vehicles  
21 which are registered as farm trucks under subsection (c)  
22 of Section 3-815 of this ~~The-Illinois-Vehiele~~ Code.

23 (3) (Blank).

24 (4) (Blank).

25 (5) Paragraph (b)(1) of Section 391.11 of Part 391.

26 (6) All of Part 395 for all agricultural movements  
27 as defined in Chapter 1, between the period of February 1  
28 through November 30 each year, and all farm to market  
29 agricultural transportation as defined in Chapter 1 and  
30 for grain hauling operations within a radius of 200 air  
31 miles of the normal work reporting location.

32 (7) Paragraphs (b)(3) (insulin dependent diabetic)  
33 and (b)(10) (minimum visual acuity) of Section 391.41 of  
34 part 391, but only for any driver who immediately prior

1 to July 29, 1986 was eligible and licensed to operate a  
2 motor vehicle subject to this Section and was engaged in  
3 operating such vehicles, and who was disqualified on July  
4 29, 1986 by the adoption of Part 391 by reason of the  
5 application of paragraphs (b)(3) and (b)(10) of Section  
6 391.41 with respect to a physical condition existing at  
7 that time unless such driver has a record of accidents  
8 which would indicate a lack of ability to operate a motor  
9 vehicle in a safe manner.

10 (d) Intrastate carriers subject to the recording  
11 provisions of Section 395.8 of Part 395 of the Federal Motor  
12 Carrier Safety Regulations shall be exempt as established  
13 under paragraph (1) of Section 395.8; provided, however, for  
14 the purpose of this Code, drivers shall operate within a 150  
15 air-mile radius of the normal work reporting location to  
16 qualify for exempt status.

17 (e) Regulations adopted by the Department subsequent to  
18 those adopted under subsection (b) hereof shall be identical  
19 in substance to the Federal Motor Carrier Safety Regulations  
20 of the United States Department of Transportation and adopted  
21 in accordance with the procedures for rulemaking in Section  
22 5-35 of the Illinois Administrative Procedure Act.

23 (Source: P.A. 91-179, eff. 1-1-00; 92-108; eff. 1-1-02;  
24 92-249; eff. 1-1-02; revised 1-28-02.)

25 (625 ILCS 5/18c-2108) (from Ch. 95 1/2, par. 18c-2108)  
26 Sec. 18c-2108. Orders in other than household goods  
27 carriers authority and enforcement proceedings.

28 (1) Emergency Orders. The Commission may, on request,  
29 and upon a finding that urgent and immediate public need  
30 requires emergency temporary action, issue orders granting  
31 emergency temporary relief in other than household goods  
32 carrier authority or enforcement cases. The Commission shall  
33 promptly post notice of any such request at a prominent

1 location at the Commission offices in Springfield and  
2 Chicago, and where action affecting a specific named person  
3 is requested shall promptly notify the person by telephone or  
4 telegram. Such orders may be issued without hearing and  
5 shall remain in effect pending notice and hearing in  
6 accordance with subsection (1) of Section 18c-2101 of this  
7 Chapter, but shall not remain in effect for a period  
8 exceeding 45 days from issuance, and shall not be renewed or  
9 extended. Any person in opposition to such relief shall be  
10 entitled, on request, to an oral hearing on ~~er~~ the request  
11 for emergency temporary relief. The filing or granting of  
12 such request for oral hearing shall not, unless the  
13 Commission so provides, stay the issuance or effect of any  
14 emergency temporary order under this subsection.

15 (2) Interim Orders. The Commission may, on request,  
16 issue interim orders making temporary disposition of issues  
17 in a proceeding, other than a household goods carrier  
18 authority or enforcement proceeding, after notice and hearing  
19 on written submissions. Such orders shall remain in effect  
20 pending final disposition in accordance with Section 18c-2102  
21 of this Chapter unless otherwise provided in the interim  
22 order or the interim order is modified or rescinded by the  
23 Commission. Any person in opposition to such relief shall be  
24 entitled, on request, to an oral hearing on the request for  
25 temporary relief. The filing or granting of such a request  
26 for oral hearing shall not, unless the Commission so  
27 provides, stay the issuance or effect of any interim order  
28 under this subsection. A request for oral hearing on a  
29 request for temporary relief shall, unless otherwise  
30 specified by the party making the request for oral hearing,  
31 be construed as a request for oral hearing on the application  
32 for permanent relief as well.

33 (3) Final orders. Any party to a proceeding before the  
34 Commission shall be entitled, on timely written request, to

1 an oral hearing prior to issuance of a final order in the  
2 proceeding. Where the Commission has issued an interim order  
3 and no timely request for oral hearing has been filed or is  
4 pending, the Commission may issue a final order without oral  
5 hearing, except in household goods carrier authority  
6 proceedings.

7 (4) Section not applicable to household goods carrier  
8 authority proceedings. Nothing in this Section shall have  
9 application to any household goods carrier authority  
10 proceeding.

11 (Source: P.A. 89-444, eff. 1-25-96; revised 12-07-01.)

12 Section 78. The Boat Registration and Safety Act is  
13 amended by changing Section 5-7 as follows:

14 (625 ILCS 45/5-7) (from Ch. 95 1/2, par. 315-7)

15 Sec. 5-7. Restricted areas. No person shall operate a  
16 watercraft within a water area that has been clearly marked  
17 by buoys or some other distinguishing device as a bathing,  
18 fishing, swimming or otherwise restricted area by the  
19 Department or a political subdivision of the State or by an  
20 owner or lessee of property in accordance with his or her  
21 rights to the use of the property, except in the manner  
22 prescribed by the buoys or other distinguishing devices.  
23 This Section shall not apply in the case of an emergency, or  
24 to patrol or rescue craft.

25 No person shall operate a watercraft within 150 feet of a  
26 public launching ramp owned, operated or maintained by the  
27 Department or a political subdivision of the State at greater  
28 than a "No Wake" speed as defined in Section 5-12 5-7-5 of  
29 this Act. Posting of the areas by the Department or a  
30 political subdivision of the State is not required.

31 The Department and other political subdivisions of the  
32 State may, within their discretion and after issuing an

1 administrative rule in accordance with the Illinois  
2 Administrative Procedure Act, designate certain areas by  
3 proper signs to be bathing, fishing, swimming or otherwise  
4 restricted areas, or eliminate, alter or otherwise modify  
5 existing areas. The Department or a political subdivision of  
6 the State shall further have the authority in order to fully  
7 carry out the provisions of this Act to place signs, beacons  
8 and buoys in designated areas controlling the flow of  
9 traffic.

10 It shall be unlawful for any person to deface, move,  
11 obliterate, tear down, or destroy, in whole or in part, or  
12 attempt to deface, move, obliterate, tear down or destroy any  
13 buoys or signs posted pursuant to the provisions of this Act,  
14 except as authorized by the Department.

15 (Source: P.A. 87-803; revised 12-04-01.)

16 Section 79. The Clerks of Courts Act is amended by  
17 changing Section 27.6 as follows:

18 (705 ILCS 105/27.6)

19 Sec. 27.6. (a) All fees, fines, costs, additional  
20 penalties, bail balances assessed or forfeited, and any other  
21 amount paid by a person to the circuit clerk equalling an  
22 amount of \$55 or more, except the additional fee required by  
23 subsections (b) and (c), restitution under Section 5-5-6 of  
24 the Unified Code of Corrections, reimbursement for the costs  
25 of an emergency response as provided under Section 5-5-3 of  
26 the Unified Code of Corrections, any fees collected for  
27 attending a traffic safety program under paragraph (c) of  
28 Supreme Court Rule 529, any fee collected on behalf of a  
29 State's Attorney under Section 4-2002 of the Counties Code or  
30 a sheriff under Section 4-5001 of the Counties Code, or any  
31 cost imposed under Section 124A-5 of the Code of Criminal  
32 Procedure of 1963, for convictions, orders of supervision, or

1 any other disposition for a violation of Chapters 3, 4, 6,  
2 11, and 12 of the Illinois Vehicle Code, or a similar  
3 provision of a local ordinance, and any violation of the  
4 Child Passenger Protection Act, or a similar provision of a  
5 local ordinance, and except as provided in subsection (d)  
6 shall be disbursed within 60 days after receipt by the  
7 circuit clerk as follows: 44.5% shall be disbursed to the  
8 entity authorized by law to receive the fine imposed in the  
9 case; 16.825% shall be disbursed to the State Treasurer; and  
10 38.675% shall be disbursed to the county's general corporate  
11 fund. Of the 16.825% disbursed to the State Treasurer, 2/17  
12 shall be deposited by the State Treasurer into the Violent  
13 Crime Victims Assistance Fund, 5.052/17 shall be deposited  
14 into the Traffic and Criminal Conviction Surcharge Fund, 3/17  
15 shall be deposited into the Drivers Education Fund, and  
16 6.948/17 shall be deposited into the Trauma Center Fund. Of  
17 the 6.948/17 deposited into the Trauma Center Fund from the  
18 16.825% disbursed to the State Treasurer, 50% shall be  
19 disbursed to the Department of Public Health and 50% shall be  
20 disbursed to the Department of Public Aid. For fiscal year  
21 1993, amounts deposited into the Violent Crime Victims  
22 Assistance Fund, the Traffic and Criminal Conviction  
23 Surcharge Fund, or the Drivers Education Fund shall not  
24 exceed 110% of the amounts deposited into those funds in  
25 fiscal year 1991. Any amount that exceeds the 110% limit  
26 shall be distributed as follows: 50% shall be disbursed to  
27 the county's general corporate fund and 50% shall be  
28 disbursed to the entity authorized by law to receive the fine  
29 imposed in the case. Not later than March 1 of each year the  
30 circuit clerk shall submit a report of the amount of funds  
31 remitted to the State Treasurer under this Section during the  
32 preceding year based upon independent verification of fines  
33 and fees. All counties shall be subject to this Section,  
34 except that counties with a population under 2,000,000 may,

1 by ordinance, elect not to be subject to this Section. For  
2 offenses subject to this Section, judges shall impose one  
3 total sum of money payable for violations. The circuit clerk  
4 may add on no additional amounts except for amounts that are  
5 required by Sections 27.3a and 27.3c of this Act, unless  
6 those amounts are specifically waived by the judge. With  
7 respect to money collected by the circuit clerk as a result  
8 of forfeiture of bail, ex parte judgment or guilty plea  
9 pursuant to Supreme Court Rule 529, the circuit clerk shall  
10 first deduct and pay amounts required by Sections 27.3a and  
11 27.3c of this Act. This Section is a denial and limitation of  
12 home rule powers and functions under subsection (h) of  
13 Section 6 of Article VII of the Illinois Constitution.

14 (b) In addition to any other fines and court costs  
15 assessed by the courts, any person convicted or receiving an  
16 order of supervision for driving under the influence of  
17 alcohol or drugs shall pay an additional fee of \$100 to the  
18 clerk of the circuit court. This amount, less 2 1/2% that  
19 shall be used to defray administrative costs incurred by the  
20 clerk, shall be remitted by the clerk to the Treasurer within  
21 60 days after receipt for deposit into the Trauma Center  
22 Fund. This additional fee of \$100 shall not be considered a  
23 part of the fine for purposes of any reduction in the fine  
24 for time served either before or after sentencing. Not later  
25 than March 1 of each year the Circuit Clerk shall submit a  
26 report of the amount of funds remitted to the State Treasurer  
27 under this subsection during the preceding calendar year.

28 (b-1) In addition to any other fines and court costs  
29 assessed by the courts, any person convicted or receiving an  
30 order of supervision for driving under the influence of  
31 alcohol or drugs shall pay an additional fee of \$5 to the  
32 clerk of the circuit court. This amount, less 2 1/2% that  
33 shall be used to defray administrative costs incurred by the  
34 clerk, shall be remitted by the clerk to the Treasurer within

1 60 days after receipt for deposit into the Spinal Cord Injury  
2 Paralysis Cure Research Trust Fund. This additional fee of \$5  
3 shall not be considered a part of the fine for purposes of  
4 any reduction in the fine for time served either before or  
5 after sentencing. Not later than March 1 of each year the  
6 Circuit Clerk shall submit a report of the amount of funds  
7 remitted to the State Treasurer under this subsection during  
8 the preceding calendar year.

9 (c) In addition to any other fines and court costs  
10 assessed by the courts, any person convicted for a violation  
11 of Sections 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of  
12 1961 or a person sentenced for a violation of the Cannabis  
13 Control Act or the Controlled Substance Act shall pay an  
14 additional fee of \$100 to the clerk of the circuit court.  
15 This amount, less 2 1/2% that shall be used to defray  
16 administrative costs incurred by the clerk, shall be remitted  
17 by the clerk to the Treasurer within 60 days after receipt  
18 for deposit into the Trauma Center Fund. This additional fee  
19 of \$100 shall not be considered a part of the fine for  
20 purposes of any reduction in the fine for time served either  
21 before or after sentencing. Not later than March 1 of each  
22 year the Circuit Clerk shall submit a report of the amount of  
23 funds remitted to the State Treasurer under this subsection  
24 during the preceding calendar year.

25 (c-1) In addition to any other fines and court costs  
26 assessed by the courts, any person sentenced for a violation  
27 of the Cannabis Control Act or the Illinois Controlled  
28 Substances Act shall pay an additional fee of \$5 to the clerk  
29 of the circuit court. This amount, less 2 1/2% that shall be  
30 used to defray administrative costs incurred by the clerk,  
31 shall be remitted by the clerk to the Treasurer within 60  
32 days after receipt for deposit into the Spinal Cord Injury  
33 Paralysis Cure Research Trust Fund. This additional fee of \$5  
34 shall not be considered a part of the fine for purposes of

1 any reduction in the fine for time served either before or  
2 after sentencing. Not later than March 1 of each year the  
3 Circuit Clerk shall submit a report of the amount of funds  
4 remitted to the State Treasurer under this subsection during  
5 the preceding calendar year.

6 (d) The following amounts must be remitted to the State  
7 Treasurer for deposit into the Illinois Animal Abuse Fund:

8 (1) 50% of amounts collected for Class 4 felonies  
9 under subsection (a), paragraph (4) of subsection (b),  
10 and paragraphs (6), (7), (8.5), and (9) of subsection (c)  
11 of Section 16 of the Humane Care for Animals Act and  
12 Class 3 felonies under paragraph (5) of subsection (c) of  
13 Section 16 of that Act.

14 (2) 20% of amounts collected for Class A  
15 misdemeanors under subsection (a), paragraph (4) of  
16 subsection (b), and paragraphs (6) and (7) of subsection  
17 (c) of Section 16 of the Humane Care for Animals Act and  
18 Class B misdemeanors under paragraph (9) of subsection  
19 (c) of Section 16 of that Act.

20 (3) 20% of amounts collected for Class B  
21 misdemeanors under subsection (d) of Section 16 of the  
22 Humane Care for Animals Act.

23 (4) 50% of amounts collected for Class C  
24 misdemeanors under subsection (d) of Section 16 of the  
25 Humane Care for Animals Act.

26 (Source: P.A. 92-431, eff. 1-1-02; 92-454, eff. 1-1-02;  
27 revised 10-11-01.)

28 Section 80. The Juvenile Court Act of 1987 is amended by  
29 changing Sections 5-615 and 5-715 as follows:

30 (705 ILCS 405/5-615)

31 Sec. 5-615. Continuance under supervision.

32 (1) The court may enter an order of continuance under

1 supervision for an offense other than first degree murder, a  
 2 Class X felony or a forcible felony (a) upon an admission or  
 3 stipulation by the appropriate respondent or minor respondent  
 4 of the facts supporting the petition and before proceeding to  
 5 adjudication, or after hearing the evidence at the trial, and  
 6 (b) in the absence of objection made in open court by the  
 7 minor, his or her parent, guardian, or legal custodian, the  
 8 minor's attorney or the State's Attorney.

9 (2) If the minor, his or her parent, guardian, or legal  
 10 custodian, the minor's attorney or State's Attorney objects  
 11 in open court to any continuance and insists upon proceeding  
 12 to findings and adjudication, the court shall so proceed.

13 (3) Nothing in this Section limits the power of the  
 14 court to order a continuance of the hearing for the  
 15 production of additional evidence or for any other proper  
 16 reason.

17 (4) When a hearing where a minor is alleged to be a  
 18 delinquent is continued pursuant to this Section, the period  
 19 of continuance under supervision may not exceed 24 months.  
 20 The court may terminate a continuance under supervision at  
 21 any time if warranted by the conduct of the minor and the  
 22 ends of justice.

23 (5) When a hearing where a minor is alleged to be  
 24 delinquent is continued pursuant to this Section, the court  
 25 may, as conditions of the continuance under supervision,  
 26 require the minor to do any of the following:

27 (a) not violate any criminal statute of any  
 28 jurisdiction;

29 (b) make a report to and appear in person before  
 30 any person or agency as directed by the court;

31 (c) work or pursue a course of study or vocational  
 32 training;

33 (d) undergo medical or psychotherapeutic treatment  
 34 rendered by a therapist licensed under the provisions of

1 the Medical Practice Act of 1987, the Clinical  
2 Psychologist Licensing Act, or the Clinical Social Work  
3 and Social Work Practice Act, or an entity licensed by  
4 the Department of Human Services as a successor to the  
5 Department of Alcoholism and Substance Abuse, for the  
6 provision of drug addiction and alcoholism treatment;

7 (e) attend or reside in a facility established for  
8 the instruction or residence of persons on probation;

9 (f) support his or her dependents, if any;

10 (g) pay costs;

11 (h) refrain from possessing a firearm or other  
12 dangerous weapon, or an automobile;

13 (i) permit the probation officer to visit him or  
14 her at his or her home or elsewhere;

15 (j) reside with his or her parents or in a foster  
16 home;

17 (k) attend school;

18 (k-5) with the consent of the superintendent of the  
19 facility, attend an educational program at a facility  
20 other than the school in which the offense was committed  
21 if he or she committed a crime of violence as defined in  
22 Section 2 of the Crime Victims Compensation Act in a  
23 school, on the real property comprising a school, or  
24 within 1,000 feet of the real property comprising a  
25 school;

26 (l) attend a non-residential program for youth;

27 (m) contribute to his or her own support at home or  
28 in a foster home;

29 (n) perform some reasonable public or community  
30 service;

31 (o) make restitution to the victim, in the same  
32 manner and under the same conditions as provided in  
33 subsection (4) of Section 5-710, except that the  
34 "sentencing hearing" referred to in that Section shall be

1 the adjudicatory hearing for purposes of this Section;

2 (p) comply with curfew requirements as designated  
3 by the court;

4 (q) refrain from entering into a designated  
5 geographic area except upon terms as the court finds  
6 appropriate. The terms may include consideration of the  
7 purpose of the entry, the time of day, other persons  
8 accompanying the minor, and advance approval by a  
9 probation officer;

10 (r) refrain from having any contact, directly or  
11 indirectly, with certain specified persons or particular  
12 types of persons, including but not limited to members of  
13 street gangs and drug users or dealers;

14 (r-5) undergo a medical or other procedure to have  
15 a tattoo symbolizing allegiance to a street gang removed  
16 from his or her body;

17 (s) refrain from having in his or her body the  
18 presence of any illicit drug prohibited by the Cannabis  
19 Control Act or the Illinois Controlled Substances Act,  
20 unless prescribed by a physician, and submit samples of  
21 his or her blood or urine or both for tests to determine  
22 the presence of any illicit drug; or

23 (t) comply with any other conditions as may be  
24 ordered by the court.

25 (6) A minor whose case is continued under supervision  
26 under subsection (5) shall be given a certificate setting  
27 forth the conditions imposed by the court. Those conditions  
28 may be reduced, enlarged, or modified by the court on motion  
29 of the probation officer or on its own motion, or that of the  
30 State's Attorney, or, at the request of the minor after  
31 notice and hearing.

32 (7) If a petition is filed charging a violation of a  
33 condition of the continuance under supervision, the court  
34 shall conduct a hearing. If the court finds that a condition

1 of supervision has not been fulfilled, the court may proceed  
2 to findings and adjudication and disposition. The filing of  
3 a petition for violation of a condition of the continuance  
4 under supervision shall toll the period of continuance under  
5 supervision until the final determination of the charge, and  
6 the term of the continuance under supervision shall not run  
7 until the hearing and disposition of the petition for  
8 violation; provided where the petition alleges conduct that  
9 does not constitute a criminal offense, the hearing must be  
10 held within 30 days of the filing of the petition unless a  
11 delay shall continue the tolling of the period of continuance  
12 under supervision for the period of the delay.

13 (8) When a hearing in which a minor is alleged to be a  
14 delinquent for reasons that include a violation of Section  
15 21-1.3 of the Criminal Code of 1961 is continued under this  
16 Section, the court shall, as a condition of the continuance  
17 under supervision, require the minor to perform community  
18 service for not less than 30 and not more than 120 hours, if  
19 community service is available in the jurisdiction. The  
20 community service shall include, but need not be limited to,  
21 the cleanup and repair of the damage that was caused by the  
22 alleged violation or similar damage to property located in  
23 the municipality or county in which the alleged violation  
24 occurred. The condition may be in addition to any other  
25 condition.

26 (8.5) When a hearing in which a minor is alleged to be a  
27 delinquent for reasons that include a violation of Section  
28 3.02 or Section 3.03 of the Humane Care for Animals Act or  
29 paragraph (d) of subsection (1) of Section 21-1 of the  
30 Criminal Code of 1961 is continued under this Section, the  
31 court shall, as a condition of the continuance under  
32 supervision, require the minor to undergo medical or  
33 psychiatric treatment rendered by a psychiatrist or  
34 psychological treatment rendered by a clinical psychologist.

1 The condition may be in addition to any other condition.

2 (9) When a hearing in which a minor is alleged to be a  
3 delinquent is continued under this Section, the court, before  
4 continuing the case, shall make a finding whether the offense  
5 alleged to have been committed either: (i) was related to or  
6 in furtherance of the activities of an organized gang or was  
7 motivated by the minor's membership in or allegiance to an  
8 organized gang, or (ii) is a violation of paragraph (13) of  
9 subsection (a) of Section 12-2 of the Criminal Code of 1961,  
10 a violation of any Section of Article 24 of the Criminal Code  
11 of 1961, or a violation of any statute that involved the  
12 unlawful use of a firearm. If the court determines the  
13 question in the affirmative the court shall, as a condition  
14 of the continuance under supervision and as part of or in  
15 addition to any other condition of the supervision, require  
16 the minor to perform community service for not less than 30  
17 hours, provided that community service is available in the  
18 jurisdiction and is funded and approved by the county board  
19 of the county where the offense was committed. The community  
20 service shall include, but need not be limited to, the  
21 cleanup and repair of any damage caused by an alleged  
22 violation of Section 21-1.3 of the Criminal Code of 1961 and  
23 similar damage to property located in the municipality or  
24 county in which the alleged violation occurred. When  
25 possible and reasonable, the community service shall be  
26 performed in the minor's neighborhood. For the purposes of  
27 this Section, "organized gang" has the meaning ascribed to it  
28 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
29 Prevention Act.

30 (10) The court shall impose upon a minor placed on  
31 supervision, as a condition of the supervision, a fee of \$25  
32 for each month of supervision ordered by the court, unless  
33 after determining the inability of the minor placed on  
34 supervision to pay the fee, the court assesses a lesser

1 amount. The court may not impose the fee on a minor who is  
2 made a ward of the State under this Act while the minor is in  
3 placement. The fee shall be imposed only upon a minor who is  
4 actively supervised by the probation and court services  
5 department. A court may order the parent, guardian, or legal  
6 custodian of the minor to pay some or all of the fee on the  
7 minor's behalf.

8 (Source: P.A. 91-98; eff. 1-1-00; 91-332, eff. 7-29-99;  
9 92-16, eff. 6-28-01; 92-282, eff. 8-7-01; 92-454, eff.  
10 1-1-02; revised 10-11-01.)

11 (705 ILCS 405/5-715)

12 Sec. 5-715. Probation.

13 (1) The period of probation or conditional discharge  
14 shall not exceed 5 years or until the minor has attained the  
15 age of 21 years, whichever is less, except as provided in  
16 this Section for a minor who is found to be guilty for an  
17 offense which is first degree murder, a Class X felony or a  
18 forcible felony. The juvenile court may terminate probation  
19 or conditional discharge and discharge the minor at any time  
20 if warranted by the conduct of the minor and the ends of  
21 justice; provided, however, that the period of probation for  
22 a minor who is found to be guilty for an offense which is  
23 first degree murder, a Class X felony, or a forcible felony  
24 shall be at least 5 years.

25 (2) The court may as a condition of probation or of  
26 conditional discharge require that the minor:

27 (a) not violate any criminal statute of any  
28 jurisdiction;

29 (b) make a report to and appear in person before  
30 any person or agency as directed by the court;

31 (c) work or pursue a course of study or vocational  
32 training;

33 (d) undergo medical or psychiatric treatment,

1 rendered by a psychiatrist or psychological treatment  
2 rendered by a clinical psychologist or social work  
3 services rendered by a clinical social worker, or  
4 treatment for drug addiction or alcoholism;

5 (e) attend or reside in a facility established for  
6 the instruction or residence of persons on probation;

7 (f) support his or her dependents, if any;

8 (g) refrain from possessing a firearm or other  
9 dangerous weapon, or an automobile;

10 (h) permit the probation officer to visit him or  
11 her at his or her home or elsewhere;

12 (i) reside with his or her parents or in a foster  
13 home;

14 (j) attend school;

15 (j-5) with the consent of the superintendent of the  
16 facility, attend an educational program at a facility  
17 other than the school in which the offense was committed  
18 if he or she committed a crime of violence as defined in  
19 Section 2 of the Crime Victims Compensation Act in a  
20 school, on the real property comprising a school, or  
21 within 1,000 feet of the real property comprising a  
22 school;

23 (k) attend a non-residential program for youth;

24 (l) make restitution under the terms of subsection  
25 (4) of Section 5-710;

26 (m) contribute to his or her own support at home or  
27 in a foster home;

28 (n) perform some reasonable public or community  
29 service;

30 (o) participate with community corrections programs  
31 including unified delinquency intervention services  
32 administered by the Department of Human Services subject  
33 to Section 5 of the Children and Family Services Act;

34 (p) pay costs;

1           (q) serve a term of home confinement. In addition  
2 to any other applicable condition of probation or  
3 conditional discharge, the conditions of home confinement  
4 shall be that the minor:

5           (i) remain within the interior premises of the  
6 place designated for his or her confinement during  
7 the hours designated by the court;

8           (ii) admit any person or agent designated by  
9 the court into the minor's place of confinement at  
10 any time for purposes of verifying the minor's  
11 compliance with the conditions of his or her  
12 confinement; and

13           (iii) use an approved electronic monitoring  
14 device if ordered by the court subject to Article 8A  
15 of Chapter V of the Unified Code of Corrections;

16           (r) refrain from entering into a designated  
17 geographic area except upon terms as the court finds  
18 appropriate. The terms may include consideration of the  
19 purpose of the entry, the time of day, other persons  
20 accompanying the minor, and advance approval by a  
21 probation officer, if the minor has been placed on  
22 probation, or advance approval by the court, if the minor  
23 has been placed on conditional discharge;

24           (s) refrain from having any contact, directly or  
25 indirectly, with certain specified persons or particular  
26 types of persons, including but not limited to members of  
27 street gangs and drug users or dealers;

28           (s-5) undergo a medical or other procedure to have  
29 a tattoo symbolizing allegiance to a street gang removed  
30 from his or her body;

31           (t) refrain from having in his or her body the  
32 presence of any illicit drug prohibited by the Cannabis  
33 Control Act or the Illinois Controlled Substances Act,  
34 unless prescribed by a physician, and shall submit

1 samples of his or her blood or urine or both for tests to  
2 determine the presence of any illicit drug; or

3 (u) comply with other conditions as may be ordered  
4 by the court.

5 (3) The court may as a condition of probation or of  
6 conditional discharge require that a minor found guilty on  
7 any alcohol, cannabis, or controlled substance violation,  
8 refrain from acquiring a driver's license during the period  
9 of probation or conditional discharge. If the minor is in  
10 possession of a permit or license, the court may require that  
11 the minor refrain from driving or operating any motor vehicle  
12 during the period of probation or conditional discharge,  
13 except as may be necessary in the course of the minor's  
14 lawful employment.

15 (3.5) The court shall, as a condition of probation or of  
16 conditional discharge, require that a minor found to be  
17 guilty and placed on probation for reasons that include a  
18 violation of Section 3.02 or Section 3.03 of the Humane Care  
19 for Animals Act or paragraph (d) of subsection (1) of Section  
20 21-1 of the Criminal Code of 1961 undergo medical or  
21 psychiatric treatment rendered by a psychiatrist or  
22 psychological treatment rendered by a clinical psychologist.  
23 The condition may be in addition to any other condition.

24 (4) A minor on probation or conditional discharge shall  
25 be given a certificate setting forth the conditions upon  
26 which he or she is being released.

27 (5) The court shall impose upon a minor placed on  
28 probation or conditional discharge, as a condition of the  
29 probation or conditional discharge, a fee of \$25 for each  
30 month of probation or conditional discharge supervision  
31 ordered by the court, unless after determining the inability  
32 of the minor placed on probation or conditional discharge to  
33 pay the fee, the court assesses a lesser amount. The court  
34 may not impose the fee on a minor who is made a ward of the

1 State under this Act while the minor is in placement. The  
2 fee shall be imposed only upon a minor who is actively  
3 supervised by the probation and court services department.  
4 The court may order the parent, guardian, or legal custodian  
5 of the minor to pay some or all of the fee on the minor's  
6 behalf.

7 (6) The General Assembly finds that in order to protect  
8 the public, the juvenile justice system must compel  
9 compliance with the conditions of probation by responding to  
10 violations with swift, certain, and fair punishments and  
11 intermediate sanctions. The Chief Judge of each circuit  
12 shall adopt a system of structured, intermediate sanctions  
13 for violations of the terms and conditions of a sentence of  
14 supervision, probation or conditional discharge, under this  
15 Act.

16 The court shall provide as a condition of a disposition  
17 of probation, conditional discharge, or supervision, that the  
18 probation agency may invoke any sanction from the list of  
19 intermediate sanctions adopted by the chief judge of the  
20 circuit court for violations of the terms and conditions of  
21 the sentence of probation, conditional discharge, or  
22 supervision, subject to the provisions of Section 5-720 of  
23 this Act.

24 (Source: P.A. 91-98, eff. 1-1-00; 92-282, eff. 8-7-01;  
25 92-454, eff. 1-1-02; revised 10-11-01.)

26 Section 81. The Criminal Code of 1961 is amended by  
27 changing Section 12-21.6 and the heading to Article 16G as  
28 follows:

29 (720 ILCS 5/12-21.6)

30 (Text of Section before amendment by P.A. 92-515)

31 Sec. 12-21.6. Endangering the life or health of a child.

32 (a) It is unlawful for any person to willfully cause or

1 permit the life or health of a child under the age of 18 to  
2 be endangered or to willfully cause or permit a child to be  
3 placed in circumstances that endanger the child's life or  
4 health, except that it is not unlawful for a person to  
5 relinquish a child in accordance with the Abandoned Newborn  
6 Infant Protection Act.

7 (b) A violation of this Section is a Class A  
8 misdemeanor. A second or subsequent violation of this  
9 Section is a Class 3 felony. A violation of this Section  
10 that is a proximate cause of the death of the child is a  
11 Class 3 felony for which a person, if sentenced to a term of  
12 imprisonment, shall be sentenced to a term of not less than 2  
13 years and not more than 10 years.

14 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

15 (Text of Section after amendment by P.A. 92-515)

16 Sec. 12-21.6. Endangering the life or health of a child.

17 (a) It is unlawful for any person to willfully cause or  
18 permit the life or health of a child under the age of 18 to  
19 be endangered or to willfully cause or permit a child to be  
20 placed in circumstances that endanger the child's life or  
21 health, except that it is not unlawful for a person to  
22 relinquish a child in accordance with the Abandoned Newborn  
23 Infant Protection Act.

24 (b) There is a rebuttable presumption that a person  
25 committed the offense if he or she left a child 6 years of  
26 age or younger unattended in a motor vehicle for more than 10  
27 minutes.

28 (c) "Unattended" means either: (i) not accompanied by a  
29 person 14 years of age or older; or (ii) if accompanied by a  
30 person 14 years of age or older, out of sight of that person.

31 (d) A violation of this Section is a Class A  
32 misdemeanor. A second or subsequent violation of this  
33 Section is a Class 3 felony. A violation of this Section  
34 that is a proximate cause of the death of the child is a

1 Class 3 felony for which a person, if sentenced to a term of  
2 imprisonment, shall be sentenced to a term of not less than 2  
3 years and not more than 10 years.

4 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;  
5 92-515, eff. 6-1-02; revised 1-7-02.)

6 (720 ILCS 5/Art. 16G heading)

7 ARTICLE 16G.

8 FINANCIAL IDENTITY THEFT AND ASSET FORFEITURE LAW

9 Section 82. The Code of Criminal Procedure of 1963 is  
10 amended by changing Section 110-10 as follows:

11 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

12 Sec. 110-10. Conditions of bail bond.

13 (a) If a person is released prior to conviction, either  
14 upon payment of bail security or on his or her own  
15 recognizance, the conditions of the bail bond shall be that  
16 he or she will:

17 (1) Appear to answer the charge in the court having  
18 jurisdiction on a day certain and thereafter as ordered  
19 by the court until discharged or final order of the  
20 court;

21 (2) Submit himself or herself to the orders and  
22 process of the court;

23 (3) Not depart this State without leave of the  
24 court;

25 (4) Not violate any criminal statute of any  
26 jurisdiction;

27 (5) At a time and place designated by the court,  
28 surrender all firearms in his or her possession to a law  
29 enforcement officer designated by the court to take  
30 custody of and impound the firearms and physically  
31 surrender his or her Firearm Owner's Identification Card

1 to the clerk of the circuit court when the offense the  
2 person has been charged with is a forcible felony,  
3 stalking, aggravated stalking, domestic battery, any  
4 violation of either the Illinois Controlled Substances  
5 Act or the Cannabis Control Act that is classified as a  
6 Class 2 or greater felony, or any felony violation of  
7 Article 24 of the Criminal Code of 1961; the court may,  
8 however, forgo the imposition of this condition when the  
9 circumstances of the case clearly do not warrant it or  
10 when its imposition would be impractical; all legally  
11 possessed firearms shall be returned to the person upon  
12 that person completing a sentence for a conviction on a  
13 misdemeanor domestic battery, upon the charges being  
14 dismissed, or if the person is found not guilty, unless  
15 the finding of not guilty is by reason of insanity; and

16 (6) At a time and place designated by the court,  
17 submit to a psychological evaluation when the person has  
18 been charged with a violation of item (4) of subsection  
19 (a) of Section 24-1 of the Criminal Code of 1961 and that  
20 violation occurred in a school or in any conveyance  
21 owned, leased, or contracted by a school to transport  
22 students to or from school or a school-related activity,  
23 or on any public way within 1,000 feet of real property  
24 comprising any school.

25 Psychological evaluations ordered pursuant to this  
26 Section shall be completed promptly and made available to the  
27 State, the defendant, and the court. As a further condition  
28 of bail under these circumstances, the court shall order the  
29 defendant to refrain from entering upon the property of the  
30 school, including any conveyance owned, leased, or contracted  
31 by a school to transport students to or from school or a  
32 school-related activity, or on any public way within 1,000  
33 feet of real property comprising any school. Upon receipt of  
34 the psychological evaluation, either the State or the

1 defendant may request a change in the conditions of bail,  
2 pursuant to Section 110-6 of this Code. The court may change  
3 the conditions of bail to include a requirement that the  
4 defendant follow the recommendations of the psychological  
5 evaluation, including undergoing psychiatric treatment. The  
6 conclusions of the psychological evaluation and any  
7 statements elicited from the defendant during its  
8 administration are not admissible as evidence of guilt during  
9 the course of any trial on the charged offense, unless the  
10 defendant places his or her mental competency in issue.

11 (b) The court may impose other conditions, such as the  
12 following, if the court finds that such conditions are  
13 reasonably necessary to assure the defendant's appearance in  
14 court, protect the public from the defendant, or prevent the  
15 defendant's unlawful interference with the orderly  
16 administration of justice:

17 (1) Report to or appear in person before such  
18 person or agency as the court may direct;

19 (2) Refrain from possessing a firearm or other  
20 dangerous weapon;

21 (3) Refrain from approaching or communicating with  
22 particular persons or classes of persons;

23 (4) Refrain from going to certain described  
24 geographical areas or premises;

25 (5) Refrain from engaging in certain activities or  
26 indulging in intoxicating liquors or in certain drugs;

27 (6) Undergo treatment for drug addiction or  
28 alcoholism;

29 (7) Undergo medical or psychiatric treatment;

30 (8) Work or pursue a course of study or vocational  
31 training;

32 (9) Attend or reside in a facility designated by  
33 the court;

34 (10) Support his or her dependents;

1           (11) If a minor resides with his or her parents or  
2 in a foster home, attend school, attend a non-residential  
3 program for youths, and contribute to his or her own  
4 support at home or in a foster home;

5           (12) Observe any curfew ordered by the court;

6           (13) Remain in the custody of such designated  
7 person or organization agreeing to supervise his release.  
8 Such third party custodian shall be responsible for  
9 notifying the court if the defendant fails to observe the  
10 conditions of release which the custodian has agreed to  
11 monitor, and shall be subject to contempt of court for  
12 failure so to notify the court;

13           (14) Be placed under direct supervision of the  
14 Pretrial Services Agency, Probation Department or Court  
15 Services Department in a pretrial bond home supervision  
16 capacity with or without the use of an approved  
17 electronic monitoring device subject to Article 8A of  
18 Chapter V of the Unified Code of Corrections;

19           (14.1) The court shall impose upon a defendant who  
20 is charged with any alcohol, cannabis or controlled  
21 substance violation and is placed under direct  
22 supervision of the Pretrial Services Agency, Probation  
23 Department or Court Services Department in a pretrial  
24 bond home supervision capacity with the use of an  
25 approved monitoring device, as a condition of such bail  
26 bond, a fee that represents costs incidental to the  
27 electronic monitoring for each day of such bail  
28 supervision ordered by the court, unless after  
29 determining the inability of the defendant to pay the  
30 fee, the court assesses a lesser fee or no fee as the  
31 case may be. The fee shall be collected by the clerk of  
32 the circuit court. The clerk of the circuit court shall  
33 pay all monies collected from this fee to the county  
34 treasurer for deposit in the substance abuse services

1 fund under Section 5-1086.1 of the Counties Code;

2 (14.2) The court shall impose upon all defendants,  
3 including those defendants subject to paragraph (14.1)  
4 above, placed under direct supervision of the Pretrial  
5 Services Agency, Probation Department or Court Services  
6 Department in a pretrial bond home supervision capacity  
7 with the use of an approved monitoring device, as a  
8 condition of such bail bond, a fee which shall represent  
9 costs incidental to such electronic monitoring for each  
10 day of such bail supervision ordered by the court, unless  
11 after determining the inability of the defendant to pay  
12 the fee, the court assesses a lesser fee or no fee as the  
13 case may be. The fee shall be collected by the clerk of  
14 the circuit court. The clerk of the circuit court shall  
15 pay all monies collected from this fee to the county  
16 treasurer who shall use the monies collected to defray  
17 the costs of corrections. The county treasurer shall  
18 deposit the fee collected in the county working cash fund  
19 under Section 6-27001 or Section 6-29002 of the Counties  
20 Code, as the case may be;

21 (14.3) The Chief Judge of the Judicial Circuit may  
22 establish reasonable fees to be paid by a person  
23 receiving pretrial services while under supervision of a  
24 pretrial services agency, probation department, or court  
25 services department. Reasonable fees may be charged for  
26 pretrial services including, but not limited to, pretrial  
27 supervision, diversion programs, electronic monitoring,  
28 victim impact services, drug and alcohol testing, and  
29 victim mediation services. The person receiving pretrial  
30 services may be ordered to pay all costs incidental to  
31 pretrial services in accordance with his or her ability  
32 to pay those costs;

33 (15) Comply with the terms and conditions of an  
34 order of protection issued by the court under the

1 Illinois Domestic Violence Act of 1986 or an order of  
2 protection issued by the court of another state, tribe,  
3 or United States territory;

4 (16) Under Section 110-6.5 comply with the  
5 conditions of the drug testing program; and

6 (17) Such other reasonable conditions as the court  
7 may impose.

8 (c) When a person is charged with an offense under  
9 Section 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
10 "Criminal Code of 1961", involving a victim who is a minor  
11 under 18 years of age living in the same household with the  
12 defendant at the time of the offense, in granting bail or  
13 releasing the defendant on his own recognizance, the judge  
14 shall impose conditions to restrict the defendant's access to  
15 the victim which may include, but are not limited to  
16 conditions that he will:

17 1. Vacate the Household.

18 2. Make payment of temporary support to his  
19 dependents.

20 3. Refrain from contact or communication with the  
21 child victim, except as ordered by the court.

22 (d) When a person is charged with a criminal offense and  
23 the victim is a family or household member as defined in  
24 Article 112A, conditions shall be imposed at the time of the  
25 defendant's release on bond that restrict the defendant's  
26 access to the victim. Unless provided otherwise by the court,  
27 the restrictions shall include requirements that the  
28 defendant do the following:

29 (1) refrain from contact or communication with the  
30 victim for a minimum period of 72 hours following the  
31 defendant's release; and

32 (2) refrain from entering or remaining at the  
33 victim's residence for a minimum period of 72 hours  
34 following the defendant's release.

1 (e) Local law enforcement agencies shall develop  
2 standardized bond forms for use in cases involving family or  
3 household members as defined in Article 112A, including  
4 specific conditions of bond as provided in subsection (d).  
5 Failure of any law enforcement department to develop or use  
6 those forms shall in no way limit the applicability and  
7 enforcement of subsections (d) and (f).

8 (f) If the defendant is admitted to bail after  
9 conviction the conditions of the bail bond shall be that he  
10 will, in addition to the conditions set forth in subsections  
11 (a) and (b) hereof:

12 (1) Duly prosecute his appeal;

13 (2) Appear at such time and place as the court may  
14 direct;

15 (3) Not depart this State without leave of the  
16 court;

17 (4) Comply with such other reasonable conditions as  
18 the court may impose; and,

19 (5) If the judgment is affirmed or the cause  
20 reversed and remanded for a new trial, forthwith  
21 surrender to the officer from whose custody he was  
22 bailed.

23 (g) Upon a finding of guilty for any felony offense, the  
24 defendant shall physically surrender, at a time and place  
25 designated by the court, any and all firearms in his or her  
26 possession and his or her Firearm Owner's Identification Card  
27 as a condition of remaining on bond pending sentencing.

28 (Source: P.A. 91-11, eff. 6-4-99; 91-312, eff. 1-1-00;  
29 91-696, eff. 4-13-00; 91-903, eff. 1-1-01; 92-329, eff.  
30 8-9-01; 92-442, eff. 8-17-01; revised 10-11-01.)

31 Section 83. The Unified Code of Corrections is amended  
32 by changing Sections 3-3-4, 5-1-22, 5-5-3, 5-6-3, 5-6-3.1,  
33 and 5-8-3 as follows:

1 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)  
2 Sec. 3-3-4. Preparation for Parole Hearing.

3 (a) The Prisoner Review Board shall consider the parole  
4 of each eligible person committed to the Adult Division at  
5 least 30 days prior to the date he shall first become  
6 eligible for parole, and shall consider the parole of each  
7 person committed to the Juvenile Division as a delinquent at  
8 least 30 days prior to the expiration of the first year of  
9 confinement.

10 (b) A person eligible for parole shall, in advance of  
11 his parole hearing, prepare a parole plan in accordance with  
12 the rules of the Prisoner Review Board. The person shall be  
13 assisted in preparing his parole plan by personnel of the  
14 Department and may, for this purpose, be released on furlough  
15 under Article 11 or on authorized absence under Section  
16 3-9-4. The Department shall also provide assistance in  
17 obtaining information and records helpful to the individual  
18 for his parole hearing.

19 (c) The members of the Board shall have access at all  
20 reasonable times to any committed person and to his master  
21 record file within the Department, and the Department shall  
22 furnish such reports to the Board as the Board may require  
23 concerning the conduct and character of any such person.

24 (d) In making its determination of parole, the Board  
25 shall consider:

26 (1) material transmitted to the Department by the  
27 clerk of the committing court under Section 5-4-1 or  
28 Section 5-10 of the Juvenile Court Act or Section 5-750  
29 of the Juvenile Court Act of 1987;

30 (2) the report under Section 3-8-2 or 3-10-2;

31 (3) a report by the Department and any report by  
32 the chief administrative officer of the institution or  
33 facility;

34 (4) a parole progress report;

1           (5) a medical and psychological report, if  
2 requested by the Board;

3           (6) material in writing, or on film, video tape or  
4 other electronic means in the form of a recording  
5 submitted by the person whose parole is being considered;  
6 and

7           (7) material in writing, or on film, video tape or  
8 other electronic means in the form of a recording or  
9 testimony submitted by the State's Attorney and the  
10 victim pursuant to the ~~Bill--of~~ Rights of Crime for  
11 ~~Victims and Witnesses of-Violent-Crime~~ Act.

12           (e) The prosecuting State's Attorney's office shall  
13 receive reasonable written notice not less than 15 days prior  
14 to the parole hearing and may submit relevant information in  
15 writing, or on film, video tape or other electronic means or  
16 in the form of a recording to the Board for its  
17 consideration. The State's Attorney may waive the written  
18 notice.

19           (f) The victim of the violent crime for which the  
20 prisoner has been sentenced shall receive notice of a parole  
21 hearing as provided in paragraph (4) of subsection (d) ~~(16)~~  
22 of Section 4.5 of ~~4--of~~ the Bill-of Rights of Crime for  
23 ~~Victims and Witnesses of-Violent-Crime~~ Act.

24           (g) Any recording considered under the provisions of  
25 subsection (d)(6), (d)(7) or (e) of this Section shall be in  
26 the form designated by the Board. Such recording shall be  
27 both visual and aural. Every voice on the recording and  
28 person present shall be identified and the recording shall  
29 contain either a visual or aural statement of the person  
30 submitting such recording, the date of the recording and the  
31 name of the person whose parole eligibility is being  
32 considered. Such recordings, if retained by the Board shall  
33 be deemed to be submitted at any subsequent parole hearing if  
34 the victim or State's Attorney submits in writing a

1 declaration clearly identifying such recording as  
2 representing the present position of the victim or State's  
3 Attorney regarding the issues to be considered at the parole  
4 hearing.

5 (Source: P.A. 90-590, eff. 1-1-99; revised 12-07-01.)

6 (730 ILCS 5/5-1-22) (from Ch. 38, par. 1005-1-22)

7 Sec. 5-1-22. Victim. "Victim" shall have the meaning  
8 ascribed to the term "crime victim" ~~it~~ in subsection (a) of  
9 Section 3 of the ~~Bill--of~~ Rights of Crime ~~for~~ Victims and  
10 Witnesses ~~of-Violent-Crime~~ Act.

11 (Source: P.A. 83-1499; revised 12-07-01.)

12 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

13 Sec. 5-5-3. Disposition.

14 (a) Every person convicted of an offense shall be  
15 sentenced as provided in this Section.

16 (b) The following options shall be appropriate  
17 dispositions, alone or in combination, for all felonies and  
18 misdemeanors other than those identified in subsection (c) of  
19 this Section:

20 (1) A period of probation.

21 (2) A term of periodic imprisonment.

22 (3) A term of conditional discharge.

23 (4) A term of imprisonment.

24 (5) An order directing the offender to clean up and  
25 repair the damage, if the offender was convicted under  
26 paragraph (h) of Section 21-1 of the Criminal Code of  
27 1961.

28 (6) A fine.

29 (7) An order directing the offender to make  
30 restitution to the victim under Section 5-5-6 of this  
31 Code.

32 (8) A sentence of participation in a county impact

1           incarceration program under Section 5-8-1.2 of this Code.  
2           Whenever an individual is sentenced for an offense based  
3 upon an arrest for a violation of Section 11-501 of the  
4 Illinois Vehicle Code, or a similar provision of a local  
5 ordinance, and the professional evaluation recommends  
6 remedial or rehabilitative treatment or education, neither  
7 the treatment nor the education shall be the sole disposition  
8 and either or both may be imposed only in conjunction with  
9 another disposition. The court shall monitor compliance with  
10 any remedial education or treatment recommendations contained  
11 in the professional evaluation. Programs conducting alcohol  
12 or other drug evaluation or remedial education must be  
13 licensed by the Department of Human Services. However, if  
14 the individual is not a resident of Illinois, the court may  
15 accept an alcohol or other drug evaluation or remedial  
16 education program in the state of such individual's  
17 residence. Programs providing treatment must be licensed  
18 under existing applicable alcoholism and drug treatment  
19 licensure standards.

20           In addition to any other fine or penalty required by law,  
21 any individual convicted of a violation of Section 11-501 of  
22 the Illinois Vehicle Code or a similar provision of local  
23 ordinance, whose operation of a motor vehicle while in  
24 violation of Section 11-501 or such ordinance proximately  
25 caused an incident resulting in an appropriate emergency  
26 response, shall be required to make restitution to a public  
27 agency for the costs of that emergency response. Such  
28 restitution shall not exceed \$500 per public agency for each  
29 such emergency response. For the purpose of this paragraph,  
30 emergency response shall mean any incident requiring a  
31 response by: a police officer as defined under Section 1-162  
32 of the Illinois Vehicle Code; a fireman carried on the rolls  
33 of a regularly constituted fire department; and an ambulance  
34 as defined under Section 4.05 of the Emergency Medical

1 Services (EMS) Systems Act.

2 Neither a fine nor restitution shall be the sole  
3 disposition for a felony and either or both may be imposed  
4 only in conjunction with another disposition.

5 (c) (1) When a defendant is found guilty of first degree  
6 murder the State may either seek a sentence of  
7 imprisonment under Section 5-8-1 of this Code, or where  
8 appropriate seek a sentence of death under Section 9-1 of  
9 the Criminal Code of 1961.

10 (2) A period of probation, a term of periodic  
11 imprisonment or conditional discharge shall not be  
12 imposed for the following offenses. The court shall  
13 sentence the offender to not less than the minimum term  
14 of imprisonment set forth in this Code for the following  
15 offenses, and may order a fine or restitution or both in  
16 conjunction with such term of imprisonment:

17 (A) First degree murder where the death  
18 penalty is not imposed.

19 (B) Attempted first degree murder.

20 (C) A Class X felony.

21 (D) A violation of Section 401.1 or 407 of the  
22 Illinois Controlled Substances Act, or a violation  
23 of subdivision (c)(2) of Section 401 of that Act  
24 which relates to more than 5 grams of a substance  
25 containing cocaine or an analog thereof.

26 (E) A violation of Section 5.1 or 9 of the  
27 Cannabis Control Act.

28 (F) A Class 2 or greater felony if the  
29 offender had been convicted of a Class 2 or greater  
30 felony within 10 years of the date on which the  
31 offender committed the offense for which he or she  
32 is being sentenced, except as otherwise provided in  
33 Section 40-10 of the Alcoholism and Other Drug Abuse  
34 and Dependency Act.

1           (G) Residential burglary, except as otherwise  
2 provided in Section 40-10 of the Alcoholism and  
3 Other Drug Abuse and Dependency Act.

4           (H) Criminal sexual assault, except as  
5 otherwise provided in subsection (e) of this  
6 Section.

7           (I) Aggravated battery of a senior citizen.

8           (J) A forcible felony if the offense was  
9 related to the activities of an organized gang.

10           Before July 1, 1994, for the purposes of this  
11 paragraph, "organized gang" means an association of  
12 5 or more persons, with an established hierarchy,  
13 that encourages members of the association to  
14 perpetrate crimes or provides support to the members  
15 of the association who do commit crimes.

16           Beginning July 1, 1994, for the purposes of  
17 this paragraph, "organized gang" has the meaning  
18 ascribed to it in Section 10 of the Illinois  
19 Streetgang Terrorism Omnibus Prevention Act.

20           (K) Vehicular hijacking.

21           (L) A second or subsequent conviction for the  
22 offense of hate crime when the underlying offense  
23 upon which the hate crime is based is felony  
24 aggravated assault or felony mob action.

25           (M) A second or subsequent conviction for the  
26 offense of institutional vandalism if the damage to  
27 the property exceeds \$300.

28           (N) A Class 3 felony violation of paragraph  
29 (1) of subsection (a) of Section 2 of the Firearm  
30 Owners Identification Card Act.

31           (O) A violation of Section 12-6.1 of the  
32 Criminal Code of 1961.

33           (P) A violation of paragraph (1), (2), (3),  
34 (4), (5), or (7) of subsection (a) of Section

1 11-20.1 of the Criminal Code of 1961.

2 (Q) A violation of Section 20-1.2 of the  
3 Criminal Code of 1961.

4 (R) A violation of Section 24-3A of the  
5 Criminal Code of 1961.

6 (S) A violation of Section 11-501(c-1)(3) of  
7 the Illinois Vehicle Code.

8 (3) A minimum term of imprisonment of not less than  
9 5 days or 30 days of community service as may be  
10 determined by the court shall be imposed for a second  
11 violation committed within 5 years of a previous  
12 violation of Section 11-501 of the Illinois Vehicle Code  
13 or a similar provision of a local ordinance. In the case  
14 of a third or subsequent violation committed within 5  
15 years of a previous violation of Section 11-501 of the  
16 Illinois Vehicle Code or a similar provision of a local  
17 ordinance, a minimum term of either 10 days of  
18 imprisonment or 60 days of community service shall be  
19 imposed.

20 (4) A minimum term of imprisonment of not less than  
21 10 consecutive days or 30 days of community service shall  
22 be imposed for a violation of paragraph (c) of Section  
23 6-303 of the Illinois Vehicle Code.

24 (4.1) A minimum term of 30 consecutive days of  
25 imprisonment, 40 days of 24 hour periodic imprisonment or  
26 720 hours of community service, as may be determined by  
27 the court, shall be imposed for a violation of Section  
28 11-501 of the Illinois Vehicle Code during a period in  
29 which the defendant's driving privileges are revoked or  
30 suspended, where the revocation or suspension was for a  
31 violation of Section 11-501 or Section 11-501.1 of that  
32 Code.

33 (4.2) Except as provided in paragraph (4.3) of this  
34 subsection (c), a minimum of 100 hours of community

1 service shall be imposed for a second violation of  
2 Section 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or  
4 300 hours of community service, as determined by the  
5 court, shall be imposed for a second violation of  
6 subsection (c) of Section 6-303 of the Illinois Vehicle  
7 Code.

8 (4.4) Except as provided in paragraph (4.5) and  
9 paragraph (4.6) of this subsection (c), a minimum term of  
10 imprisonment of 30 days or 300 hours of community  
11 service, as determined by the court, shall be imposed for  
12 a third or subsequent violation of Section 6-303 of the  
13 Illinois Vehicle Code.

14 (4.5) A minimum term of imprisonment of 30 days  
15 shall be imposed for a third violation of subsection (c)  
16 of Section 6-303 of the Illinois Vehicle Code.

17 (4.6) A minimum term of imprisonment of 180 days  
18 shall be imposed for a fourth or subsequent violation of  
19 subsection (c) of Section 6-303 of the Illinois Vehicle  
20 Code.

21 (5) The court may sentence an offender convicted of  
22 a business offense or a petty offense or a corporation or  
23 unincorporated association convicted of any offense to:

24 (A) a period of conditional discharge;

25 (B) a fine;

26 (C) make restitution to the victim under  
27 Section 5-5-6 of this Code.

28 (5.1) In addition to any penalties imposed under  
29 paragraph (5) of this subsection (c), and except as  
30 provided in paragraph (5.2) or (5.3), a person convicted  
31 of violating subsection (c) of Section 11-907 of the  
32 Illinois Vehicle Code shall have his or her driver's  
33 license, permit, or privileges suspended for at least 90  
34 days but not more than one year, if the violation

1           resulted in damage to the property of another person.

2           (5.2) In addition to any penalties imposed under  
3 paragraph (5) of this subsection (c), and except as  
4 provided in paragraph (5.3), a person convicted of  
5 violating subsection (c) of Section 11-907 of the  
6 Illinois Vehicle Code shall have his or her driver's  
7 license, permit, or privileges suspended for at least 180  
8 days but not more than 2 years, if the violation resulted  
9 in injury to another person.

10          (5.3) In addition to any penalties imposed under  
11 paragraph (5) of this subsection (c), a person convicted  
12 of violating subsection (c) of Section 11-907 of the  
13 Illinois Vehicle Code shall have his or her driver's  
14 license, permit, or privileges suspended for 2 years, if  
15 the violation resulted in the death of another person.

16          (6) In no case shall an offender be eligible for a  
17 disposition of probation or conditional discharge for a  
18 Class 1 felony committed while he was serving a term of  
19 probation or conditional discharge for a felony.

20          (7) When a defendant is adjudged a habitual  
21 criminal under Article 33B of the Criminal Code of 1961,  
22 the court shall sentence the defendant to a term of  
23 natural life imprisonment.

24          (8) When a defendant, over the age of 21 years, is  
25 convicted of a Class 1 or Class 2 felony, after having  
26 twice been convicted in any state or federal court of an  
27 offense that contains the same elements as an offense now  
28 classified in Illinois as a Class 2 or greater Class  
29 felony and such charges are separately brought and tried  
30 and arise out of different series of acts, such defendant  
31 shall be sentenced as a Class X offender. This paragraph  
32 shall not apply unless (1) the first felony was committed  
33 after the effective date of this amendatory Act of 1977;  
34 and (2) the second felony was committed after conviction

1 on the first; and (3) the third felony was committed  
2 after conviction on the second. A person sentenced as a  
3 Class X offender under this paragraph is not eligible to  
4 apply for treatment as a condition of probation as  
5 provided by Section 40-10 of the Alcoholism and Other  
6 Drug Abuse and Dependency Act.

7 (9) A defendant convicted of a second or subsequent  
8 offense of ritualized abuse of a child may be sentenced  
9 to a term of natural life imprisonment.

10 (10) When a person is convicted of violating  
11 Section 11-501 of the Illinois Vehicle Code or a similar  
12 provision of a local ordinance, the following penalties  
13 apply when his or her blood, breath, or urine was .16 or  
14 more based on the definition of blood, breath, or urine  
15 units in Section 11-501.2 or that person is convicted of  
16 violating Section 11-501 of the Illinois Vehicle Code  
17 while transporting a child under the age of 16:

18 (A) For a first violation of subsection (a) of  
19 Section 11-501, in addition to any other penalty  
20 that may be imposed under subsection (c) of Section  
21 11-501: a mandatory minimum of 100 hours of  
22 community service and a minimum fine of \$500.

23 (B) For a second violation of subsection (a)  
24 of Section 11-501, in addition to any other penalty  
25 that may be imposed under subsection (c) of Section  
26 11-501 within 10 years: a mandatory minimum of 2  
27 days of imprisonment and a minimum fine of \$1,250.

28 (C) For a third violation of subsection (a) of  
29 Section 11-501, in addition to any other penalty  
30 that may be imposed under subsection (c) of Section  
31 11-501 within 20 years: a mandatory minimum of 90  
32 days of imprisonment and a minimum fine of \$2,500.

33 (D) For a fourth or subsequent violation of  
34 subsection (a) of Section 11-501: ineligibility for

1 a sentence of probation or conditional discharge and  
2 a minimum fine of \$2,500.

3 (d) In any case in which a sentence originally imposed  
4 is vacated, the case shall be remanded to the trial court.  
5 The trial court shall hold a hearing under Section 5-4-1 of  
6 the Unified Code of Corrections which may include evidence of  
7 the defendant's life, moral character and occupation during  
8 the time since the original sentence was passed. The trial  
9 court shall then impose sentence upon the defendant. The  
10 trial court may impose any sentence which could have been  
11 imposed at the original trial subject to Section 5-5-4 of the  
12 Unified Code of Corrections. If a sentence is vacated on  
13 appeal or on collateral attack due to the failure of the  
14 trier of fact at trial to determine beyond a reasonable doubt  
15 the existence of a fact (other than a prior conviction)  
16 necessary to increase the punishment for the offense beyond  
17 the statutory maximum otherwise applicable, either the  
18 defendant may be re-sentenced to a term within the range  
19 otherwise provided or, if the State files notice of its  
20 intention to again seek the extended sentence, the defendant  
21 shall be afforded a new trial.

22 (e) In cases where prosecution for criminal sexual  
23 assault or aggravated criminal sexual abuse under Section  
24 12-13 or 12-16 of the Criminal Code of 1961 results in  
25 conviction of a defendant who was a family member of the  
26 victim at the time of the commission of the offense, the  
27 court shall consider the safety and welfare of the victim and  
28 may impose a sentence of probation only where:

29 (1) the court finds (A) or (B) or both are  
30 appropriate:

31 (A) the defendant is willing to undergo a  
32 court approved counseling program for a minimum  
33 duration of 2 years; or

34 (B) the defendant is willing to participate in

1 a court approved plan including but not limited to  
2 the defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

5 (iii) continued financial support of the  
6 family;

7 (iv) restitution for harm done to the  
8 victim; and

9 (v) compliance with any other measures  
10 that the court may deem appropriate; and

11 (2) the court orders the defendant to pay for the  
12 victim's counseling services, to the extent that the  
13 court finds, after considering the defendant's income and  
14 assets, that the defendant is financially capable of  
15 paying for such services, if the victim was under 18  
16 years of age at the time the offense was committed and  
17 requires counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section  
19 5-6-4; except where the court determines at the hearing that  
20 the defendant violated a condition of his or her probation  
21 restricting contact with the victim or other family members  
22 or commits another offense with the victim or other family  
23 members, the court shall revoke the defendant's probation and  
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and  
26 "victim" shall have the meanings ascribed to them in Section  
27 12-12 of the Criminal Code of 1961.

28 (f) This Article shall not deprive a court in other  
29 proceedings to order a forfeiture of property, to suspend or  
30 cancel a license, to remove a person from office, or to  
31 impose any other civil penalty.

32 (g) Whenever a defendant is convicted of an offense  
33 under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18,  
34 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1,

1 12-15 or 12-16 of the Criminal Code of 1961, the defendant  
2 shall undergo medical testing to determine whether the  
3 defendant has any sexually transmissible disease, including a  
4 test for infection with human immunodeficiency virus (HIV) or  
5 any other identified causative agent of acquired  
6 immunodeficiency syndrome (AIDS). Any such medical test  
7 shall be performed only by appropriately licensed medical  
8 practitioners and may include an analysis of any bodily  
9 fluids as well as an examination of the defendant's person.  
10 Except as otherwise provided by law, the results of such test  
11 shall be kept strictly confidential by all medical personnel  
12 involved in the testing and must be personally delivered in a  
13 sealed envelope to the judge of the court in which the  
14 conviction was entered for the judge's inspection in camera.  
15 Acting in accordance with the best interests of the victim  
16 and the public, the judge shall have the discretion to  
17 determine to whom, if anyone, the results of the testing may  
18 be revealed. The court shall notify the defendant of the test  
19 results. The court shall also notify the victim if requested  
20 by the victim, and if the victim is under the age of 15 and  
21 if requested by the victim's parents or legal guardian, the  
22 court shall notify the victim's parents or legal guardian of  
23 the test results. The court shall provide information on the  
24 availability of HIV testing and counseling at Department of  
25 Public Health facilities to all parties to whom the results  
26 of the testing are revealed and shall direct the State's  
27 Attorney to provide the information to the victim when  
28 possible. A State's Attorney may petition the court to obtain  
29 the results of any HIV test administered under this Section,  
30 and the court shall grant the disclosure if the State's  
31 Attorney shows it is relevant in order to prosecute a charge  
32 of criminal transmission of HIV under Section 12-16.2 of the  
33 Criminal Code of 1961 against the defendant. The court shall  
34 order that the cost of any such test shall be paid by the

1 county and may be taxed as costs against the convicted  
2 defendant.

3 (g-5) When an inmate is tested for an airborne  
4 communicable disease, as determined by the Illinois  
5 Department of Public Health including but not limited to  
6 tuberculosis, the results of the test shall be personally  
7 delivered by the warden or his or her designee in a sealed  
8 envelope to the judge of the court in which the inmate must  
9 appear for the judge's inspection in camera if requested by  
10 the judge. Acting in accordance with the best interests of  
11 those in the courtroom, the judge shall have the discretion  
12 to determine what if any precautions need to be taken to  
13 prevent transmission of the disease in the courtroom.

14 (h) Whenever a defendant is convicted of an offense  
15 under Section 1 or 2 of the Hypodermic Syringes and Needles  
16 Act, the defendant shall undergo medical testing to determine  
17 whether the defendant has been exposed to human  
18 immunodeficiency virus (HIV) or any other identified  
19 causative agent of acquired immunodeficiency syndrome (AIDS).  
20 Except as otherwise provided by law, the results of such test  
21 shall be kept strictly confidential by all medical personnel  
22 involved in the testing and must be personally delivered in a  
23 sealed envelope to the judge of the court in which the  
24 conviction was entered for the judge's inspection in camera.  
25 Acting in accordance with the best interests of the public,  
26 the judge shall have the discretion to determine to whom, if  
27 anyone, the results of the testing may be revealed. The court  
28 shall notify the defendant of a positive test showing an  
29 infection with the human immunodeficiency virus (HIV). The  
30 court shall provide information on the availability of HIV  
31 testing and counseling at Department of Public Health  
32 facilities to all parties to whom the results of the testing  
33 are revealed and shall direct the State's Attorney to provide  
34 the information to the victim when possible. A State's

1 Attorney may petition the court to obtain the results of any  
2 HIV test administered under this Section, and the court  
3 shall grant the disclosure if the State's Attorney shows it  
4 is relevant in order to prosecute a charge of criminal  
5 transmission of HIV under Section 12-16.2 of the Criminal  
6 Code of 1961 against the defendant. The court shall order  
7 that the cost of any such test shall be paid by the county  
8 and may be taxed as costs against the convicted defendant.

9 (i) All fines and penalties imposed under this Section  
10 for any violation of Chapters 3, 4, 6, and 11 of the Illinois  
11 Vehicle Code, or a similar provision of a local ordinance,  
12 and any violation of the Child Passenger Protection Act, or a  
13 similar provision of a local ordinance, shall be collected  
14 and disbursed by the circuit clerk as provided under Section  
15 27.5 of the Clerks of Courts Act.

16 (j) In cases when prosecution for any violation of  
17 Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1,  
18 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
19 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or  
20 12-16 of the Criminal Code of 1961, any violation of the  
21 Illinois Controlled Substances Act, or any violation of the  
22 Cannabis Control Act results in conviction, a disposition of  
23 court supervision, or an order of probation granted under  
24 Section 10 of the Cannabis Control Act or Section 410 of the  
25 Illinois Controlled Substance Act of a defendant, the court  
26 shall determine whether the defendant is employed by a  
27 facility or center as defined under the Child Care Act of  
28 1969, a public or private elementary or secondary school, or  
29 otherwise works with children under 18 years of age on a  
30 daily basis. When a defendant is so employed, the court  
31 shall order the Clerk of the Court to send a copy of the  
32 judgment of conviction or order of supervision or probation  
33 to the defendant's employer by certified mail. If the  
34 employer of the defendant is a school, the Clerk of the Court

1 shall direct the mailing of a copy of the judgment of  
2 conviction or order of supervision or probation to the  
3 appropriate regional superintendent of schools. The regional  
4 superintendent of schools shall notify the State Board of  
5 Education of any notification under this subsection.

6 (j-5) A defendant at least 17 years of age who is  
7 convicted of a felony and who has not been previously  
8 convicted of a misdemeanor or felony and who is sentenced to  
9 a term of imprisonment in the Illinois Department of  
10 Corrections shall as a condition of his or her sentence be  
11 required by the court to attend educational courses designed  
12 to prepare the defendant for a high school diploma and to  
13 work toward a high school diploma or to work toward passing  
14 the high school level Test of General Educational Development  
15 (GED) or to work toward completing a vocational training  
16 program offered by the Department of Corrections. If a  
17 defendant fails to complete the educational training required  
18 by his or her sentence during the term of incarceration, the  
19 Prisoner Review Board shall, as a condition of mandatory  
20 supervised release, require the defendant, at his or her own  
21 expense, to pursue a course of study toward a high school  
22 diploma or passage of the GED test. The Prisoner Review  
23 Board shall revoke the mandatory supervised release of a  
24 defendant who wilfully fails to comply with this subsection  
25 (j-5) upon his or her release from confinement in a penal  
26 institution while serving a mandatory supervised release  
27 term; however, the inability of the defendant after making a  
28 good faith effort to obtain financial aid or pay for the  
29 educational training shall not be deemed a wilful failure to  
30 comply. The Prisoner Review Board shall recommit the  
31 defendant whose mandatory supervised release term has been  
32 revoked under this subsection (j-5) as provided in Section  
33 3-3-9. This subsection (j-5) does not apply to a defendant  
34 who has a high school diploma or has successfully passed the

1 GED test. This subsection (j-5) does not apply to a defendant  
 2 who is determined by the court to be developmentally disabled  
 3 or otherwise mentally incapable of completing the educational  
 4 or vocational program.

5 (k) A court may not impose a sentence or disposition for  
 6 a felony or misdemeanor that requires the defendant to be  
 7 implanted or injected with or to use any form of birth  
 8 control.

9 (l) (A) Except as provided in paragraph (C) of  
 10 subsection (l), whenever a defendant, who is an alien as  
 11 defined by the Immigration and Nationality Act, is  
 12 convicted of any felony or misdemeanor offense, the court  
 13 after sentencing the defendant may, upon motion of the  
 14 State's Attorney, hold sentence in abeyance and remand  
 15 the defendant to the custody of the Attorney General of  
 16 the United States or his or her designated agent to be  
 17 deported when:

18 (1) a final order of deportation has been  
 19 issued against the defendant pursuant to proceedings  
 20 under the Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not  
 22 deprecate the seriousness of the defendant's conduct  
 23 and would not be inconsistent with the ends of  
 24 justice.

25 Otherwise, the defendant shall be sentenced as  
 26 provided in this Chapter V.

27 (B) If the defendant has already been sentenced for  
 28 a felony or misdemeanor offense, or has been placed on  
 29 probation under Section 10 of the Cannabis Control Act or  
 30 Section 410 of the Illinois Controlled Substances Act,  
 31 the court may, upon motion of the State's Attorney to  
 32 suspend the sentence imposed, commit the defendant to the  
 33 custody of the Attorney General of the United States or  
 34 his or her designated agent when:

1           (1) a final order of deportation has been  
2 issued against the defendant pursuant to proceedings  
3 under the Immigration and Nationality Act, and

4           (2) the deportation of the defendant would not  
5 deprecate the seriousness of the defendant's conduct  
6 and would not be inconsistent with the ends of  
7 justice.

8           (C) This subsection (1) does not apply to offenders  
9 who are subject to the provisions of paragraph (2) of  
10 subsection (a) of Section 3-6-3.

11           (D) Upon motion of the State's Attorney, if a  
12 defendant sentenced under this Section returns to the  
13 jurisdiction of the United States, the defendant shall be  
14 recommitted to the custody of the county from which he or  
15 she was sentenced. Thereafter, the defendant shall be  
16 brought before the sentencing court, which may impose any  
17 sentence that was available under Section 5-5-3 at the  
18 time of initial sentencing. In addition, the defendant  
19 shall not be eligible for additional good conduct credit  
20 for meritorious service as provided under Section 3-6-6.

21           (m) A person convicted of criminal defacement of  
22 property under Section 21-1.3 of the Criminal Code of 1961,  
23 in which the property damage exceeds \$300 and the property  
24 damaged is a school building, shall be ordered to perform  
25 community service that may include cleanup, removal, or  
26 painting over the defacement.

27 (Source: P.A. 91-357, eff. 7-29-99; 91-404, eff. 1-1-00;  
28 91-663, eff. 12-22-99; 91-695, eff. 4-13-00; 91-953, eff.  
29 2-23-01; 92-183, eff. 7-27-01; 92-248, eff. 8-3-01; 92-283,  
30 eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff. 8-17-01;  
31 92-422, eff. 8-17-01; revised 8-28-01.)

32           (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

33           Sec. 5-6-3. Conditions of Probation and of Conditional

1 Discharge.

2 (a) The conditions of probation and of conditional  
3 discharge shall be that the person:

4 (1) not violate any criminal statute of any  
5 jurisdiction;

6 (2) report to or appear in person before such  
7 person or agency as directed by the court;

8 (3) refrain from possessing a firearm or other  
9 dangerous weapon;

10 (4) not leave the State without the consent of the  
11 court or, in circumstances in which the reason for the  
12 absence is of such an emergency nature that prior consent  
13 by the court is not possible, without the prior  
14 notification and approval of the person's probation  
15 officer;

16 (5) permit the probation officer to visit him at  
17 his home or elsewhere to the extent necessary to  
18 discharge his duties;

19 (6) perform no less than 30 hours of community  
20 service and not more than 120 hours of community service,  
21 if community service is available in the jurisdiction and  
22 is funded and approved by the county board where the  
23 offense was committed, where the offense was related to  
24 or in furtherance of the criminal activities of an  
25 organized gang and was motivated by the offender's  
26 membership in or allegiance to an organized gang. The  
27 community service shall include, but not be limited to,  
28 the cleanup and repair of any damage caused by a  
29 violation of Section 21-1.3 of the Criminal Code of 1961  
30 and similar damage to property located within the  
31 municipality or county in which the violation occurred.  
32 When possible and reasonable, the community service  
33 should be performed in the offender's neighborhood. For  
34 purposes of this Section, "organized gang" has the

1 meaning ascribed to it in Section 10 of the Illinois  
2 Streetgang Terrorism Omnibus Prevention Act;

3 (7) if he or she is at least 17 years of age and  
4 has been sentenced to probation or conditional discharge  
5 for a misdemeanor or felony in a county of 3,000,000 or  
6 more inhabitants and has not been previously convicted of  
7 a misdemeanor or felony, may be required by the  
8 sentencing court to attend educational courses designed  
9 to prepare the defendant for a high school diploma and to  
10 work toward a high school diploma or to work toward  
11 passing the high school level Test of General Educational  
12 Development (GED) or to work toward completing a  
13 vocational training program approved by the court. The  
14 person on probation or conditional discharge must attend  
15 a public institution of education to obtain the  
16 educational or vocational training required by this  
17 clause (7). The court shall revoke the probation or  
18 conditional discharge of a person who wilfully fails to  
19 comply with this clause (7). The person on probation or  
20 conditional discharge shall be required to pay for the  
21 cost of the educational courses or GED test, if a fee is  
22 charged for those courses or test. The court shall  
23 resentence the offender whose probation or conditional  
24 discharge has been revoked as provided in Section 5-6-4.  
25 This clause (7) does not apply to a person who has a high  
26 school diploma or has successfully passed the GED test.  
27 This clause (7) does not apply to a person who is  
28 determined by the court to be developmentally disabled or  
29 otherwise mentally incapable of completing the  
30 educational or vocational program;

31 (8) if convicted of possession of a substance  
32 prohibited by the Cannabis Control Act or Illinois  
33 Controlled Substances Act after a previous conviction or  
34 disposition of supervision for possession of a substance

1 prohibited by the Cannabis Control Act or Illinois  
2 Controlled Substances Act or after a sentence of  
3 probation under Section 10 of the Cannabis Control Act or  
4 Section 410 of the Illinois Controlled Substances Act and  
5 upon a finding by the court that the person is addicted,  
6 undergo treatment at a substance abuse program approved  
7 by the court; and

8 (9) if convicted of a felony, physically surrender  
9 at a time and place designated by the court, his or her  
10 Firearm Owner's Identification Card and any and all  
11 firearms in his or her possession.

12 (b) The Court may in addition to other reasonable  
13 conditions relating to the nature of the offense or the  
14 rehabilitation of the defendant as determined for each  
15 defendant in the proper discretion of the Court require that  
16 the person:

17 (1) serve a term of periodic imprisonment under  
18 Article 7 for a period not to exceed that specified in  
19 paragraph (d) of Section 5-7-1;

20 (2) pay a fine and costs;

21 (3) work or pursue a course of study or vocational  
22 training;

23 (4) undergo medical, psychological or psychiatric  
24 treatment; or treatment for drug addiction or alcoholism;

25 (5) attend or reside in a facility established for  
26 the instruction or residence of defendants on probation;

27 (6) support his dependents;

28 (7) and in addition, if a minor:

29 (i) reside with his parents or in a foster  
30 home;

31 (ii) attend school;

32 (iii) attend a non-residential program for  
33 youth;

34 (iv) contribute to his own support at home or

1 in a foster home;

2 (v) with the consent of the superintendent of  
3 the facility, attend an educational program at a  
4 facility other than the school in which the offense  
5 was committed if he or she is convicted of a crime  
6 of violence as defined in Section 2 of the Crime  
7 Victims Compensation Act committed in a school, on  
8 the real property comprising a school, or within  
9 1,000 feet of the real property comprising a school;

10 (8) make restitution as provided in Section 5-5-6  
11 of this Code;

12 (9) perform some reasonable public or community  
13 service;

14 (10) serve a term of home confinement. In addition  
15 to any other applicable condition of probation or  
16 conditional discharge, the conditions of home confinement  
17 shall be that the offender:

18 (i) remain within the interior premises of the  
19 place designated for his confinement during the  
20 hours designated by the court;

21 (ii) admit any person or agent designated by  
22 the court into the offender's place of confinement  
23 at any time for purposes of verifying the offender's  
24 compliance with the conditions of his confinement;  
25 and

26 (iii) if further deemed necessary by the court  
27 or the Probation or Court Services Department, be  
28 placed on an approved electronic monitoring device,  
29 subject to Article 8A of Chapter V;

30 (iv) for persons convicted of any alcohol,  
31 cannabis or controlled substance violation who are  
32 placed on an approved monitoring device as a  
33 condition of probation or conditional discharge, the  
34 court shall impose a reasonable fee for each day of

1           the use of the device, as established by the county  
2           board in subsection (g) of this Section, unless  
3           after determining the inability of the offender to  
4           pay the fee, the court assesses a lesser fee or no  
5           fee as the case may be. This fee shall be imposed in  
6           addition to the fees imposed under subsections (g)  
7           and (i) of this Section. The fee shall be collected  
8           by the clerk of the circuit court. The clerk of the  
9           circuit court shall pay all monies collected from  
10          this fee to the county treasurer for deposit in the  
11          substance abuse services fund under Section 5-1086.1  
12          of the Counties Code; and

13                 (v) for persons convicted of offenses other  
14          than those referenced in clause (iv) above and who  
15          are placed on an approved monitoring device as a  
16          condition of probation or conditional discharge, the  
17          court shall impose a reasonable fee for each day of  
18          the use of the device, as established by the county  
19          board in subsection (g) of this Section, unless  
20          after determining the inability of the defendant to  
21          pay the fee, the court assesses a lesser fee or no  
22          fee as the case may be. This fee shall be imposed  
23          in addition to the fees imposed under subsections  
24          (g) and (i) of this Section. The fee shall be  
25          collected by the clerk of the circuit court. The  
26          clerk of the circuit court shall pay all monies  
27          collected from this fee to the county treasurer who  
28          shall use the monies collected to defray the costs  
29          of corrections. The county treasurer shall deposit  
30          the fee collected in the county working cash fund  
31          under Section 6-27001 or Section 6-29002 of the  
32          Counties Code, as the case may be.

33                 (11) comply with the terms and conditions of an  
34          order of protection issued by the court pursuant to the

1 Illinois Domestic Violence Act of 1986, as now or  
2 hereafter amended, or an order of protection issued by  
3 the court of another state, tribe, or United States  
4 territory. A copy of the order of protection shall be  
5 transmitted to the probation officer or agency having  
6 responsibility for the case;

7 (12) reimburse any "local anti-crime program" as  
8 defined in Section 7 of the Anti-Crime Advisory Council  
9 Act for any reasonable expenses incurred by the program  
10 on the offender's case, not to exceed the maximum amount  
11 of the fine authorized for the offense for which the  
12 defendant was sentenced;

13 (13) contribute a reasonable sum of money, not to  
14 exceed the maximum amount of the fine authorized for the  
15 offense for which the defendant was sentenced, to a  
16 "local anti-crime program", as defined in Section 7 of  
17 the Anti-Crime Advisory Council Act;

18 (14) refrain from entering into a designated  
19 geographic area except upon such terms as the court finds  
20 appropriate. Such terms may include consideration of the  
21 purpose of the entry, the time of day, other persons  
22 accompanying the defendant, and advance approval by a  
23 probation officer, if the defendant has been placed on  
24 probation or advance approval by the court, if the  
25 defendant was placed on conditional discharge;

26 (15) refrain from having any contact, directly or  
27 indirectly, with certain specified persons or particular  
28 types of persons, including but not limited to members of  
29 street gangs and drug users or dealers;

30 (16) refrain from having in his or her body the  
31 presence of any illicit drug prohibited by the Cannabis  
32 Control Act or the Illinois Controlled Substances Act,  
33 unless prescribed by a physician, and submit samples of  
34 his or her blood or urine or both for tests to determine

1 the presence of any illicit drug.

2 (c) The court may as a condition of probation or of  
3 conditional discharge require that a person under 18 years of  
4 age found guilty of any alcohol, cannabis or controlled  
5 substance violation, refrain from acquiring a driver's  
6 license during the period of probation or conditional  
7 discharge. If such person is in possession of a permit or  
8 license, the court may require that the minor refrain from  
9 driving or operating any motor vehicle during the period of  
10 probation or conditional discharge, except as may be  
11 necessary in the course of the minor's lawful employment.

12 (d) An offender sentenced to probation or to conditional  
13 discharge shall be given a certificate setting forth the  
14 conditions thereof.

15 (e) Except where the offender has committed a fourth or  
16 subsequent violation of subsection (c) of Section 6-303 of  
17 the Illinois Vehicle Code, the court shall not require as a  
18 condition of the sentence of probation or conditional  
19 discharge that the offender be committed to a period of  
20 imprisonment in excess of 6 months. This 6 month limit shall  
21 not include periods of confinement given pursuant to a  
22 sentence of county impact incarceration under Section  
23 5-8-1.2. This 6 month limit does not apply to a person  
24 sentenced to probation as a result of a conviction of a  
25 fourth or subsequent violation of subsection (c-4) of Section  
26 11-501 of the Illinois Vehicle Code or a similar provision of  
27 a local ordinance.

28 Persons committed to imprisonment as a condition of  
29 probation or conditional discharge shall not be committed to  
30 the Department of Corrections.

31 (f) The court may combine a sentence of periodic  
32 imprisonment under Article 7 or a sentence to a county impact  
33 incarceration program under Article 8 with a sentence of  
34 probation or conditional discharge.

1           (g) An offender sentenced to probation or to conditional  
2 discharge and who during the term of either undergoes  
3 mandatory drug or alcohol testing, or both, or is assigned to  
4 be placed on an approved electronic monitoring device, shall  
5 be ordered to pay all costs incidental to such mandatory drug  
6 or alcohol testing, or both, and all costs incidental to such  
7 approved electronic monitoring in accordance with the  
8 defendant's ability to pay those costs. The county board  
9 with the concurrence of the Chief Judge of the judicial  
10 circuit in which the county is located shall establish  
11 reasonable fees for the cost of maintenance, testing, and  
12 incidental expenses related to the mandatory drug or alcohol  
13 testing, or both, and all costs incidental to approved  
14 electronic monitoring, involved in a successful probation  
15 program for the county. The concurrence of the Chief Judge  
16 shall be in the form of an administrative order. The fees  
17 shall be collected by the clerk of the circuit court. The  
18 clerk of the circuit court shall pay all moneys collected  
19 from these fees to the county treasurer who shall use the  
20 moneys collected to defray the costs of drug testing, alcohol  
21 testing, and electronic monitoring. The county treasurer  
22 shall deposit the fees collected in the county working cash  
23 fund under Section 6-27001 or Section 6-29002 of the Counties  
24 Code, as the case may be.

25           (h) Jurisdiction over an offender may be transferred  
26 from the sentencing court to the court of another circuit  
27 with the concurrence of both courts, or to another state  
28 under an Interstate Probation Reciprocal Agreement as  
29 provided in Section 3-3-11. Further transfers or retransfers  
30 of jurisdiction are also authorized in the same manner. The  
31 court to which jurisdiction has been transferred shall have  
32 the same powers as the sentencing court.

33           (i) The court shall impose upon an offender sentenced to  
34 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992, as a condition of such probation or  
2 conditional discharge, a fee of \$25 for each month of  
3 probation or conditional discharge supervision ordered by the  
4 court, unless after determining the inability of the person  
5 sentenced to probation or conditional discharge to pay the  
6 fee, the court assesses a lesser fee. The court may not  
7 impose the fee on a minor who is made a ward of the State  
8 under the Juvenile Court Act of 1987 while the minor is in  
9 placement. The fee shall be imposed only upon an offender who  
10 is actively supervised by the probation and court services  
11 department. The fee shall be collected by the clerk of the  
12 circuit court. The clerk of the circuit court shall pay all  
13 monies collected from this fee to the county treasurer for  
14 deposit in the probation and court services fund under  
15 Section 15.1 of the Probation and Probation Officers Act.

16 (j) All fines and costs imposed under this Section for  
17 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
18 Vehicle Code, or a similar provision of a local ordinance,  
19 and any violation of the Child Passenger Protection Act, or a  
20 similar provision of a local ordinance, shall be collected  
21 and disbursed by the circuit clerk as provided under Section  
22 27.5 of the Clerks of Courts Act.

23 (Source: P.A. 91-325, eff. 7-29-99; 91-696, eff. 4-13-00;  
24 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-340, eff.  
25 8-10-01; 92-418, eff. 8-17-01; 92-442, eff. 8-17-01; revised  
26 10-11-01.)

27 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

28 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

29 (a) When a defendant is placed on supervision, the court  
30 shall enter an order for supervision specifying the period of  
31 such supervision, and shall defer further proceedings in the  
32 case until the conclusion of the period.

33 (b) The period of supervision shall be reasonable under

1 all of the circumstances of the case, but may not be longer  
2 than 2 years, unless the defendant has failed to pay the  
3 assessment required by Section 10.3 of the Cannabis Control  
4 Act or Section 411.2 of the Illinois Controlled Substances  
5 Act, in which case the court may extend supervision beyond 2  
6 years. Additionally, the court shall order the defendant to  
7 perform no less than 30 hours of community service and not  
8 more than 120 hours of community service, if community  
9 service is available in the jurisdiction and is funded and  
10 approved by the county board where the offense was committed,  
11 when the offense (1) was related to or in furtherance of the  
12 criminal activities of an organized gang or was motivated by  
13 the defendant's membership in or allegiance to an organized  
14 gang; or (2) is a violation of any Section of Article 24 of  
15 the Criminal Code of 1961 where a disposition of supervision  
16 is not prohibited by Section 5-6-1 of this Code. The  
17 community service shall include, but not be limited to, the  
18 cleanup and repair of any damage caused by violation of  
19 Section 21-1.3 of the Criminal Code of 1961 and similar  
20 damages to property located within the municipality or county  
21 in which the violation occurred. Where possible and  
22 reasonable, the community service should be performed in the  
23 offender's neighborhood.

24 For the purposes of this Section, "organized gang" has  
25 the meaning ascribed to it in Section 10 of the Illinois  
26 Streetgang Terrorism Omnibus Prevention Act.

27 (c) The court may in addition to other reasonable  
28 conditions relating to the nature of the offense or the  
29 rehabilitation of the defendant as determined for each  
30 defendant in the proper discretion of the court require that  
31 the person:

32 (1) make a report to and appear in person before or  
33 participate with the court or such courts, person, or  
34 social service agency as directed by the court in the

- 1 order of supervision;
- 2 (2) pay a fine and costs;
- 3 (3) work or pursue a course of study or vocational
- 4 training;
- 5 (4) undergo medical, psychological or psychiatric
- 6 treatment; or treatment for drug addiction or alcoholism;
- 7 (5) attend or reside in a facility established for
- 8 the instruction or residence of defendants on probation;
- 9 (6) support his dependents;
- 10 (7) refrain from possessing a firearm or other
- 11 dangerous weapon;
- 12 (8) and in addition, if a minor:
  - 13 (i) reside with his parents or in a foster
  - 14 home;
  - 15 (ii) attend school;
  - 16 (iii) attend a non-residential program for
  - 17 youth;
  - 18 (iv) contribute to his own support at home or
  - 19 in a foster home; or
  - 20 (v) with the consent of the superintendent of
  - 21 the facility, attend an educational program at a
  - 22 facility other than the school in which the offense
  - 23 was committed if he or she is placed on supervision
  - 24 for a crime of violence as defined in Section 2 of
  - 25 the Crime Victims Compensation Act committed in a
  - 26 school, on the real property comprising a school, or
  - 27 within 1,000 feet of the real property comprising a
  - 28 school;
- 29 (9) make restitution or reparation in an amount not
- 30 to exceed actual loss or damage to property and pecuniary
- 31 loss or make restitution under Section 5-5-6 to a
- 32 domestic violence shelter. The court shall determine the
- 33 amount and conditions of payment;
- 34 (10) perform some reasonable public or community

1 service;

2 (11) comply with the terms and conditions of an  
3 order of protection issued by the court pursuant to the  
4 Illinois Domestic Violence Act of 1986 or an order of  
5 protection issued by the court of another state, tribe,  
6 or United States territory. If the court has ordered the  
7 defendant to make a report and appear in person under  
8 paragraph (1) of this subsection, a copy of the order of  
9 protection shall be transmitted to the person or agency  
10 so designated by the court;

11 (12) reimburse any "local anti-crime program" as  
12 defined in Section 7 of the Anti-Crime Advisory Council  
13 Act for any reasonable expenses incurred by the program  
14 on the offender's case, not to exceed the maximum amount  
15 of the fine authorized for the offense for which the  
16 defendant was sentenced;

17 (13) contribute a reasonable sum of money, not to  
18 exceed the maximum amount of the fine authorized for the  
19 offense for which the defendant was sentenced, to a  
20 "local anti-crime program", as defined in Section 7 of  
21 the Anti-Crime Advisory Council Act;

22 (14) refrain from entering into a designated  
23 geographic area except upon such terms as the court finds  
24 appropriate. Such terms may include consideration of the  
25 purpose of the entry, the time of day, other persons  
26 accompanying the defendant, and advance approval by a  
27 probation officer;

28 (15) refrain from having any contact, directly or  
29 indirectly, with certain specified persons or particular  
30 types of person, including but not limited to members of  
31 street gangs and drug users or dealers;

32 (16) refrain from having in his or her body the  
33 presence of any illicit drug prohibited by the Cannabis  
34 Control Act or the Illinois Controlled Substances Act,

1 unless prescribed by a physician, and submit samples of  
2 his or her blood or urine or both for tests to determine  
3 the presence of any illicit drug;

4 (17) refrain from operating any motor vehicle not  
5 equipped with an ignition interlock device as defined in  
6 Section 1-129.1 of the Illinois Vehicle Code. Under this  
7 condition the court may allow a defendant who is not  
8 self-employed to operate a vehicle owned by the  
9 defendant's employer that is not equipped with an  
10 ignition interlock device in the course and scope of the  
11 defendant's employment.

12 (d) The court shall defer entering any judgment on the  
13 charges until the conclusion of the supervision.

14 (e) At the conclusion of the period of supervision, if  
15 the court determines that the defendant has successfully  
16 complied with all of the conditions of supervision, the court  
17 shall discharge the defendant and enter a judgment dismissing  
18 the charges.

19 (f) Discharge and dismissal upon a successful conclusion  
20 of a disposition of supervision shall be deemed without  
21 adjudication of guilt and shall not be termed a conviction  
22 for purposes of disqualification or disabilities imposed by  
23 law upon conviction of a crime. Two years after the  
24 discharge and dismissal under this Section, unless the  
25 disposition of supervision was for a violation of Sections  
26 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois  
27 Vehicle Code or a similar provision of a local ordinance, or  
28 for a violation of Sections 12-3.2 or 16A-3 of the Criminal  
29 Code of 1961, in which case it shall be 5 years after  
30 discharge and dismissal, a person may have his record of  
31 arrest sealed or expunged as may be provided by law.  
32 However, any defendant placed on supervision before January  
33 1, 1980, may move for sealing or expungement of his arrest  
34 record, as provided by law, at any time after discharge and

1 dismissal under this Section. A person placed on supervision  
2 for a sexual offense committed against a minor as defined in  
3 subsection (g) of Section 5 of the Criminal Identification  
4 Act or for a violation of Section 11-501 of the Illinois  
5 Vehicle Code or a similar provision of a local ordinance  
6 shall not have his or her record of arrest sealed or  
7 expunged.

8 (g) A defendant placed on supervision and who during the  
9 period of supervision undergoes mandatory drug or alcohol  
10 testing, or both, or is assigned to be placed on an approved  
11 electronic monitoring device, shall be ordered to pay the  
12 costs incidental to such mandatory drug or alcohol testing,  
13 or both, and costs incidental to such approved electronic  
14 monitoring in accordance with the defendant's ability to pay  
15 those costs. The county board with the concurrence of the  
16 Chief Judge of the judicial circuit in which the county is  
17 located shall establish reasonable fees for the cost of  
18 maintenance, testing, and incidental expenses related to the  
19 mandatory drug or alcohol testing, or both, and all costs  
20 incidental to approved electronic monitoring, of all  
21 defendants placed on supervision. The concurrence of the  
22 Chief Judge shall be in the form of an administrative order.  
23 The fees shall be collected by the clerk of the circuit  
24 court. The clerk of the circuit court shall pay all moneys  
25 collected from these fees to the county treasurer who shall  
26 use the moneys collected to defray the costs of drug testing,  
27 alcohol testing, and electronic monitoring. The county  
28 treasurer shall deposit the fees collected in the county  
29 working cash fund under Section 6-27001 or Section 6-29002 of  
30 the Counties Code, as the case may be.

31 (h) A disposition of supervision is a final order for  
32 the purposes of appeal.

33 (i) The court shall impose upon a defendant placed on  
34 supervision after January 1, 1992, as a condition of

1 supervision, a fee of \$25 for each month of supervision  
2 ordered by the court, unless after determining the inability  
3 of the person placed on supervision to pay the fee, the court  
4 assesses a lesser fee. The court may not impose the fee on a  
5 minor who is made a ward of the State under the Juvenile  
6 Court Act of 1987 while the minor is in placement. The fee  
7 shall be imposed only upon a defendant who is actively  
8 supervised by the probation and court services department.  
9 The fee shall be collected by the clerk of the circuit court.  
10 The clerk of the circuit court shall pay all monies collected  
11 from this fee to the county treasurer for deposit in the  
12 probation and court services fund pursuant to Section 15.1 of  
13 the Probation and Probation Officers Act.

14 (j) All fines and costs imposed under this Section for  
15 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
16 Vehicle Code, or a similar provision of a local ordinance,  
17 and any violation of the Child Passenger Protection Act, or a  
18 similar provision of a local ordinance, shall be collected  
19 and disbursed by the circuit clerk as provided under Section  
20 27.5 of the Clerks of Courts Act.

21 (k) A defendant at least 17 years of age who is placed  
22 on supervision for a misdemeanor in a county of 3,000,000 or  
23 more inhabitants and who has not been previously convicted of  
24 a misdemeanor or felony may as a condition of his or her  
25 supervision be required by the court to attend educational  
26 courses designed to prepare the defendant for a high school  
27 diploma and to work toward a high school diploma or to work  
28 toward passing the high school level Test of General  
29 Educational Development (GED) or to work toward completing a  
30 vocational training program approved by the court. The  
31 defendant placed on supervision must attend a public  
32 institution of education to obtain the educational or  
33 vocational training required by this subsection (k). The  
34 defendant placed on supervision shall be required to pay for

1 the cost of the educational courses or GED test, if a fee is  
2 charged for those courses or test. The court shall revoke  
3 the supervision of a person who wilfully fails to comply with  
4 this subsection (k). The court shall resentence the  
5 defendant upon revocation of supervision as provided in  
6 Section 5-6-4. This subsection (k) does not apply to a  
7 defendant who has a high school diploma or has successfully  
8 passed the GED test. This subsection (k) does not apply to a  
9 defendant who is determined by the court to be  
10 developmentally disabled or otherwise mentally incapable of  
11 completing the educational or vocational program.

12 (l) The court shall require a defendant placed on  
13 supervision for possession of a substance prohibited by the  
14 Cannabis Control Act or Illinois Controlled Substances Act  
15 after a previous conviction or disposition of supervision for  
16 possession of a substance prohibited by the Cannabis Control  
17 Act or Illinois Controlled Substances Act or a sentence of  
18 probation under Section 10 of the Cannabis Control Act or  
19 Section 410 of the Illinois Controlled Substances Act and  
20 after a finding by the court that the person is addicted, to  
21 undergo treatment at a substance abuse program approved by  
22 the court.

23 (m) The Secretary of State shall require anyone placed  
24 on court supervision for a violation of Section 3-707 of the  
25 Illinois Vehicle Code or a similar provision of a local  
26 ordinance to give proof of his or her financial  
27 responsibility as defined in Section 7-315 of the Illinois  
28 Vehicle Code. The proof shall be maintained by the  
29 individual in a manner satisfactory to the Secretary of State  
30 for a minimum period of one year after the date the proof is  
31 first filed. The proof shall be limited to a single action  
32 per arrest and may not be affected by any post-sentence  
33 disposition. The Secretary of State shall suspend the  
34 driver's license of any person determined by the Secretary to

1 be in violation of this subsection.

2 (Source: P.A. 91-127, eff. 1-1-00; 91-696, eff. 4-13-00;  
3 91-903, eff. 1-1-01; 92-282, eff. 8-7-01; 92-458, eff.  
4 8-22-01; revised 10-11-01.)

5 (730 ILCS 5/5-8-3) (from Ch. 38, par. 1005-8-3)

6 Sec. 5-8-3. Sentence of Imprisonment for Misdemeanor.}

7 (a) A sentence of imprisonment for a misdemeanor shall  
8 be for a determinate term according to the following  
9 limitations:

10 (1) for a Class A misdemeanor, for any term less  
11 than one year;

12 (2) for a Class B misdemeanor, for not more than 6  
13 months;

14 (3) for a Class C misdemeanor, for not more than 30  
15 days.

16 (b) The good behavioral allowance shall be determined  
17 under Section 3 of the County Jail Misdemeanant Good Behavior  
18 Allowance Act.

19 (Source: P.A. 81-1050; revised 12-07-01.)

20 Section 84. The Code of Civil Procedure is amended by  
21 changing Sections 3-101 and 8-402 as follows:

22 (735 ILCS 5/3-101) (from Ch. 110, par. 3-101)

23 Sec. 3-101. Definitions. For the purpose of this Act:

24 "Administrative agency" means a person, body of persons,  
25 group, officer, board, bureau, commission or department  
26 (other than a court or judge) of the State, or of any  
27 political subdivision of the State or municipal ~~in-the--State~~  
28 corporation in the State, having power under law to make  
29 administrative decisions.

30 "Administrative decision" or "decision" means any  
31 decision, order or determination of any administrative agency

1 rendered in a particular case, which affects the legal  
2 rights, duties or privileges of parties and which terminates  
3 the proceedings before the administrative agency. In all  
4 cases in which a statute or a rule of the administrative  
5 agency requires or permits an application for a rehearing or  
6 other method of administrative review to be filed within a  
7 specified time (as distinguished from a statute which permits  
8 the application for rehearing or administrative review to be  
9 filed at any time before judgment by the administrative  
10 agency against the applicant or within a specified time after  
11 the entry of such judgment), and an application for such  
12 rehearing or review is made, no administrative decision of  
13 such agency shall be final as to the party applying therefor  
14 until such rehearing or review is had or denied. However, if  
15 the particular statute permits an application for rehearing  
16 or other method of administrative review to be filed with the  
17 administrative agency for an indefinite period of time after  
18 the administrative decision has been rendered (such as  
19 permitting such application to be filed at any time before  
20 judgment by the administrative agency against the applicant  
21 or within a specified time after the entry of such judgment),  
22 then the authorization for the filing of such application for  
23 rehearing or review shall not postpone the time when the  
24 administrative decision as to which such application shall be  
25 filed would otherwise become final, but the filing of the  
26 application for rehearing or review with the administrative  
27 agency in this type of case shall constitute the commencement  
28 of a new proceeding before such agency, and the decision  
29 rendered in order to dispose of such rehearing or other  
30 review proceeding shall constitute a new and independent  
31 administrative decision. If such new and independent  
32 decision consists merely of the denial of the application for  
33 rehearing or other method of administrative review, the  
34 record upon judicial review of such decision shall be limited

1 to the application for rehearing or other review and the  
2 order or decision denying such application and shall not  
3 include the record of proceedings had before the rendering of  
4 the administrative decision as to which the application for  
5 rehearing or other administrative review shall have been  
6 filed unless the suit for judicial review is commenced within  
7 the time in which it would be authorized by this Act to have  
8 been commenced if no application for rehearing or other  
9 method of administrative review had been filed. On the other  
10 hand, if the rehearing or other administrative review is  
11 granted by the administrative agency, then the record on  
12 judicial review of the resulting administrative decision  
13 rendered pursuant to the rehearing or other administrative  
14 review may consist not only of the record of proceedings had  
15 before the administrative agency in such rehearing or other  
16 administrative review proceeding, but also of the record of  
17 proceedings had before such administrative agency prior to  
18 its rendering of the administrative decision as to which the  
19 rehearing or other administrative review shall have been  
20 granted. The term "administrative decision" or "decision"  
21 does not mean or include rules, regulations, standards, or  
22 statements of policy of general application issued by an  
23 administrative agency to implement, interpret, or make  
24 specific the legislation enforced or administered by it  
25 unless such a rule, regulation, standard or statement of  
26 policy is involved in a proceeding before the agency and its  
27 applicability or validity is in issue in such proceeding, nor  
28 does it mean or include regulations concerning the internal  
29 management of the agency not affecting private rights or  
30 interests.

31 (Source: P.A. 88-1; revised 4-19-01.)

32 (735 ILCS 5/8-402) (from Ch. 110, par. 8-402)

33 Sec. 8-402. Production of books and writings. The

1 circuit courts shall have power, in any action pending before  
 2 them, upon motion, and good and sufficient cause shown, and  
 3 reasonable notice thereof given, to require the parties, or  
 4 either of them, to produce books or writings in their  
 5 possession or of power which contain evidence pertinent to  
 6 the issue.

7 (Source: P.A. 82-280; revised 4-17-01.)

8 Section 85. The Crime Victims Compensation Act is  
 9 amended by changing Section 10.1 as follows:

10 (740 ILCS 45/10.1) (from Ch. 70, par. 80.1)

11 Sec. 10.1. Amount of compensation. The amount of  
 12 compensation to which an applicant and other persons are ~~is~~  
 13 entitled shall be based on the following factors:

14 (a) A victim may be compensated for his or her pecuniary  
 15 loss.;

16 (b) A dependent may be compensated for loss of support.;

17 (c) Any person, even though not dependent upon the  
 18 victim for his or her support, may be compensated for  
 19 reasonable funeral, medical and hospital expenses of the  
 20 victim to the extent to which he or she has paid or become  
 21 obligated to pay such expenses and only after compensation  
 22 for reasonable funeral, medical and hospital expenses of the  
 23 victim have been awarded may compensation be made for  
 24 reasonable expenses of the victim incurred for psychological  
 25 treatment of a mental or emotional condition caused or  
 26 aggravated by the crime.;

27 (d) An award shall be reduced or denied according to the  
 28 extent to which the victim's acts or conduct provoked or  
 29 contributed to his or her injury or death, or the extent to  
 30 which any prior criminal conviction or conduct of the victim  
 31 may have directly or indirectly contributed to the injury or  
 32 death of the victim.;

1           (e) An award shall be reduced by the amount of benefits,  
2 payments or awards payable under those sources which are  
3 required to be listed under item (7) of Section 7.1(a) and  
4 any other sources except annuities, pension plans, Federal  
5 Social Security payments payable to dependents of the victim  
6 and the net proceeds of the first \$25,000 of life insurance  
7 that would inure to the benefit of the applicant, which the  
8 applicant or any other person dependent for the support of a  
9 deceased victim, as the case may be, has received or to which  
10 he or she is entitled as a result of injury to or death of  
11 the victim.

12           (f) A final award shall not exceed \$10,000 for a crime  
13 committed prior to September 22, 1979, \$15,000 for a crime  
14 committed on or after September 22, 1979 and prior to January  
15 1, 1986, \$25,000 for a crime committed on or after January 1,  
16 1986 and prior to August 7, ~~the--effective--date--of--this~~  
17 ~~amendatory--Act--of~~ 1998, or \$27,000 for a crime committed on  
18 or after August 7, ~~the--effective--date--of--this--amendatory--Act~~  
19 ~~of~~ 1998. If the total pecuniary loss is greater than the  
20 maximum amount allowed, the award shall be divided in  
21 proportion to the amount of actual loss among those entitled  
22 to compensation.†

23           (g) Compensation under this Act is a secondary source of  
24 compensation and the applicant must show that he or she has  
25 exhausted the benefits reasonably available under the  
26 Criminal Victims' Escrow Account Act or any governmental or  
27 medical or health insurance programs, including, but not  
28 limited to Workers' Compensation, the Federal Medicare  
29 program, the State Public Aid program, Social Security  
30 Administration burial benefits, Veterans Administration  
31 burial benefits, and life, health, accident or liability  
32 insurance.

33 (Source: P.A. 92-427, eff. 1-1-02; revised 12-04-01.)

1 Section 86. The Whistleblower Reward and Protection Act  
2 is amended by changing Section 6 as follows:

3 (740 ILCS 175/6) (from Ch. 127, par. 4106)

4 Sec. 6. Civil investigative demands.

5 (a) In general.

6 (1) Issuance and service. Whenever the Attorney  
7 General has reason to believe that any person may be in  
8 possession, custody, or control of any documentary  
9 material or information relevant to an investigation, the  
10 Attorney General may, before commencing a civil  
11 proceeding under this Act, issue in writing and cause to  
12 be served upon such person, a civil investigative demand  
13 requiring such person:

14 (A) to produce such documentary material for  
15 inspection and copying,

16 (B) to answer, in writing, written  
17 interrogatories with respect to such documentary  
18 material or information,

19 (C) to give oral testimony concerning such  
20 documentary material or information, or

21 (D) to furnish any combination of such  
22 material, answers, or testimony.

23 The Attorney General shall delegate the authority to issue  
24 civil investigative demands under this subsection (a) to the  
25 Department of State Police. Whenever a civil investigative  
26 demand is an express demand for any product of discovery, the  
27 Attorney General, an Assistant Attorney General or the  
28 delegate of the Department of State Police shall cause to be  
29 served, in any manner authorized by this Section, a copy of  
30 such demand upon the person from whom the discovery was  
31 obtained and shall notify the person to whom such demand is  
32 issued of the date on which such copy was served.

33 (2) Contents and deadlines.

1           (A) Each civil investigative demand issued  
2 under paragraph (1) shall state the nature of the  
3 conduct constituting and alleged violation which is  
4 under investigation, and the applicable provision of  
5 law alleged to be violated.

6           (B) If such demand is for the production of  
7 documentary material, the demand shall:

8                 (i) describe each class of documentary  
9 material to be produced with such definiteness  
10 and certainty as to permit such material to be  
11 fairly identified;

12                 (ii) prescribe a return date for each  
13 such class which will provide a reasonable  
14 period of time within which the material so  
15 demanded may be assembled and made available  
16 for inspection and copying; and

17                 (iii) identify the investigator to whom  
18 such material shall be made available.

19           (C) If such demand is for answers to written  
20 interrogatories, the demand shall:

21                 (i) set forth with specificity the  
22 written interrogatories to be answered;

23                 (ii) prescribe dates at which time  
24 answers to written interrogatories shall be  
25 submitted; and

26                 (iii) identify the investigator to whom  
27 such answers shall be submitted.

28           (D) If such demand is for the giving of oral  
29 testimony, the demand shall:

30                 (i) prescribe a date, time, and place at  
31 which oral testimony shall be commenced;

32                 (ii) identify an investigator who shall  
33 conduct the examination and the custodian to  
34 whom the transcript of such examination shall

1 be submitted;

2 (iii) specify that such attendance and  
3 testimony are necessary to the conduct of the  
4 investigation;

5 (iv) notify the person receiving the  
6 demand of the right to be accompanied by an  
7 attorney and any other representative; and

8 (v) describe the general purpose for  
9 which the demand is being issued and the  
10 general nature of the testimony, including the  
11 primary areas of inquiry, which will be taken  
12 pursuant to the demand.

13 (E) Any civil investigative demand issued  
14 under this Section which is an express demand for  
15 any product of discovery shall not be returned or  
16 returnable until 20 days after a copy of such demand  
17 has been served upon the person from whom the  
18 discovery was obtained.

19 (F) The date prescribed for the commencement  
20 of oral testimony pursuant to a civil investigative  
21 demand issued under this Section shall be a date  
22 which is not less than 7 days after the date on  
23 which demand is received, unless the Attorney  
24 General or an Assistant Attorney General designated  
25 by the Attorney General or the delegate of the  
26 Department of State Police determines that  
27 exceptional circumstances are present which warrant  
28 the commencement of such testimony within a lesser  
29 period of time.

30 (G) The Attorney General or the delegate of  
31 the Department of State Police shall not authorize  
32 the issuance under this Section of more than one  
33 civil investigative demand for oral testimony by the  
34 same person unless the person requests otherwise or

1           unless the Attorney General or the delegate of the  
2           Department of State Police, after investigation,  
3           notifies that person in writing that an additional  
4           demand for oral testimony is necessary. The  
5           Attorney General shall authorize the performance by  
6           the delegate of the Department of State Police of  
7           any function vested in the Attorney General under  
8           this subparagraph (G).

9           (b) Protected material or information.

10           (1) In general. A civil investigative demand  
11           issued under subsection (a) may not require the  
12           production of any documentary material, the submission of  
13           any answers to written interrogatories, or the giving of  
14           any oral testimony if such material, answers, or  
15           testimony would be protected from disclosure under:

16                   (A) the standards applicable to subpoenas or  
17                   subpoenas duces tecum issued by a court of this  
18                   State to aid in a grand jury investigation; or

19                   (B) the standards applicable to discovery  
20                   requests under the Code of Civil Procedure, to the  
21                   extent that the application of such standards to any  
22                   such demand is appropriate and consistent with the  
23                   provisions and purposes of this Section.

24           (2) Effect on other orders, rules, and laws. Any  
25           such demand which is an express demand for any product of  
26           discovery supersedes any inconsistent order, rule, or  
27           provision of law (other than this Section) preventing or  
28           restraining disclosure of such product of discovery to  
29           any person. Disclosure of any product of discovery  
30           pursuant to any such express demand does not constitute a  
31           waiver of any right or privilege which the person making  
32           make such disclosure may be entitled to invoke to resist  
33           discovery of trial preparation materials.

34           (c) Service; jurisdiction.

1           (1) By whom served. Any civil investigative demand  
2 issued under subsection (a) may be served by an  
3 investigator, or by any person authorized to serve  
4 process on individuals within Illinois.

5           (2) Service in foreign countries. Any such demand  
6 or any petition filed under subsection (j) may be served  
7 upon any person who is not found within Illinois in such  
8 manner as the Code of Civil Procedure prescribes for  
9 service of process outside Illinois. To the extent that  
10 the courts of this State can assert jurisdiction over any  
11 such person consistent with due process, the courts of  
12 this State shall have the same jurisdiction to take any  
13 action respecting compliance with this Section by any  
14 such person that such court would have if such person  
15 were personally within the jurisdiction of such court.

16           (d) Service upon legal entities and natural persons. (1)  
17 Legal entities. Service of any civil investigative demand  
18 issued under subsection (a) or of any petition filed under  
19 subsection (j) may be made upon a partnership, corporation,  
20 association, or other legal entity by:

21           (A) delivering an executed copy of such demand  
22 or petition to any partner, executive officer,  
23 managing agent, general agent, or registered agent  
24 of the partnership, corporation, association or  
25 entity;

26           (B) delivering an executed copy of such demand  
27 or petition to the principal office or place of  
28 business of the partnership, corporation,  
29 association, or entity; or

30           (C) depositing an executed copy of such demand  
31 or petition in the United States mails by registered  
32 or certified mail, with a return receipt requested,  
33 addressed to such partnership, corporation,  
34 association, or entity as its principal office or

1 place of business.

2 (2) Natural person. Service of any such demand or  
3 petition may be made upon any natural person by:

4 (A) delivering an executed copy of such demand  
5 or petition to the person; or

6 (B) depositing an executed copy of such demand  
7 or petition in the United States mails by registered  
8 or certified mail, with a return receipt requested,  
9 addressed to the person at the person's residence or  
10 principal office or place of business.

11 (e) Proof of service. A verified return by the  
12 individual serving any civil investigative demand issued  
13 under subsection (a) or any petition filed under subsection  
14 (j) setting forth the manner of such service shall be proof  
15 of such service. In the case of service by registered or  
16 certified mail, such return shall be accompanied by the  
17 return post office receipt of delivery of such demand.

18 (f) Documentary material. (1) Sworn certificates. The  
19 production of documentary material in response to a civil  
20 investigative demand served under this Section shall be made  
21 under a sworn certificate, in such form as the demand  
22 designates, by:

23 (A) in the case of a natural person, the  
24 person to whom the demand is directed, or

25 (B) in the case of a person other than a  
26 natural person, a person having knowledge of the  
27 facts and circumstances relating to such production  
28 and authorized to act on behalf of such person.

29 The certificate shall state that all of the documentary  
30 material required by the demand and in the possession,  
31 custody, or control of the person to whom the demand is  
32 directed has been produced and made available to the  
33 investigator identified in the demand.

34 (2) Production of materials. Any person upon whom

1 any civil investigative demand for the production of  
2 documentary material has been served under this Section  
3 shall make such material available for inspection and  
4 copying to the investigator identified in such demand at  
5 the principal place of business of such person, or at  
6 such other place as the investigator and the person  
7 thereafter may agree and prescribe in writing, or as the  
8 court may direct under subsection (j)(1). Such material  
9 shall be made so available on the return date specified  
10 in such demand, or on such later date as the investigator  
11 may prescribe in writing. Such person may, upon written  
12 agreement between the person and the investigator,  
13 substitute copies for originals of all or any part of  
14 such material.

15 (g) Interrogatories. Each interrogatory in a civil  
16 investigative demand served under this Section shall be  
17 answered separately and fully in writing under oath and shall  
18 be submitted under a sworn certificate, in such form as the  
19 demand designates by:

20 (1) in the case of a natural person, the person to  
21 whom the demand is directed, or

22 (2) in the case of a person other than a natural  
23 person, the person or persons responsible for answering  
24 each interrogatory.

25 If any interrogatory is objected to, the reasons for the  
26 objection shall be stated in the certificate instead of an  
27 answer. The certificate shall state that all information  
28 required by the demand and in the possession, custody,  
29 control, or knowledge of the person to whom the demand is  
30 directed has been submitted. To the extent that any  
31 information is not furnished, the information shall be  
32 identified and reasons set forth with particularity regarding  
33 the reasons why the information was not furnished.

34 (h) Oral examinations.

1           (1) Procedures. The examination of any person  
2 pursuant to a civil investigative demand for oral  
3 testimony served under this Section shall be taken before  
4 an officer authorized to administer oaths and  
5 affirmations by the laws of this State or of the place  
6 where the examination is held. The officer before whom  
7 the testimony is to be taken shall put the witness on  
8 oath or affirmation and shall, personally or by someone  
9 acting under the direction of the officer and in the  
10 officer's presence, record the testimony of the witness.  
11 The testimony shall be taken stenographically and shall  
12 be transcribed. When the testimony is fully transcribed,  
13 the officer before whom the testimony is taken shall  
14 promptly transmit a copy of the transcript of the  
15 testimony to the custodian. This subsection shall not  
16 preclude the taking of testimony by any means authorized  
17 by, and in a manner consistent with, the Code of Civil  
18 Procedure.

19           (2) Persons present. The investigator conducting  
20 the examination shall exclude from the place where the  
21 examination is held all persons except the person giving  
22 the testimony, the attorney for and any other  
23 representative of the person giving the testimony, the  
24 attorney for the State, any person who may be agreed upon  
25 by the attorney for the State and the person giving the  
26 testimony, the officer before whom the testimony is to be  
27 taken, and any stenographer taking such testimony.

28           (3) Where testimony taken. The oral testimony of  
29 any person taken pursuant to a civil investigative demand  
30 served under this Section shall be taken in the county  
31 within which such person resides, is found, or transacts  
32 business, or in such other place as may be agreed upon by  
33 the investigator conducting the examination and such  
34 person.

1           (4) Transcript of testimony. When the testimony is  
2 fully transcribed, the investigator or the officer before  
3 whom the testimony is taken shall afford the witness, who  
4 may be accompanied by counsel, a reasonable opportunity  
5 to examine and read the transcript, unless such  
6 examination and reading are waived by the witness. Any  
7 changes in form or substance which the witness desires to  
8 make shall be entered and identified upon the transcript  
9 by the officer or the investigator, with a statement of  
10 the reasons given by the witness for making such changes.  
11 The transcript shall then be signed by the witness,  
12 unless the witness in writing waives the signing, is ill,  
13 cannot be found, or refuses to sign. If the transcript  
14 is not signed by the witness within 30 days after being  
15 afforded a reasonable opportunity to examine it, the  
16 officer of investigator shall sign it and state on the  
17 record the fact of the waiver, illness, absence of the  
18 witness, or the refusal to sign, together with the  
19 reasons, if any, given therefor.

20           (5) Certification and delivery to custodian. The  
21 officer before whom the testimony is taken shall certify  
22 on the transcript that the witness was sworn by the  
23 officer and that the transcript is a true record of the  
24 testimony given by the witness, and the officer or  
25 investigator shall promptly deliver the transcript, or  
26 send the transcript by registered or certified mail, to  
27 the custodian.

28           (6) Furnishing or inspection of transcript by  
29 witness. Upon payment of reasonable charges therefor, the  
30 investigator shall furnish a copy of the transcript to  
31 the witness only, except that the Attorney General, an  
32 Assistant Attorney General or employee of the Department  
33 of State Police may, for good cause, limit such witness  
34 to inspection of the official transcript of the witness'

1 testimony.

2 (7) Conduct of oral testimony.

3 (A) Any person compelled to appear for oral  
4 testimony under a civil investigative demand issued  
5 under subsection (a) may be accompanied,  
6 represented, and advised by counsel. Counsel may  
7 advise such person, in confidence, with respect to  
8 any question asked of such person. Such person or  
9 counsel may object on the record to any question, in  
10 whole or in part, and shall briefly state for the  
11 record the reason for the objection. An objection  
12 may be made, received, and entered upon the record  
13 when it is claimed that such person is entitled to  
14 refuse to answer the question on the grounds of any  
15 constitutional or other legal right or privilege,  
16 including the privilege against self-incrimination.  
17 If such person refuses to answer any question, a  
18 petition may be filed in circuit court under  
19 subsection (j)(1) for an order compelling such  
20 person to answer such question.

21 (B) If such person refuses any question on the  
22 grounds of the privilege against self-incrimination,  
23 the testimony of such person may be compelled in  
24 accordance with Article 106 of the Code of Criminal  
25 Procedure of 1963.

26 (8) Witness fees and allowances. Any person  
27 appearing for oral testimony under a civil investigative  
28 demand issued under subsection (a) shall be entitled to  
29 the same fees and allowances which are paid to witnesses  
30 in the circuit court.

31 (i) Custodians of documents, answers, and  
32 transcripts.

33 (1) Designation. The Attorney General shall  
34 designate the Department of State Police to serve as

1           custodian of documentary material, answers to  
2           interrogatories, and transcripts of oral testimony  
3           received under this Section and shall designate  
4           additional employees of the Department of State Police as  
5           the Attorney General determines from time to time to be  
6           necessary to serve as deputies to the custodian.

7           (2) Responsibility for materials; disclosure.

8           (A) An investigator who receives any  
9           documentary material, answers to interrogatories, or  
10          transcripts of oral testimony under this Section  
11          shall transmit them to the custodian. The custodian  
12          shall take physical possession of such material,  
13          answers, or transcripts and shall be responsible for  
14          the use made of them and for the return of  
15          documentary material under paragraph (4).

16          (B) The custodian may cause the preparation of  
17          such copies of such documentary material, answers to  
18          interrogatories, or transcripts of oral testimony as  
19          may be required for official use by any  
20          investigator, or other officer or employee of the  
21          Attorney General or employee of the Department of  
22          State Police who is authorized for such use under  
23          regulations which the Attorney General shall issue.  
24          Such material, answers, and transcripts may be used  
25          by any such authorized investigator or other officer  
26          or employee in connection with the taking of oral  
27          testimony under this Section.

28          (C) Except as otherwise provided in this  
29          subsection (i), no documentary material, answers to  
30          interrogatories, or transcripts of oral testimony,  
31          or copies thereof, while in the possession of the  
32          custodian, shall be available for examination by any  
33          individual other than an investigator or other  
34          officer or employee of the Attorney General or

1 employee of the Department of State Police  
2 authorized under subparagraph (B). The prohibition  
3 in the preceding sentence on the availability of  
4 material, answers, or transcripts shall not apply if  
5 consent is given by the person who produced such  
6 material, answers, or transcripts, or, in the case  
7 of any product of discovery produced pursuant to an  
8 express demand for such material, consent is given  
9 by the person from whom the discovery was obtained.  
10 Nothing in this subparagraph is intended to prevent  
11 disclosure to the General Assembly, including any  
12 committee or subcommittee of the General Assembly,  
13 or to any other State agency for use by such agency  
14 in furtherance of its statutory responsibilities.  
15 Disclosure of information to any such other agency  
16 shall be allowed only upon application, made by the  
17 Attorney General to a circuit court, showing  
18 substantial need for the use of the information by  
19 such agency in furtherance of its statutory  
20 responsibilities.

21 (D) While in the possession of the custodian  
22 and under such reasonable terms and conditions as  
23 the Attorney General shall prescribe:

24 (i) documentary material and answers to  
25 interrogatories shall be available for examination by the  
26 person who produced such material or answers, or by a  
27 representative for that person authorized by that person  
28 to examine such material and answers; and

29 (ii) transcripts of oral testimony shall be  
30 available for examination by the person who produced such  
31 testimony, or by a representative of that person  
32 authorized by that person to examine such transcripts.

33 (3) Use of material, answers, or transcripts in  
34 other proceedings. Whenever any attorney of the office of

1 the Attorney General, or State's Attorney upon a  
2 referral, has been designated to appear before any court,  
3 grand jury, or State agency in any case or proceeding,  
4 the custodian of any documentary material, answers to  
5 interrogatories, or transcripts of oral testimony  
6 received under this Section may deliver to such attorney  
7 such material, answers, or transcripts for official use  
8 in connection with any such case or proceeding as such  
9 attorney determines to be required. Upon the completion  
10 of any such case or proceeding, such attorney shall  
11 return to the custodian any such material, answers, or  
12 transcripts so delivered which have not passed into the  
13 control of such court, grand jury, or agency through  
14 introduction into the record of such case or proceeding.

15 (4) Conditions for return of material. If any  
16 documentary material has been produced by any person in  
17 the course of any investigation pursuant to a civil  
18 investigative demand under this Section and:

19 (A) any case or proceeding before the court or  
20 grand jury arising out of such investigation, or any  
21 proceeding before any State agency involving such  
22 material, has been completed, or

23 (B) no case or proceeding in which such  
24 material may be used has been commenced within a  
25 reasonable time after completion of the examination  
26 and analysis of all documentary material and other  
27 information assembled in the course of such  
28 investigation,

29 the custodian shall, upon written request of the person who  
30 produced such material, return to such person any such  
31 material (other than copies furnished to the investigator  
32 under subsection (f)(2) or made for the Attorney General or  
33 employee of the Department of State Police under paragraph  
34 (2)(B)) which has not passed into the control of any court,

1 grand jury, or agency through introduction into the record of  
2 such case or proceeding.

3 (5) Appointment of successor custodians. In the event  
4 of the death, disability, or separation from service in the  
5 Department of State Police of the custodian of any  
6 documentary material, answers to interrogatories, or  
7 transcripts of oral testimony produced pursuant to a civil  
8 investigative demand under this Section, or in the event of  
9 the official relief of such custodian from responsibility for  
10 the custody and control of such material, answers, or  
11 transcripts, the Attorney General shall promptly:

12 (A) designate another employee of the  
13 Department of State Police to serve as custodian of  
14 such material, answers, or transcripts, and

15 (B) transmit in writing to the person who  
16 produced such material, answers, or testimony notice  
17 of the identity and address of the successor so  
18 designated.

19 Any person who is designated to be a successor under this  
20 paragraph (5) shall have, with regard to such material,  
21 answers, or transcripts, the same duties and responsibilities  
22 as were imposed by this Section upon that person's  
23 predecessor in office, except that the successor shall not be  
24 held responsible for any default or dereliction which  
25 occurred before that designation.

26 (J) Judicial proceedings. (1) Petition for  
27 enforcement. Whenever any person fails to comply  
28 with any civil investigative demand issued under  
29 subsection (a), or whenever satisfactory copying or  
30 reproduction of any material requested in such  
31 demand cannot be done and such person refuses to  
32 surrender such material, the Attorney General may  
33 file, in the circuit court of any county in which  
34 such person resides, is found, or transacts

1           business, and serve upon such person a petition for  
2           an order of such court for the enforcement of the  
3           civil investigative demand.

4           (2) Petition to modify or set aside demand. (A) Any  
5           person who has received a civil investigative demand  
6           issued under subsection (a) may file, in the circuit  
7           court of any county within which such person resides, is  
8           found, or transacts business, and serve upon the  
9           investigator identified in such demand a petition for an  
10          order of the court to modify or set aside such demand. In  
11          the case of a petition addressed to an express demand for  
12          any product of discovery, a petition to modify or set  
13          aside such demand may be brought only in the circuit  
14          court of the county in which the proceeding in which such  
15          discovery was obtained is or was last pending. Any  
16          petition under this subparagraph (A) must be filed:

17                   (i) within 20 days after the date of  
18                   service of the civil investigative demand, or  
19                   at any time before the return date specified in  
20                   the demand, whichever date is earlier, or

21                   (ii) within such longer period as may be  
22                   prescribed in writing by any investigator  
23                   identified in the demand.

24           (B) The petition shall specify each ground  
25           upon which the petitioner relies in seeking relief  
26           under subparagraph (A), and may be based upon any  
27           failure of the demand to comply with the provisions  
28           of this Section or upon any constitutional or other  
29           legal right or privilege of such person. During the  
30           pendency of the petition in the court, the court may  
31           stay, as it deems proper, the running of the time  
32           allowed for compliance with the demand, in whole or  
33           in part, except that the person filing the petition  
34           shall comply with any portion of the demand not

1           sought to be modified or set aside.

2           (3) Petition to modify or set aside demand for  
3 product of discovery. (A) In the case of any civil  
4 investigative demand issued under subsection (a) which is  
5 an express demand for any product of discovery, the  
6 person from whom such discovery was obtained may file, in  
7 the circuit court of the county in which the proceeding  
8 in which such discovery was obtained is or was last  
9 pending, and serve upon any investigator identified in  
10 the demand and upon the recipient of the demand, a  
11 petition for an order of such court to modify or set  
12 aside those portions of the demand requiring production  
13 of any such product of discovery. Any petition under this  
14 subparagraph (A) must be filed:

15                   (i) within 20 days after the date of  
16 service of the civil investigative demand, or  
17 at any time before the return date specified in  
18 the demand, whichever date is earlier, or

19                   (ii) within such longer period as may be  
20 prescribed in writing by any investigator  
21 identified in the demand.

22           (B) The petition shall specify each ground  
23 upon which the petitioner relies in seeking relief  
24 under subparagraph (A), and may be based upon any  
25 failure of the portions of the demand from which  
26 relief is sought to comply with the provisions of  
27 this Section, or upon any constitutional or other  
28 legal right or privilege of the petitioner. During  
29 the pendency of the petition, the court may stay, as  
30 it deems proper, compliance with the demand and the  
31 running of the time allowed from compliance with the  
32 demand.

33           (4) Petition to require performance by custodian of  
34 duties. At any time during which any custodian is in

1 custody or control of any documentary material or answers  
2 to interrogatories produced, or transcripts of oral  
3 testimony given, by any person in compliance with any  
4 civil investigative demand issued under subsection (a),  
5 such person, and in the case of an express demand for any  
6 product of discovery, the person from whom such discovery  
7 was obtained, may file, in the circuit court of the  
8 county within which the office of such custodian is  
9 situated, and serve upon such custodian, a petition for  
10 an order of such court to require the performance by the  
11 custodian of any duty imposed upon the custodian by this  
12 Section.

13 (5) Jurisdiction. Whenever any petition is filed in  
14 any circuit court under this subsection (j), such court  
15 shall have jurisdiction to hear and determine the matter  
16 so presented, and to enter such orders as may be required  
17 to carry out the provisions of this Section. Any final  
18 order so entered shall be subject to appeal in the same  
19 manner as appeals of other final orders in civil matters.  
20 Any disobedience of any final order entered under this  
21 Section by any court shall be punished as a contempt of  
22 the court.

23 (k) Disclosure exemption. Any documentary material,  
24 answers to written interrogatories, or oral testimony  
25 provided under any civil investigative demand issued under  
26 subsection (a) shall be exempt from disclosure under the  
27 Illinois Administrative Procedure Act.

28 (Source: P.A. 87-662; revised 12-07-01.)

29 Section 87. The Illinois Marriage and Dissolution of  
30 Marriage Act is amended by changing Sections 505, 505.3, and  
31 510 as follows:

32 (750 ILCS 5/505) (from Ch. 40, par. 505)

1           Sec. 505. Child support; contempt; penalties.

2           (a) In a proceeding for dissolution of marriage, legal  
3 separation, declaration of invalidity of marriage, a  
4 proceeding for child support following dissolution of the  
5 marriage by a court which lacked personal jurisdiction over  
6 the absent spouse, a proceeding for modification of a  
7 previous order for child support under Section 510 of this  
8 Act, or any proceeding authorized under Section 501 or 601 of  
9 this Act, the court may order either or both parents owing a  
10 duty of support to a child of the marriage to pay an amount  
11 reasonable and necessary for his support, without regard to  
12 marital misconduct. The duty of support owed to a minor  
13 child includes the obligation to provide for the reasonable  
14 and necessary physical, mental and emotional health needs of  
15 the child.

16           (1) The Court shall determine the minimum amount of  
17 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

26           (2) The above guidelines shall be applied in each  
27 case unless the court makes a finding that application of  
28 the guidelines would be inappropriate, after considering  
29 the best interests of the child in light of evidence  
30 including but not limited to one or more of the following  
31 relevant factors:

32           (a) the financial resources and needs of the  
33 child;

34           (b) the financial resources and needs of the

1           custodial parent;

2                   (c) the standard of living the child would  
3 have enjoyed had the marriage not been dissolved;

4                   (d) the physical and emotional condition of  
5 the child, and his educational needs; and

6                   (e) the financial resources and needs of the  
7 non-custodial parent.

8           If the court deviates from the guidelines, the  
9 court's finding shall state the amount of support that  
10 would have been required under the guidelines, if  
11 determinable. The court shall include the reason or  
12 reasons for the variance from the guidelines.

13           (3) "Net income" is defined as the total of all  
14 income from all sources, minus the following deductions:

15                   (a) Federal income tax (properly calculated  
16 withholding or estimated payments);

17                   (b) State income tax (properly calculated  
18 withholding or estimated payments);

19                   (c) Social Security (FICA payments);

20                   (d) Mandatory retirement contributions  
21 required by law or as a condition of employment;

22                   (e) Union dues;

23                   (f) Dependent                   and                   individual  
24 health/hospitalization insurance premiums;

25                   (g) Prior obligations of support or  
26 maintenance actually paid pursuant to a court order;

27                   (h) Expenditures for repayment of debts that  
28 represent reasonable and necessary expenses for the  
29 production of income, medical expenditures necessary  
30 to preserve life or health, reasonable expenditures  
31 for the benefit of the child and the other parent,  
32 exclusive of gifts. The court shall reduce net  
33 income in determining the minimum amount of support  
34 to be ordered only for the period that such payments

1           are due and shall enter an order containing  
2           provisions for its self-executing modification upon  
3           termination of such payment period.

4           (4) In cases where the court order provides for  
5           health/hospitalization insurance coverage pursuant to  
6           Section 505.2 of this Act, the premiums for that  
7           insurance, or that portion of the premiums for which the  
8           supporting party is responsible in the case of insurance  
9           provided through an employer's health insurance plan  
10          where the employer pays a portion of the premiums, shall  
11          be subtracted from net income in determining the minimum  
12          amount of support to be ordered.

13          (4.5) In a proceeding for child support following  
14          dissolution of the marriage by a court that lacked  
15          personal jurisdiction over the absent spouse, and in  
16          which the court is requiring payment of support for the  
17          period before the date an order for current support is  
18          entered, there is a rebuttable presumption that the  
19          supporting party's net income for the prior period was  
20          the same as his or her net income at the time the order  
21          for current support is entered.

22          (5) If the net income cannot be determined because  
23          of default or any other reason, the court shall order  
24          support in an amount considered reasonable in the  
25          particular case. The final order in all cases shall  
26          state the support level in dollar amounts. However, if  
27          the court finds that the child support amount cannot be  
28          expressed exclusively as a dollar amount because all or a  
29          portion of the payor's net income is uncertain as to  
30          source, time of payment, or amount, the court may order a  
31          percentage amount of support in addition to a specific  
32          dollar amount and enter such other orders as may be  
33          necessary to determine and enforce, on a timely basis,  
34          the applicable support ordered.

1           (6) If (i) the non-custodial parent was properly  
2 served with a request for discovery of financial  
3 information relating to the non-custodial parent's  
4 ability to provide child support, (ii) the non-custodial  
5 parent failed to comply with the request, despite having  
6 been ordered to do so by the court, and (iii) the  
7 non-custodial parent is not present at the hearing to  
8 determine support despite having received proper notice,  
9 then any relevant financial information concerning the  
10 non-custodial parent's ability to provide child support  
11 that was obtained pursuant to subpoena and proper notice  
12 shall be admitted into evidence without the need to  
13 establish any further foundation for its admission.

14       (a-5) In an action to enforce an order for support based  
15 on the respondent's failure to make support payments as  
16 required by the order, notice of proceedings to hold the  
17 respondent in contempt for that failure may be served on the  
18 respondent by personal service or by regular mail addressed  
19 to the respondent's last known address. The respondent's last  
20 known address may be determined from records of the clerk of  
21 the court, from the Federal Case Registry of Child Support  
22 Orders, or by any other reasonable means.

23       (b) Failure of either parent to comply with an order to  
24 pay support shall be punishable as in other cases of  
25 contempt. In addition to other penalties provided by law the  
26 Court may, after finding the parent guilty of contempt, order  
27 that the parent be:

28           (1) placed on probation with such conditions of  
29 probation as the Court deems advisable;

30           (2) sentenced to periodic imprisonment for a period  
31 not to exceed 6 months; provided, however, that the Court  
32 may permit the parent to be released for periods of time  
33 during the day or night to:

34           (A) work; or

1                   (B) conduct a business or other self-employed  
2                   occupation.

3           The Court may further order any part or all of the  
4 earnings of a parent during a sentence of periodic  
5 imprisonment paid to the Clerk of the Circuit Court or to the  
6 parent having custody or to the guardian having custody of  
7 the minor children of the sentenced parent for the support of  
8 said minor children until further order of the Court.

9           If there is a unity of interest and ownership sufficient  
10 to render no financial separation between a non-custodial  
11 parent and another person or persons or business entity, the  
12 court may pierce the ownership veil of the person, persons,  
13 or business entity to discover assets of the non-custodial  
14 parent held in the name of that person, those persons, or  
15 that business entity. The following circumstances are  
16 sufficient to authorize a court to order discovery of the  
17 assets of a person, persons, or business entity and to compel  
18 the application of any discovered assets toward payment on  
19 the judgment for support:

20                   (1) the non-custodial parent and the person,  
21 persons, or business entity maintain records together.

22                   (2) the non-custodial parent and the person,  
23 persons, or business entity fail to maintain an arms  
24 length relationship between themselves with regard to any  
25 assets.

26                   (3) the non-custodial parent transfers assets to  
27 the person, persons, or business entity with the intent  
28 to perpetrate a fraud on the custodial parent.

29           With respect to assets which are real property, no order  
30 entered under this paragraph shall affect the rights of bona  
31 fide purchasers, mortgagees, judgment creditors, or other  
32 lien holders who acquire their interests in the property  
33 prior to the time a notice of lis pendens pursuant to the  
34 Code of Civil Procedure or a copy of the order is placed of

1 record in the office of the recorder of deeds for the county  
2 in which the real property is located.

3 The court may also order in cases where the parent is 90  
4 days or more delinquent in payment of support or has been  
5 adjudicated in arrears in an amount equal to 90 days  
6 obligation or more, that the parent's Illinois driving  
7 privileges be suspended until the court determines that the  
8 parent is in compliance with the order of support. The court  
9 may also order that the parent be issued a family financial  
10 responsibility driving permit that would allow limited  
11 driving privileges for employment and medical purposes in  
12 accordance with Section 7-702.1 of the Illinois Vehicle Code.  
13 The clerk of the circuit court shall certify the order  
14 suspending the driving privileges of the parent or granting  
15 the issuance of a family financial responsibility driving  
16 permit to the Secretary of State on forms prescribed by the  
17 Secretary. Upon receipt of the authenticated documents, the  
18 Secretary of State shall suspend the parent's driving  
19 privileges until further order of the court and shall, if  
20 ordered by the court, subject to the provisions of Section  
21 7-702.1 of the Illinois Vehicle Code, issue a family  
22 financial responsibility driving permit to the parent.

23 In addition to the penalties or punishment that may be  
24 imposed under this Section, any person whose conduct  
25 constitutes a violation of Section 15 of the Non-Support  
26 Punishment Act may be prosecuted under that Act, and a person  
27 convicted under that Act may be sentenced in accordance with  
28 that Act. The sentence may include but need not be limited  
29 to a requirement that the person perform community service  
30 under Section 50 of that Act or participate in a work  
31 alternative program under Section 50 of that Act. A person  
32 may not be required to participate in a work alternative  
33 program under Section 50 of that Act if the person is  
34 currently participating in a work program pursuant to Section

1 505.1 of this Act.

2 A support obligation, or any portion of a support  
3 obligation, which becomes due and remains unpaid for 30 days  
4 or more shall accrue simple interest at the rate of 9% per  
5 annum. An order for support entered or modified on or after  
6 January 1, 2002 shall contain a statement that a support  
7 obligation required under the order, or any portion of a  
8 support obligation required under the order, that becomes due  
9 and remains unpaid for 30 days or more shall accrue simple  
10 interest at the rate of 9% per annum. Failure to include the  
11 statement in the order for support does not affect the  
12 validity of the order or the accrual of interest as provided  
13 in this Section.

14 (c) A one-time charge of 20% is imposable upon the  
15 amount of past-due child support owed on July 1, 1988 which  
16 has accrued under a support order entered by the court. The  
17 charge shall be imposed in accordance with the provisions of  
18 Section 10-21 of the Illinois Public Aid Code and shall be  
19 enforced by the court upon petition.

20 (d) Any new or existing support order entered by the  
21 court under this Section shall be deemed to be a series of  
22 judgments against the person obligated to pay support  
23 thereunder, each such judgment to be in the amount of each  
24 payment or installment of support and each such judgment to  
25 be deemed entered as of the date the corresponding payment or  
26 installment becomes due under the terms of the support order.  
27 Each such judgment shall have the full force, effect and  
28 attributes of any other judgment of this State, including the  
29 ability to be enforced. A lien arises by operation of law  
30 against the real and personal property of the noncustodial  
31 parent for each installment of overdue support owed by the  
32 noncustodial parent.

33 (e) When child support is to be paid through the clerk  
34 of the court in a county of 1,000,000 inhabitants or less,

1 the order shall direct the obligor to pay to the clerk, in  
2 addition to the child support payments, all fees imposed by  
3 the county board under paragraph (3) of subsection (u) of  
4 Section 27.1 of the Clerks of Courts Act. Unless paid in  
5 cash or pursuant to an order for withholding, the payment of  
6 the fee shall be by a separate instrument from the support  
7 payment and shall be made to the order of the Clerk.

8 (f) All orders for support, when entered or modified,  
9 shall include a provision requiring the obligor to notify the  
10 court and, in cases in which a party is receiving child and  
11 spouse services under Article X of the Illinois Public Aid  
12 Code, the Illinois Department of Public Aid, within 7 days,  
13 (i) of the name and address of any new employer of the  
14 obligor, (ii) whether the obligor has access to health  
15 insurance coverage through the employer or other group  
16 coverage and, if so, the policy name and number and the names  
17 of persons covered under the policy, and (iii) of any new  
18 residential or mailing address or telephone number of the  
19 non-custodial parent. In any subsequent action to enforce a  
20 support order, upon a sufficient showing that a diligent  
21 effort has been made to ascertain the location of the  
22 non-custodial parent, service of process or provision of  
23 notice necessary in the case may be made at the last known  
24 address of the non-custodial parent in any manner expressly  
25 provided by the Code of Civil Procedure or this Act, which  
26 service shall be sufficient for purposes of due process.

27 (g) An order for support shall include a date on which  
28 the current support obligation terminates. The termination  
29 date shall be no earlier than the date on which the child  
30 covered by the order will attain the age of majority or is  
31 otherwise emancipated. The order for support shall state that  
32 the termination date does not apply to any arrearage that may  
33 remain unpaid on that date. Nothing in this subsection shall  
34 be construed to prevent the court from modifying the order.

1           (h) An order entered under this Section shall include a  
2 provision requiring the obligor to report to the obligee and  
3 to the clerk of court within 10 days each time the obligor  
4 obtains new employment, and each time the obligor's  
5 employment is terminated for any reason. The report shall be  
6 in writing and shall, in the case of new employment, include  
7 the name and address of the new employer. Failure to report  
8 new employment or the termination of current employment, if  
9 coupled with nonpayment of support for a period in excess of  
10 60 days, is indirect criminal contempt. For any obligor  
11 arrested for failure to report new employment bond shall be  
12 set in the amount of the child support that should have been  
13 paid during the period of unreported employment. An order  
14 entered under this Section shall also include a provision  
15 requiring the obligor and obligee parents to advise each  
16 other of a change in residence within 5 days of the change  
17 except when the court finds that the physical, mental, or  
18 emotional health of a party or that of a minor child, or  
19 both, would be seriously endangered by disclosure of the  
20 party's address.

21           (i) The court does not lose the powers of contempt,  
22 driver's license suspension, or other child support  
23 enforcement mechanisms, including, but not limited to,  
24 criminal prosecution as set forth in this Act, upon the  
25 emancipation of the minor child or children.

26 (Source: P.A. 91-113, eff. 7-15-99; 91-397, eff. 1-1-00;  
27 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; 92-16, eff.  
28 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; revised  
29 10-15-01.)

30           (750 ILCS 5/505.3)

31           Sec. 505.3. Information to State Case Registry.

32           (a) In this Section:

33           "Order for support", "obligor", "obligee", and "business

1 day" are defined as set forth in the Income Withholding for  
2 Support Act.

3 "State Case Registry" means the State Case Registry  
4 established under Section 10-27 of the Illinois Public Aid  
5 Code.

6 (b) Each order for support entered or modified by the  
7 circuit court under this Act shall require that the obligor  
8 and obligee (i) file with the clerk of the circuit court the  
9 information required by this Section (and any other  
10 information required under Title IV, Part D of the Social  
11 Security Act or by the federal Department of Health and Human  
12 Services) at the time of entry or modification of the order  
13 for support and (ii) file updated information with the clerk  
14 within 5 business days of any change. Failure of the obligor  
15 or obligee to file or update the required information shall  
16 be punishable as in cases of contempt. The failure shall not  
17 prevent the court from entering or modifying the order for  
18 support, however.

19 (c) The obligor shall file the following information:  
20 the obligor's name, date of birth, social security number,  
21 and mailing address.

22 If either the obligor or the obligee receives child  
23 support enforcement services from the Illinois Department of  
24 Public Aid under Article X of the Illinois Public Aid Code,  
25 the obligor shall also file the following information: the  
26 obligor's telephone number, driver's license number, and  
27 residential address (if different from the obligor's mailing  
28 address), and the name, address, and telephone number of the  
29 obligor's employer or employers.

30 (d) The obligee shall file the following information:

31 (1) The names of the obligee and the child or  
32 children covered by the order for support.

33 (2) The dates of birth of the obligee and the child  
34 or children covered by the order for support.

1           (3) The social security numbers of the obligee and  
2           the child or children covered by the order for support.

3           (4) The obligee's mailing address.

4           (e) In cases in which the obligee receives child support  
5           enforcement services from the Illinois Department of Public  
6           Aid under Article X of the Illinois Public Aid Code, the  
7           order for support shall (i) require that the obligee file the  
8           information required under subsection (d) with the Illinois  
9           Department of Public Aid for inclusion in the State Case  
10          Registry, rather than file the information with the clerk,  
11          and (ii) require that the obligee include the following  
12          additional information:

13                  (1) The obligee's telephone and driver's license  
14                  numbers.

15                  (2) The obligee's residential address, if different  
16                  from the obligee's mailing address.

17                  (3) The name, address, and telephone number of the  
18                  obligee's employer or employers.

19          The order for support shall also require that the obligee  
20          update the information filed with the Illinois Department of  
21          Public Aid within 5 business days of any change.

22          (f) The clerk shall provide the information filed under  
23          this Section, together with the court docket number and  
24          county in which the order for support was entered, to the  
25          State Case Registry within 5 business days after receipt of  
26          the information.

27          (g) In a case in which a party is receiving child  
28          support enforcement services under Article X of the Illinois  
29          Public Aid Code, the clerk shall provide the following  
30          additional information to the State Case Registry within 5  
31          business days after entry or modification of an order for  
32          support or request from the Illinois Department of Public  
33          Aid:

34                  (1) The amount of monthly or other periodic support

1           owed under the order for support and other amounts,  
2           including arrearage, interest, or late payment penalties  
3           and fees, due or overdue under the order.

4           (2) Any such amounts that have been received by the  
5           clerk, and the distribution of those amounts by the  
6           clerk.

7           (h) Information filed by the obligor and obligee under  
8           this Section that is not specifically required to be included  
9           in the body of an order for support under other laws is not a  
10          public record and shall be treated as confidential and  
11          subject to disclosure only in accordance with the provisions  
12          of this Section, Section 10-27 of the Illinois Public Aid  
13          Code, and Title IV, Part D of the Social Security Act. ~~be~~  
14          (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;  
15          92-463, eff. 8-22-01; revised 10-12-01.)

16          (750 ILCS 5/510) (from Ch. 40, par. 510)

17          Sec. 510. Modification and termination of provisions for  
18          maintenance, support, educational expenses, and property  
19          disposition.

20          (a) Except as otherwise provided in paragraph (f) of  
21          Section 502 and in subsection (b) ~~(d)~~, clause (3) of Section  
22          505.2, the provisions of any judgment respecting maintenance  
23          or support may be modified only as to installments accruing  
24          subsequent to due notice by the moving party of the filing of  
25          the motion for modification and, with respect to maintenance,  
26          only upon a showing of a substantial change in circumstances.  
27          An order for child support may be modified as follows:

28                  (1) upon a showing of a substantial change in  
29                  circumstances; and

30                  (2) without the necessity of showing a substantial  
31                  change in circumstances, as follows:

32                          (A) upon a showing of an inconsistency of at  
33                          least 20%, but no less than \$10 per month, between

1           the amount of the existing order and the amount of  
2           child support that results from application of the  
3           guidelines specified in Section 505 of this Act  
4           unless the inconsistency is due to the fact that the  
5           amount of the existing order resulted from a  
6           deviation from the guideline amount and there has  
7           not been a change in the circumstances that resulted  
8           in that deviation; or

9           (B) Upon a showing of a need to provide for  
10          the health care needs of the child under the order  
11          through health insurance or other means. In no  
12          event shall the eligibility for or receipt of  
13          medical assistance be considered to meet the need to  
14          provide for the child's health care needs.

15          The provisions of subparagraph (a)(2)(A) shall apply only  
16          in cases in which a party is receiving child and spouse  
17          support services from the Illinois Department of Public Aid  
18          under Article X of the Illinois Public Aid Code, and only  
19          when at least 36 months have elapsed since the order for  
20          child support was entered or last modified.

21          (b) The provisions as to property disposition may not be  
22          revoked or modified, unless the court finds the existence of  
23          conditions that justify the reopening of a judgment under the  
24          laws of this State.

25          (c) Unless otherwise agreed by the parties in a written  
26          agreement set forth in the judgment or otherwise approved by  
27          the court, the obligation to pay future maintenance is  
28          terminated upon the death of either party, or the remarriage  
29          of the party receiving maintenance, or if the party receiving  
30          maintenance cohabits with another person on a resident,  
31          continuing conjugal basis.

32          (d) Unless otherwise agreed in writing or expressly  
33          provided in a judgment, provisions for the support of a child  
34          are terminated by emancipation of the child, except as

1 otherwise provided herein, but not by the death of a parent  
2 obligated to support or educate the child. An existing  
3 obligation to pay for support or educational expenses, or  
4 both, is not terminated by the death of a parent. When a  
5 parent obligated to pay support or educational expenses, or  
6 both, dies, the amount of support or educational expenses, or  
7 both, may be enforced, modified, revoked or commuted to a  
8 lump sum payment, as equity may require, and that  
9 determination may be provided for at the time of the  
10 dissolution of the marriage or thereafter.

11 (e) The right to petition for support or educational  
12 expenses, or both, under Sections 505 and 513 is not  
13 extinguished by the death of a parent. Upon a petition filed  
14 before or after a parent's death, the court may award sums of  
15 money out of the decedent's estate for the child's support or  
16 educational expenses, or both, as equity may require. The  
17 time within which a claim may be filed against the estate of  
18 a decedent under Sections 505 and 513 and subsection (d) and  
19 this subsection shall be governed by the provisions of the  
20 Probate Act of 1975, as a barrable, noncontingent claim.

21 (f) A petition to modify or terminate child support,  
22 custody, or visitation shall not delay any child support  
23 enforcement litigation or supplementary proceeding on behalf  
24 of the obligee, including, but not limited to, a petition for  
25 a rule to show cause, for non-wage garnishment, or for a  
26 restraining order.

27 (Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

28 Section 88. The Non-Support Punishment Act is amended by  
29 changing Section 50 as follows:

30 (750 ILCS 16/50)

31 Sec. 50. Community service; work alternative program.

32 (a) In addition to any other penalties imposed against

1 an offender under this Act, the court may order the offender  
2 to perform community service for not less than 30 and not  
3 more than 120 hours per month, if community service is  
4 available in the jurisdiction and is funded and approved by  
5 the county board of the county where the offense was  
6 committed. In addition, whenever any person is placed on  
7 supervision for committing an offense under this Act, the  
8 supervision shall be conditioned on the performance of the  
9 community service.

10 (b) In addition to any other penalties imposed against an  
11 offender under this Act, the court may sentence the offender  
12 to service in a work alternative program administered by the  
13 sheriff. The conditions of the program are that the offender  
14 obtain or retain employment and participate in a work  
15 alternative program administered by the sheriff during  
16 non-working hours. A person may not be required to  
17 participate in a work alternative program under this  
18 subsection if the person is currently participating in a work  
19 program pursuant to another provision of this Act, Section  
20 10-11.1 of the Illinois Public Aid Code, Section 505.1 of the  
21 Illinois Marriage and Dissolution of Marriage Act, or Section  
22 15.1 of the Illinois Parentage Act of 1984.

23 (c) In addition to any other penalties imposed against  
24 an offender under this Act, the court may order, in cases  
25 where the offender has been in violation of this Act for 90  
26 days or more, that the offender's Illinois driving privileges  
27 be suspended until the court determines that the offender is  
28 in compliance with this Act.

29 The court may determine that the offender is in  
30 compliance with this Act if the offender has agreed (i) to  
31 pay all required amounts of support and maintenance as  
32 determined by the court or (ii) to the garnishment of his or  
33 her income for the purpose of paying those amounts.

34 The court may also order that the offender be issued a

1 family financial responsibility driving permit that would  
2 allow limited driving privileges for employment and medical  
3 purposes in accordance with Section 7-702.1 of the Illinois  
4 Vehicle Code. The clerk of the circuit court shall certify  
5 the order suspending the driving privileges of the offender  
6 or granting the issuance of a family financial responsibility  
7 driving permit to the Secretary of State on forms prescribed  
8 by the Secretary. Upon receipt of the authenticated  
9 documents, the Secretary of State shall suspend the  
10 offender's driving privileges until further order of the  
11 court and shall, if ordered by the court, subject to the  
12 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
13 issue a family financial responsibility driving permit to the  
14 offender.

15 (d) If the court determines that the offender has been  
16 in violation of this Act for more than 60 days, the court may  
17 determine whether the offender has applied for or been issued  
18 a professional license by the Department of Professional  
19 Regulation or another licensing agency. If the court  
20 determines that the offender has applied for or been issued  
21 such a license, the court may certify to the Department of  
22 Professional Regulation or other licensing agency that the  
23 offender has been in violation of this Act for more than 60  
24 days so that the Department or other agency may take  
25 appropriate steps with respect to the license or application  
26 as provided in Section 10-65 of the Illinois Administrative  
27 Procedure Act and Section 2105-15 of the Department of  
28 Professional Regulation Law 60 of the Civil Administrative  
29 Code of Illinois. The court may take the actions required  
30 under this subsection in addition to imposing any other  
31 penalty authorized under this Act.

32 (Source: P.A. 91-613, eff. 10-1-99; revised 12-04-01.)

33 Section 89. The Adoption Act is amended by changing

1 Section 1 as follows:

2 (750 ILCS 50/1) (from Ch. 40, par. 1501)

3 Sec. 1. Definitions. When used in this Act, unless the  
4 context otherwise requires:

5 A. "Child" means a person under legal age subject to  
6 adoption under this Act.

7 B. "Related child" means a child subject to adoption  
8 where either or both of the adopting parents stands in any of  
9 the following relationships to the child by blood or  
10 marriage: parent, grand-parent, brother, sister, step-parent,  
11 step-grandparent, step-brother, step-sister, uncle, aunt,  
12 great-uncle, great-aunt, or cousin of first degree. A child  
13 whose parent has executed a final irrevocable consent to  
14 adoption or a final irrevocable surrender for purposes of  
15 adoption, or whose parent has had his or her parental rights  
16 terminated, is not a related child to that person, unless the  
17 consent is determined to be void or is void pursuant to  
18 subsection 0 of Section 10.

19 C. "Agency" for the purpose of this Act means a public  
20 child welfare agency or a licensed child welfare agency.

21 D. "Unfit person" means any person whom the court shall  
22 find to be unfit to have a child, without regard to the  
23 likelihood that the child will be placed for adoption. The  
24 grounds of unfitness are any one or more of the following,  
25 except that a person shall not be considered an unfit person  
26 for the sole reason that the person has relinquished a child  
27 in accordance with the Abandoned Newborn Infant Protection  
28 Act:

29 (a) Abandonment of the child.

30 (a-1) Abandonment of a newborn infant in a  
31 hospital.

32 (a-2) Abandonment of a newborn infant in any  
33 setting where the evidence suggests that the parent

1 intended to relinquish his or her parental rights.

2 (b) Failure to maintain a reasonable degree of  
3 interest, concern or responsibility as to the child's  
4 welfare.

5 (c) Desertion of the child for more than 3 months  
6 next preceding the commencement of the Adoption  
7 proceeding.

8 (d) Substantial neglect of the child if continuous  
9 or repeated.

10 (d-1) Substantial neglect, if continuous or  
11 repeated, of any child residing in the household which  
12 resulted in the death of that child.

13 (e) Extreme or repeated cruelty to the child.

14 (f) Two or more findings of physical abuse to any  
15 children under Section 4-8 of the Juvenile Court Act or  
16 Section 2-21 of the Juvenile Court Act of 1987, the most  
17 recent of which was determined by the juvenile court  
18 hearing the matter to be supported by clear and  
19 convincing evidence; a criminal conviction or a finding  
20 of not guilty by reason of insanity resulting from the  
21 death of any child by physical child abuse; or a finding  
22 of physical child abuse resulting from the death of any  
23 child under Section 4-8 of the Juvenile Court Act or  
24 Section 2-21 of the Juvenile Court Act of 1987.

25 (g) Failure to protect the child from conditions  
26 within his environment injurious to the child's welfare.

27 (h) Other neglect of, or misconduct toward the  
28 child; provided that in making a finding of unfitness the  
29 court hearing the adoption proceeding shall not be bound  
30 by any previous finding, order or judgment affecting or  
31 determining the rights of the parents toward the child  
32 sought to be adopted in any other proceeding except such  
33 proceedings terminating parental rights as shall be had  
34 under either this Act, the Juvenile Court Act or the

1 Juvenile Court Act of 1987.

2 (i) Depravity. Conviction of any one of the  
3 following crimes shall create a presumption that a parent  
4 is depraved which can be overcome only by clear and  
5 convincing evidence: (1) first degree murder in violation  
6 of paragraph 1 or 2 of subsection (a) of Section 9-1 of  
7 the Criminal Code of 1961 or conviction of second degree  
8 murder in violation of subsection (a) of Section 9-2 of  
9 the Criminal Code of 1961 of a parent of the child to be  
10 adopted; (2) first degree murder or second degree murder  
11 of any child in violation of the Criminal Code of 1961;  
12 (3) attempt or conspiracy to commit first degree murder  
13 or second degree murder of any child in violation of the  
14 Criminal Code of 1961; (4) solicitation to commit murder  
15 of any child, solicitation to commit murder of any child  
16 for hire, or solicitation to commit second degree murder  
17 of any child in violation of the Criminal Code of 1961;  
18 or (5) aggravated criminal sexual assault in violation of  
19 Section 12-14(b)(1) of the Criminal Code of 1961.

20 There is a rebuttable presumption that a parent is  
21 depraved if the parent has been criminally convicted of  
22 at least 3 felonies under the laws of this State or any  
23 other state, or under federal law, or the criminal laws  
24 of any United States territory; and at least one of these  
25 convictions took place within 5 years of the filing of  
26 the petition or motion seeking termination of parental  
27 rights.

28 There is a rebuttable presumption that a parent is  
29 depraved if that parent has been criminally convicted of  
30 either first or second degree murder of any person as  
31 defined in the Criminal Code of 1961 within 10 years of  
32 the filing date of the petition or motion to terminate  
33 parental rights.

34 (j) Open and notorious adultery or fornication.

1 (j-1) (Blank).

2 (k) Habitual drunkenness or addiction to drugs,  
3 other than those prescribed by a physician, for at least  
4 one year immediately prior to the commencement of the  
5 unfitness proceeding.

6 There is a rebuttable presumption that a parent is  
7 unfit under this subsection with respect to any child to  
8 which that parent gives birth where there is a confirmed  
9 test result that at birth the child's blood, urine, or  
10 meconium contained any amount of a controlled substance  
11 as defined in subsection (f) of Section 102 of the  
12 Illinois Controlled Substances Act or metabolites of such  
13 substances, the presence of which in the newborn infant  
14 was not the result of medical treatment administered to  
15 the mother or the newborn infant; and the biological  
16 mother of this child is the biological mother of at least  
17 one other child who was adjudicated a neglected minor  
18 under subsection (c) of Section 2-3 of the Juvenile Court  
19 Act of 1987.

20 (l) Failure to demonstrate a reasonable degree of  
21 interest, concern or responsibility as to the welfare of  
22 a new born child during the first 30 days after its  
23 birth.

24 (m) Failure by a parent (i) to make reasonable  
25 efforts to correct the conditions that were the basis for  
26 the removal of the child from the parent, or (ii) to make  
27 reasonable progress toward the return of the child to the  
28 parent within 9 months after an adjudication of neglected  
29 or abused minor under Section 2-3 of the Juvenile Court  
30 Act of 1987 or dependent minor under Section 2-4 of that  
31 Act, or (iii) to make reasonable progress toward the  
32 return of the child to the parent during any 9-month  
33 period after the end of the initial 9-month period  
34 following the adjudication of neglected or abused minor

1 under Section 2-3 of the Juvenile Court Act of 1987 or  
2 dependent minor under Section 2-4 of that Act. If a  
3 service plan has been established as required under  
4 Section 8.2 of the Abused and Neglected Child Reporting  
5 Act to correct the conditions that were the basis for the  
6 removal of the child from the parent and if those  
7 services were available, then, for purposes of this Act,  
8 "failure to make reasonable progress toward the return of  
9 the child to the parent" includes (I) the parent's  
10 failure to substantially fulfill his or her obligations  
11 under the service plan and correct the conditions that  
12 brought the child into care within 9 months after the  
13 adjudication under Section 2-3 or 2-4 of the Juvenile  
14 Court Act of 1987 and (II) the parent's failure to  
15 substantially fulfill his or her obligations under the  
16 service plan and correct the conditions that brought the  
17 child into care during any 9-month period after the end  
18 of the initial 9-month period following the adjudication  
19 under Section 2-3 or 2-4 of the Juvenile Court Act of  
20 1987.

21 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
22 child has been in foster care for 15 months out of any 22  
23 month period which begins on or after the effective date  
24 of this amendatory Act of 1998 unless the child's parent  
25 can prove by a preponderance of the evidence that it is  
26 more likely than not that it will be in the best  
27 interests of the child to be returned to the parent  
28 within 6 months of the date on which a petition for  
29 termination of parental rights is filed under the  
30 Juvenile Court Act of 1987. The 15 month time limit is  
31 tolled during any period for which there is a court  
32 finding that the appointed custodian or guardian failed  
33 to make reasonable efforts to reunify the child with his  
34 or her family, provided that (i) the finding of no

1 reasonable efforts is made within 60 days of the period  
2 when reasonable efforts were not made or (ii) the parent  
3 filed a motion requesting a finding of no reasonable  
4 efforts within 60 days of the period when reasonable  
5 efforts were not made. For purposes of this subdivision  
6 (m-1), the date of entering foster care is the earlier  
7 of: (i) the date of a judicial finding at an adjudicatory  
8 hearing that the child is an abused, neglected, or  
9 dependent minor; or (ii) 60 days after the date on which  
10 the child is removed from his or her parent, guardian, or  
11 legal custodian.

12 (n) Evidence of intent to forgo his or her parental  
13 rights, whether or not the child is a ward of the court,  
14 (1) as manifested by his or her failure for a period of  
15 12 months: (i) to visit the child, (ii) to communicate  
16 with the child or agency, although able to do so and not  
17 prevented from doing so by an agency or by court order,  
18 or (iii) to maintain contact with or plan for the future  
19 of the child, although physically able to do so, or (2)  
20 as manifested by the father's failure, where he and the  
21 mother of the child were unmarried to each other at the  
22 time of the child's birth, (i) to commence legal  
23 proceedings to establish his paternity under the Illinois  
24 Parentage Act of 1984 or the law of the jurisdiction of  
25 the child's birth within 30 days of being informed,  
26 pursuant to Section 12a of this Act, that he is the  
27 father or the likely father of the child or, after being  
28 so informed where the child is not yet born, within 30  
29 days of the child's birth, or (ii) to make a good faith  
30 effort to pay a reasonable amount of the expenses related  
31 to the birth of the child and to provide a reasonable  
32 amount for the financial support of the child, the court  
33 to consider in its determination all relevant  
34 circumstances, including the financial condition of both

1 parents; provided that the ground for termination  
2 provided in this subparagraph (n)(2)(ii) shall only be  
3 available where the petition is brought by the mother or  
4 the husband of the mother.

5 Contact or communication by a parent with his or her  
6 child that does not demonstrate affection and concern  
7 does not constitute reasonable contact and planning under  
8 subdivision (n). In the absence of evidence to the  
9 contrary, the ability to visit, communicate, maintain  
10 contact, pay expenses and plan for the future shall be  
11 presumed. The subjective intent of the parent, whether  
12 expressed or otherwise, unsupported by evidence of the  
13 foregoing parental acts manifesting that intent, shall  
14 not preclude a determination that the parent has intended  
15 to forgo his or her parental rights. In making this  
16 determination, the court may consider but shall not  
17 require a showing of diligent efforts by an authorized  
18 agency to encourage the parent to perform the acts  
19 specified in subdivision (n).

20 It shall be an affirmative defense to any allegation  
21 under paragraph (2) of this subsection that the father's  
22 failure was due to circumstances beyond his control or to  
23 impediments created by the mother or any other person  
24 having legal custody. Proof of that fact need only be by  
25 a preponderance of the evidence.

26 (o) Repeated or continuous failure by the parents,  
27 although physically and financially able, to provide the  
28 child with adequate food, clothing, or shelter.

29 (p) Inability to discharge parental  
30 responsibilities supported by competent evidence from a  
31 psychiatrist, licensed clinical social worker, or  
32 clinical psychologist of mental impairment, mental  
33 illness or mental retardation as defined in Section 1-116  
34 of the Mental Health and Developmental Disabilities Code,

1 or developmental disability as defined in Section 1-106  
2 of that Code, and there is sufficient justification to  
3 believe that the inability to discharge parental  
4 responsibilities shall extend beyond a reasonable time  
5 period. However, this subdivision (p) shall not be  
6 construed so as to permit a licensed clinical social  
7 worker to conduct any medical diagnosis to determine  
8 mental illness or mental impairment.

9 (q) The parent has been criminally convicted of  
10 aggravated battery, heinous battery, or attempted murder  
11 of any child.

12 (r) The child is in the temporary custody or  
13 guardianship of the Department of Children and Family  
14 Services, the parent is incarcerated as a result of  
15 criminal conviction at the time the petition or motion  
16 for termination of parental rights is filed, prior to  
17 incarceration the parent had little or no contact with  
18 the child or provided little or no support for the child,  
19 and the parent's incarceration will prevent the parent  
20 from discharging his or her parental responsibilities for  
21 the child for a period in excess of 2 years after the  
22 filing of the petition or motion for termination of  
23 parental rights.

24 (s) The child is in the temporary custody or  
25 guardianship of the Department of Children and Family  
26 Services, the parent is incarcerated at the time the  
27 petition or motion for termination of parental rights is  
28 filed, the parent has been repeatedly incarcerated as a  
29 result of criminal convictions, and the parent's repeated  
30 incarceration has prevented the parent from discharging  
31 his or her parental responsibilities for the child.

32 (t) A finding that at birth the child's blood,  
33 urine, or meconium contained any amount of a controlled  
34 substance as defined in subsection (f) of Section 102 of

1 the Illinois Controlled Substances Act, or a metabolite  
2 of a controlled substance, with the exception of  
3 controlled substances or metabolites of such substances,  
4 the presence of which in the newborn infant was the  
5 result of medical treatment administered to the mother or  
6 the newborn infant, and that the biological mother of  
7 this child is the biological mother of at least one other  
8 child who was adjudicated a neglected minor under  
9 subsection (c) of Section 2-3 of the Juvenile Court Act  
10 of 1987, after which the biological mother had the  
11 opportunity to enroll in and participate in a clinically  
12 appropriate substance abuse counseling, treatment, and  
13 rehabilitation program.

14 E. "Parent" means the father or mother of a legitimate  
15 or illegitimate child. For the purpose of this Act, a person  
16 who has executed a final and irrevocable consent to adoption  
17 or a final and irrevocable surrender for purposes of  
18 adoption, or whose parental rights have been terminated by a  
19 court, is not a parent of the child who was the subject of  
20 the consent or surrender, unless the consent is void pursuant  
21 to subsection O of Section 10.

22 F. A person is available for adoption when the person  
23 is:

24 (a) a child who has been surrendered for adoption  
25 to an agency and to whose adoption the agency has  
26 thereafter consented;

27 (b) a child to whose adoption a person authorized  
28 by law, other than his parents, has consented, or to  
29 whose adoption no consent is required pursuant to Section  
30 8 of this Act;

31 (c) a child who is in the custody of persons who  
32 intend to adopt him through placement made by his  
33 parents;

34 (c-1) a child for whom a parent has signed a

1 specific consent pursuant to subsection O of Section 10;

2 (d) an adult who meets the conditions set forth in  
3 Section 3 of this Act; or

4 (e) a child who has been relinquished as defined in  
5 Section 10 of the Abandoned Newborn Infant Protection  
6 Act.

7 A person who would otherwise be available for adoption  
8 shall not be deemed unavailable for adoption solely by reason  
9 of his or her death.

10 G. The singular includes the plural and the plural  
11 includes the singular and the "male" includes the "female",  
12 as the context of this Act may require.

13 H. "Adoption disruption" occurs when an adoptive  
14 placement does not prove successful and it becomes necessary  
15 for the child to be removed from placement before the  
16 adoption is finalized.

17 I. "Foreign placing agency" is an agency or individual  
18 operating in a country or territory outside the United States  
19 that is authorized by its country to place children for  
20 adoption either directly with families in the United States  
21 or through United States based international agencies.

22 J. "Immediate relatives" means the biological parents,  
23 the parents of the biological parents and siblings of the  
24 biological parents.

25 K. "Intercountry adoption" is a process by which a child  
26 from a country other than the United States is adopted.

27 L. "Intercountry Adoption Coordinator" is a staff person  
28 of the Department of Children and Family Services appointed  
29 by the Director to coordinate the provision of services by  
30 the public and private sector to prospective parents of  
31 foreign-born children.

32 M. "Interstate Compact on the Placement of Children" is  
33 a law enacted by most states for the purpose of establishing  
34 uniform procedures for handling the interstate placement of

1 children in foster homes, adoptive homes, or other child care  
2 facilities.

3 N. "Non-Compact state" means a state that has not  
4 enacted the Interstate Compact on the Placement of Children.

5 O. "Preadoption requirements" are any conditions  
6 established by the laws or regulations of the Federal  
7 Government or of each state that must be met prior to the  
8 placement of a child in an adoptive home.

9 P. "Abused child" means a child whose parent or  
10 immediate family member, or any person responsible for the  
11 child's welfare, or any individual residing in the same home  
12 as the child, or a paramour of the child's parent:

13 (a) inflicts, causes to be inflicted, or allows to  
14 be inflicted upon the child physical injury, by other  
15 than accidental means, that causes death, disfigurement,  
16 impairment of physical or emotional health, or loss or  
17 impairment of any bodily function;

18 (b) creates a substantial risk of physical injury  
19 to the child by other than accidental means which would  
20 be likely to cause death, disfigurement, impairment of  
21 physical or emotional health, or loss or impairment of  
22 any bodily function;

23 (c) commits or allows to be committed any sex  
24 offense against the child, as sex offenses are defined in  
25 the Criminal Code of 1961 and extending those definitions  
26 of sex offenses to include children under 18 years of  
27 age;

28 (d) commits or allows to be committed an act or  
29 acts of torture upon the child; or

30 (e) inflicts excessive corporal punishment.

31 Q. "Neglected child" means any child whose parent or  
32 other person responsible for the child's welfare withholds or  
33 denies nourishment or medically indicated treatment including  
34 food or care denied solely on the basis of the present or

1 anticipated mental or physical impairment as determined by a  
2 physician acting alone or in consultation with other  
3 physicians or otherwise does not provide the proper or  
4 necessary support, education as required by law, or medical  
5 or other remedial care recognized under State law as  
6 necessary for a child's well-being, or other care necessary  
7 for his or her well-being, including adequate food, clothing  
8 and shelter; or who is abandoned by his or her parents or  
9 other person responsible for the child's welfare.

10 A child shall not be considered neglected or abused for  
11 the sole reason that the child's parent or other person  
12 responsible for his or her welfare depends upon spiritual  
13 means through prayer alone for the treatment or cure of  
14 disease or remedial care as provided under Section 4 of the  
15 Abused and Neglected Child Reporting Act. A child shall not  
16 be considered neglected or abused for the sole reason that  
17 the child's parent or other person responsible for the  
18 child's welfare failed to vaccinate, delayed vaccination, or  
19 refused vaccination for the child due to a waiver on  
20 religious or medical grounds as permitted by the law.

21 R. "Putative father" means a man who may be a child's  
22 father, but who (1) is not married to the child's mother on  
23 or before the date that the child was or is to be born and  
24 (2) has not established paternity of the child in a court  
25 proceeding before the filing of a petition for the adoption  
26 of the child. The term includes a male who is less than 18  
27 years of age. "Putative father" does not mean a man who is  
28 the child's father as a result of criminal sexual abuse or  
29 assault as defined under Article 12 of the Criminal Code of  
30 1961. A child shall not be considered neglected or abused  
31 for the sole reason that the child's parent or other person  
32 responsible for the child's welfare failed to vaccinate,  
33 delayed vaccination, or refused vaccination for the child due  
34 to a waiver on religious or medical grounds as permitted by

1 the law.

2 S. "Standby adoption" means an adoption in which a  
3 terminally ill parent consents to custody and termination of  
4 parental rights to become effective upon the occurrence of a  
5 future event, which is either the death of the terminally ill  
6 parent or the request of the parent for the entry of a final  
7 judgment of adoption.

8 T. "Terminally ill parent" means a person who has a  
9 medical prognosis by a physician licensed to practice  
10 medicine in all of its branches that the person has an  
11 incurable and irreversible condition which will lead to  
12 death.

13 (Source: P.A. 91-357, eff. 7-29-99; 91-373, eff. 1-1-00;  
14 91-572, eff. 1-1-00; 92-16, eff. 6-28-01; 92-375, eff.  
15 1-1-02; 92-408, eff. 8-17-01; 92-432, eff. 8-17-01; revised  
16 10-15-01.)

17 Section 90. The Illinois Domestic Violence Act of 1986  
18 is amended by changing Section 222 as follows:

19 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

20 Sec. 222. Notice of orders.

21 (a) Entry and issuance. Upon issuance of any order of  
22 protection, the clerk shall immediately, or on the next court  
23 day if an emergency order is issued in accordance with  
24 subsection (c) of Section 217, (i) enter the order on the  
25 record and file it in accordance with the circuit court  
26 procedures and (ii) provide a file stamped copy of the order  
27 to respondent, if present, and to petitioner.

28 (b) Filing with sheriff. The clerk of the issuing judge  
29 shall, or the petitioner may, on the same day that an order  
30 of protection is issued, file a certified copy of that order  
31 with the sheriff or other law enforcement officials charged  
32 with maintaining Department of State Police records or

1 charged with serving the order upon respondent. If the order  
2 was issued in accordance with subsection (c) of Section 217,  
3 the clerk shall on the next court day, file a certified copy  
4 of the order with the Sheriff or other law enforcement  
5 officials charged with maintaining Department of State Police  
6 records.

7 (c) Service by sheriff. Unless respondent was present  
8 in court when the order was issued, the sheriff, other law  
9 enforcement official or special process server shall promptly  
10 serve that order upon respondent and file proof of such  
11 service, in the manner provided for service of process in  
12 civil proceedings. Instead of serving the order upon the  
13 respondent, however, the sheriff, other law enforcement  
14 official, or special process server may serve the respondent  
15 with a short form notification as provided in Section 222.10.  
16 If process has not yet been served upon the respondent, it  
17 shall be served with the order or short form notification. A  
18 single fee may be charged for service of an order obtained in  
19 civil court, or for service of such an order together with  
20 process, unless waived or deferred under Section 210.

21 (c-5) If the person against whom the order of protection  
22 is issued is arrested and the written order is issued in  
23 accordance with subsection (c) of Section 217 and received by  
24 the custodial law enforcement agency before the respondent or  
25 arrestee is released from custody, the custodial law  
26 enforcement agent shall promptly serve the order upon the  
27 respondent or arrestee before the respondent or arrestee is  
28 released from custody. In no event shall detention of the  
29 respondent or arrestee be extended for hearing on the  
30 petition for order of protection or receipt of the order  
31 issued under Section 217 of this Act.

32 (d) Extensions, modifications and revocations. Any  
33 order extending, modifying or revoking any order of  
34 protection shall be promptly recorded, issued and served as

1 provided in this Section.

2 (e) Notice to schools. Upon the request of the  
3 petitioner, within 24 hours of the issuance of an order of  
4 protection, the clerk of the issuing judge shall send written  
5 notice of the order of protection along with a certified copy  
6 of the order of protection to the day-care facility,  
7 pre-school or pre-kindergarten, or private school or the  
8 principal office of the public school district or any college  
9 or university in which any child who is a protected person  
10 under the order of protection or any child of the petitioner  
11 is enrolled. If the child transfers enrollment to another  
12 day-care facility, pre-school, pre-kindergarten, private  
13 school, public school, college, or university, the petitioner  
14 may, within 24 hours of the transfer, send to the clerk  
15 written notice of the transfer, including the name and  
16 address of the institution to which the child is  
17 transferring. Within 24 hours of receipt of notice from the  
18 petitioner that a child is transferring to another day-care  
19 facility, pre-school, pre-kindergarten, private school,  
20 public school, college, or university, the clerk shall send  
21 written notice of the order of protection, along with a  
22 certified copy of the order, to the institution to which the  
23 child is transferring.

24 (f) Disclosure by schools. After receiving a certified  
25 copy of an order of protection that prohibits a respondent's  
26 access to records, neither a day-care facility, pre-school,  
27 pre-kindergarten, public or private school, college, or  
28 university nor its employees shall allow a respondent access  
29 to a protected child's records or release information in  
30 those records to the respondent. The school shall file the  
31 copy of the order of protection in the records of a child who  
32 is a protected person under the order of protection. When a  
33 child who is a protected person under the order of protection  
34 transfers to another day-care facility, pre-school,

1 pre-kindergarten, public or private school, college, or  
2 university, the institution from which the child is  
3 transferring may, at the request of the petitioner, provide,  
4 within 24 hours of the transfer, written notice of the order  
5 of protection, along with a certified copy of the order, to  
6 the institution to which the child is transferring.  
7 (Source: P.A. 92-90, eff. 7-18-01; 92-162, eff. 1-1-02;  
8 revised 9-18-01.)

9 Section 91. The Cemetery Care Act is amended by changing  
10 Section 2 as follows:

11 (760 ILCS 100/2) (from Ch. 21, par. 64.2)

12 Sec. 2. Definitions. The following words, terms and  
13 phrases used in this Act, for the purpose of this Act, have  
14 the following meanings:

15 "Person" means any person, partnership, association,  
16 corporation, or other entity.

17 "Trustee" means any person authorized to hold funds under  
18 this Act.

19 "Comptroller" means the Comptroller of the State of  
20 Illinois.

21 "Care" means the maintenance of a cemetery and of the  
22 lots, graves, crypts, niches, family mausoleums, memorials,  
23 and markers therein; including: (i) the cutting and trimming  
24 of lawn, shrubs, and trees at reasonable intervals; (ii)  
25 keeping in repair the drains, water lines, roads, buildings,  
26 fences, and other structures, in keeping with a well  
27 maintained cemetery; (iii) maintenance of machinery, tools,  
28 and equipment for such care; (iv) compensation of employees,  
29 payment of insurance premiums, and reasonable payments for  
30 employees pension and other benefits plans; and (v) to the  
31 extent surplus income from the care fund is available, the  
32 payment of overhead expenses necessary for such purposes and

1 for maintaining necessary records of lot ownership,  
2 transfers, and burials.

3 "Care funds" as distinguished from receipts from annual  
4 charges or gifts for current or annual care, means any realty  
5 or personalty impressed with a trust by the terms of any  
6 gift, grant, contribution, payment, legacy, or pursuant to  
7 contract, accepted by any cemetery authority owning,  
8 operating, controlling or managing a privately operated  
9 cemetery, or by any trustee or licensee, agent or custodian  
10 for the same, under Section 3 of this Act, and the amounts  
11 set aside under Section 4 of this Act, and any income  
12 accumulated therefrom, where legally so directed by the terms  
13 of the transaction by which the principal was established.

14 "Cemetery" means any land or structure in this State  
15 dedicated to and used, or intended to be used, for the  
16 interment of human remains.

17 "Cemetery authority" means any person, firm, corporation,  
18 trustee, partnership, association or municipality owning,  
19 operating, controlling or managing a cemetery or holding  
20 lands for burial grounds or burial purposes in this State.

21 "Mausoleum crypt" means a space in a mausoleum used or  
22 intended to be used, above or under ground, to entomb human  
23 remains.

24 "Family burying ground" means a cemetery in which no lots  
25 are sold to the public and in which interments are restricted  
26 to a group of persons related to each other by blood or  
27 marriage.

28 "Fraternal cemetery" means a cemetery owned, operated,  
29 controlled, or managed by any fraternal organization or  
30 auxiliary organizations thereof, in which the sale of lots,  
31 graves, crypts or niches is restricted principally to its  
32 members.

33 "Grave" means a space of ground in a cemetery, used, or  
34 intended to be used, for burial.

1 "Investment Company Act of 1940" means Title 15, of the  
2 United States Code, Sections 80a-1 to 80a-51, inclusive, as  
3 amended.

4 "Investment Company" means any issuer (a) whose  
5 securities are purchasable only with care funds or trust  
6 funds, or both; and (b) which is an open and diversified  
7 management company as defined in and registered under the  
8 "Investment Company Act of 1940"; and (c) which has entered  
9 into an agreement with the Comptroller containing such  
10 provisions as the Comptroller by regulation reasonably  
11 requires for the proper administration of this Act.

12 "Municipal cemetery" means a cemetery owned, operated,  
13 controlled or managed by any city, village, incorporated  
14 town, township, county, or other municipal corporation,  
15 political subdivision, or instrumentality thereof authorized  
16 by law to own, operate, or manage a cemetery.

17 "Niche" means a space in a columbarium used or intended  
18 to be used, for inurnment of cremated human remains.

19 "Privately operated cemetery" means any entity that  
20 offers interment rights, entombment rights, or inurnment  
21 ~~inurnments~~ rights, other than a fraternal, municipal, State,  
22 federal or religious cemetery or a family burying ground.

23 "Religious cemetery" means a cemetery owned, operated,  
24 controlled, or managed by any recognized church, religious  
25 society, association or denomination, or by any cemetery  
26 authority or any corporation administering, or through which  
27 is administered, the temporalities of any recognized church,  
28 religious society, association or denomination.

29 "State or federal cemetery" means a cemetery owned,  
30 operated, controlled, or managed by any State or the federal  
31 government or any political subdivision or instrumentality  
32 thereof.

33 "Entombment right" means the right to place individual  
34 human remains or individual cremated human remains in a

1 specific mausoleum crypt or lawn crypt selected by the  
2 consumer for use as a final resting place.

3 "Interment right" means the right to place individual  
4 human remains or cremated human remains in a specific  
5 underground location selected by the consumer for use as a  
6 final resting place.

7 "Inurnment right" means the right to place individual  
8 cremated human remains in a specific niche selected by the  
9 consumer for use as a final resting place.

10 "Lawn crypt" means a permanent underground crypt usually  
11 constructed of reinforced concrete or similar material  
12 installed in multiple units for the entombment of human  
13 remains.

14 "Imputed value" means the retail price of comparable  
15 rights within the same or similar area of the cemetery.

16 (Source: P.A. 90-623, eff. 7-10-98; revised 12-07-01.)

17 Section 92. The General Not For Profit Corporation Act  
18 of 1986 is amended by changing Section 115.10 as follows:

19 (805 ILCS 105/115.10) (from Ch. 32, par. 115.10)

20 Sec. 115.10. Fees for filing documents and issuing  
21 certificates. The Secretary of State shall charge and  
22 collect for:

23 (a) Filing articles of incorporation, \$50.

24 (b) Filing articles of amendment, \$25, unless the  
25 amendment is a restatement of the articles of incorporation,  
26 in which case the fee shall be \$100.

27 (c) Filing articles of merger or, \$25.

28 (d) Filing articles of dissolution, \$5.

29 (e) Filing application to reserve a corporate name, \$25.

30 (f) Filing a notice of transfer of a reserved corporate  
31 name, \$25.

32 (g) Filing statement of change of address of registered

1 office or change of registered agent, or both, if other than  
2 on an annual report, \$5.

3 (h) Filing an application of a foreign corporation for  
4 authority to conduct affairs in this State, \$50.

5 (i) Filing an application of a foreign corporation for  
6 amended authority to conduct affairs in this State, \$25.

7 (j) Filing a copy of amendment to the articles of  
8 incorporation of a foreign corporation holding authority to  
9 conduct affairs in this State, \$25, unless the amendment is a  
10 restatement of the articles of incorporation, in which case  
11 the fee shall be \$100.

12 (k) Filing a copy of articles of merger of a foreign  
13 corporation holding authority to conduct affairs in this  
14 State, \$25.

15 (l) Filing an application for withdrawal and final  
16 report or a copy of articles of dissolution of a foreign  
17 corporation, \$5.

18 (m) Filing an annual report of a domestic or foreign  
19 corporation, \$5.

20 (n) Filing an application for reinstatement of a  
21 domestic or a foreign corporation, \$25.

22 (o) Filing an application for use or change of an  
23 assumed corporate name, \$150 for each year or part thereof  
24 ending in 0 or 5, \$120 for each year or part thereof ending  
25 in 1 or 6, \$90 for each year or part thereof ending in 2 or  
26 7, \$60 for each year or part thereof ending in 3 or 8, \$30  
27 for each year or part thereof ending in 4 or 9, and a renewal  
28 fee for each assumed corporate name, \$150.

29 (p) Filing an application for change or cancellation of  
30 an assumed corporate name, \$5.

31 (q) Filing an application to register the corporate name  
32 of a foreign corporation, \$50; and an annual renewal fee for  
33 the registered name, \$50.

34 (r) Filing an application for cancellation of a

1 registered name of a foreign corporation, \$5.

2 (s) Filing a statement of correction, \$25.

3 (t) Filing an election to accept this Act, \$25.

4 (u) Filing any other statement or report, \$5.

5 (Source: P.A. 92-33, eff. 7-1-01; revised 1-25-02.)

6 Section 93. The Uniform Commercial Code is amended by  
7 changing Section 2A-103 as follows:

8 (810 ILCS 5/2A-103) (from Ch. 26, par. 2A-103)

9 Sec. 2A-103. Definitions and index of definitions.

10 (1) In this Article unless the context otherwise  
11 requires:

12 (a) "Buyer in ordinary course of business" means a  
13 person who, in good faith and without knowledge that the  
14 sale to him or her is in violation of the ownership  
15 rights or security interest or leasehold interest of a  
16 third party in the goods, buys in ordinary course from a  
17 person in the business of selling goods of that kind but  
18 does not include a pawnbroker. "Buying" may be for cash  
19 or by exchange of other property or on secured or  
20 unsecured credit and includes receiving goods or  
21 documents of title under a pre-existing contract for sale  
22 but does not include a transfer in bulk or as security  
23 for or in total or partial satisfaction of a money debt.

24 (b) "Cancellation" occurs when either party puts an  
25 end to the lease contract for default by the other party.

26 (c) "Commercial unit" means such a unit of goods as  
27 by commercial usage is a single whole for purposes of  
28 lease and division of which materially impairs its  
29 character or value on the market or in use. A commercial  
30 unit may be a single article, as a machine, or a set of  
31 articles, as a suite of furniture or a line of machinery,  
32 or a quantity, as a gross or carload, or any other unit

1 treated in use or in the relevant market as a single  
2 whole.

3 (d) "Conforming" goods or performance under a lease  
4 contract means goods or performance that are in  
5 accordance with the obligations under the lease contract.

6 (e) "Consumer lease" means a lease that a lessor  
7 regularly engaged in the business of leasing or selling  
8 makes to a lessee who is an individual and who takes  
9 under the lease primarily for a personal, family, or  
10 household purpose, if the total payments to be made under  
11 the lease contract, excluding payments for options to  
12 renew or buy, do not exceed \$40,000.

13 (f) "Fault" means wrongful act, omission, breach,  
14 or default.

15 (g) "Finance lease" means a lease with respect to  
16 which:

17 (i) the lessor does not select, manufacture,  
18 or supply the goods;

19 (ii) the lessor acquires the goods or the  
20 right to possession and use of the goods in  
21 connection with the lease; and

22 (iii) one of the following occurs:

23 (A) the lessee receives a copy of the  
24 contract by which the lessor acquired the goods  
25 or the right to possession and use of the goods  
26 before signing the lease contract;

27 (B) the lessee's approval of the contract  
28 by which the lessor acquired the goods or the  
29 right to possession and use of the goods is a  
30 condition to effectiveness of the lease  
31 contract;

32 (C) the lessee, before signing the lease  
33 contract, receives an accurate and complete  
34 statement designating the promises and

1           warranties, and any disclaimers of warranties,  
2           limitations or modifications of remedies, or  
3           liquidated damages, including those of a third  
4           party, such as the manufacturer of the goods,  
5           provided to the lessor by the person supplying  
6           the goods in connection with or as part of the  
7           contract by which the lessor acquired the goods  
8           or the right to possession and use of the  
9           goods; or

10           (D) if the lease is not a consumer lease,  
11           the lessor, before the lessee signs the lease  
12           contract, informs the lessee in writing (a) of  
13           the identity of the person supplying the goods  
14           to the lessor, unless the lessee has selected  
15           that person and directed the lessor to acquire  
16           the goods or the right to possession and use of  
17           the goods from that person, (b) that the lessee  
18           is entitled under this Article to the promises  
19           and warranties, including those of any third  
20           party, provided to the lessor by the person  
21           supplying the goods in connection with or as  
22           part of the contract by which the lessor  
23           acquired the goods or the right to possession  
24           and use of the goods, and (c) that the lessee  
25           may communicate with the person supplying the  
26           goods to the lessor and receive an accurate and  
27           complete statement of those promises and  
28           warranties, including any disclaimers and  
29           limitations of them or of remedies.

30           (h) "Goods" means all things that are movable at  
31           the time of identification to the lease contract, or are  
32           fixtures (Section 2A-309), but the term does not include  
33           money, documents, instruments, accounts, chattel paper,  
34           general intangibles, or minerals or the like, including

1 oil and gas, before extraction. The term also includes  
2 the unborn young of animals.

3 (i) "Installment lease contract" means a lease  
4 contract that authorizes or requires the delivery of  
5 goods in separate lots to be separately accepted, even  
6 though the lease contract contains a clause "each  
7 delivery is a separate lease" or its equivalent.

8 (j) "Lease" means a transfer of the right to  
9 possession and use of goods for a term in return for  
10 consideration, but a sale, including a sale on approval  
11 or a sale or return, or retention or creation of a  
12 security interest is not a lease. Unless the context  
13 clearly indicates otherwise, the term includes a  
14 sublease.

15 (k) "Lease agreement" means the bargain, with  
16 respect to the lease, of the lessor and the lessee in  
17 fact as found in their language or by implication from  
18 other circumstances including course of dealing or usage  
19 of trade or course of performance as provided in this  
20 Article. Unless the context clearly indicates otherwise,  
21 the term includes a sublease agreement.

22 (l) "Lease contract" means the total legal  
23 obligation that results from the lease agreement as  
24 affected by this Article and any other applicable rules  
25 of law. Unless the context clearly indicates otherwise,  
26 the term includes a sublease contract.

27 (m) "Leasehold interest" means the interest of the  
28 lessor or the lessee under a lease contract ~~contact~~.

29 (n) "Lessee" means a person who acquires the right  
30 to possession and use of goods under a lease. Unless the  
31 context clearly indicates otherwise, the term includes a  
32 sublessee.

33 (o) "Lessee in ordinary course of business" means a  
34 person who in good faith and without knowledge that the

1 lease to him or her is in violation of the ownership  
2 rights or security interest or leasehold interest of a  
3 third party in the goods leases in ordinary course from a  
4 person in the business of selling or leasing goods of  
5 that kind but does not include a pawnbroker. "Leasing"  
6 may be for cash or by exchange of other property or on  
7 secured or unsecured credit and includes receiving goods  
8 or documents of title under a pre-existing lease contract  
9 but does not include a transfer in bulk or as security  
10 for or in total or partial satisfaction of a money debt.

11 (p) "Lessor" means a person who transfers the right  
12 to possession and use of goods under a lease. Unless the  
13 context clearly indicates otherwise, the term includes a  
14 sublessor.

15 (q) "Lessor's residual interest" means the lessor's  
16 interest in the goods after expiration, termination, or  
17 cancellation of the lease contract.

18 (r) "Lien" means a charge against or interest in  
19 goods to secure payment of a debt or performance of an  
20 obligation, but the term does not include a security  
21 interest.

22 (s) "Lot" means a parcel or a single article that  
23 is the subject matter of a separate lease or delivery,  
24 whether or not it is sufficient to perform the lease  
25 contract.

26 (t) "Merchant lessee" means a lessee that is a  
27 merchant with respect to goods of the kind subject to the  
28 lease.

29 (u) "Present value" means the amount as of a date  
30 certain of one or more sums payable in the future,  
31 discounted to the date certain. The discount is  
32 determined by the interest rate specified by the parties  
33 if the rate was not manifestly unreasonable at the time  
34 the transaction was entered into; otherwise, the discount

1 is determined by a commercially reasonable rate that  
2 takes into account the facts and circumstances of each  
3 case at the time the transaction was entered into.

4 (v) "Purchase" includes taking by sale, lease,  
5 mortgage, security interest, pledge, gift, or any other  
6 voluntary transaction creating an interest in goods.

7 (w) "Sublease" means a lease of goods the right to  
8 possession and use of which was acquired by the lessor as  
9 a lessee under an existing lease.

10 (x) "Supplier" means a person from whom a lessor  
11 buys or leases goods to be leased under a finance lease.

12 (y) "Supply contract" means a contract under which  
13 a lessor buys or leases goods to be leased.

14 (z) "Termination" occurs when either party pursuant  
15 to a power created by agreement or law puts an end to the  
16 lease contract otherwise than for default.

17 (2) Other definitions applying to this Article and the  
18 Sections in which they appear are:

19 "Accessions". Section 2A-310(1).

20 "Construction mortgage". Section 2A-309(1)(d).

21 "Encumbrance". Section 2A-309(1)(e).

22 "Fixtures". Section 2A-309(1)(a).

23 "Fixture filing". Section 2A-309(1)(b).

24 "Purchase money lease". Section 2A-309(1)(c).

25 (3) The following definitions in other Articles apply to  
26 this Article:

27 "Account". Section 9-102(a)(2).

28 "Between merchants". Section 2-104(3).

29 "Buyer". Section 2-103(1)(a).

30 "Chattel paper". Section 9-102(a)(11).

31 "Consumer goods". Section 9-102(a)(23).

32 "Document". Section 9-102(a)(30).

33 "Entrusting". Section 2-403(3).

34 "General intangible". Section 9-102(a)(42).

- 1 "Good faith". Section 2-103(1)(b).
- 2 "Instrument". Section 9-102(a)(47).
- 3 "Merchant". Section 2-104(1).
- 4 "Mortgage". Section 9-102(a)(55).
- 5 "Pursuant to commitment". Section 9-102(a)(68).
- 6 "Receipt". Section 2-103(1)(c).
- 7 "Sale". Section 2-106(1).
- 8 "Sale on approval". Section 2-326.
- 9 "Sale or return". Section 2-326.
- 10 "Seller". Section 2-103(1)(d).

11 (4) In addition, Article 1 contains general definitions  
 12 and principles of construction and interpretation applicable  
 13 throughout this Article.

14 (Source: P.A. 91-893, eff. 7-1-01; revised 12-07-01.)

15 Section 94. The Consumer Fraud and Deceptive Business  
 16 Practices Act is amended by setting forth and renumbering  
 17 multiple versions of Section 2KK as follows:

18 (815 ILCS 505/2KK)

19 Sec. 2KK. Animal cremation services. It is an unlawful  
 20 practice within the meaning of this Act for a provider of  
 21 companion animal cremation services (1) to fail to prepare or  
 22 distribute a written explanation of services as required by  
 23 the Companion Animal Cremation Act; (2) to prepare or  
 24 distribute a written explanation of services under that Act  
 25 that the provider knows or should know to be false or  
 26 misleading; or (3) to knowingly make a false certification  
 27 under Section 20 of that Act.

28 (Source: P.A. 92-287, eff. 1-1-02.)

29 (815 ILCS 505/2LL)

30 Sec. 2LL. ~~2KK~~. Halal food; disclosure.

31 (a) As used in this Section:

1 "Dealer" means any establishment that advertises,  
2 represents, or holds itself out as growing animals in a halal  
3 way or selling, preparing, or maintaining food as halal,  
4 including, but not limited to, manufacturers, animals' farms,  
5 slaughterhouses, wholesalers, stores, restaurants, hotels,  
6 catering facilities, butcher shops, summer camps, bakeries,  
7 delicatessens, supermarkets, grocery stores, licensed health  
8 care facilities, freezer dealers, and food plan companies.  
9 These establishments may also sell, prepare or maintain food  
10 not represented as halal.

11 "Director" means the Director of Agriculture.

12 "Food" means an animal grown to become food for human  
13 consumption, a food, a food product, a food ingredient, a  
14 dietary supplement, or a beverage.

15 "Halal" means prepared under and maintained in strict  
16 compliance with the laws and customs of the Islamic religion  
17 including but not limited to those laws and customs of  
18 zabiha/zebeeha (slaughtered according to appropriate Islamic  
19 codes), and as expressed by reliable recognized Islamic  
20 entities and scholars.

21 (b) Any dealer who grows animals represented to be grown  
22 in a halal way or who prepares, distributes, sells, or  
23 exposes for sale any food represented to be halal shall  
24 disclose the basis upon which those representations are made  
25 by posting the information required by the Director, in  
26 accordance with rules adopted by the Director, on a sign of a  
27 type and size specified by the Director, in a conspicuous  
28 place upon the premises at which the food is sold or exposed  
29 for sale, as required by the Director.

30 (c) Any person subject to the requirements of subsection  
31 (b) does not commit an unlawful practice if the person shows  
32 by a preponderance of the evidence that the person relied in  
33 good faith upon the representations of an animals' farm,  
34 slaughterhouse, manufacturer, processor, packer, or

1 distributor of any food represented to be halal.

2 (d) Possession by a dealer of any animal grown to become  
3 food for consumption or any food not in conformance with the  
4 disclosure required by subsection (b) with respect to that  
5 food is presumptive evidence that the person is in possession  
6 of that food with the intent to sell.

7 (e) Any dealer who grows animals represented to be grown  
8 in a halal way or who prepares, distributes, sells, or  
9 exposes for sale any food represented to be halal shall  
10 comply with all requirements of the Director, including, but  
11 not limited to, recordkeeping, labeling and filing, in  
12 accordance with rules adopted by the Director.

13 (f) Neither an animal represented to be grown in a halal  
14 way to become food for human consumption, nor a food  
15 commodity represented as halal, may be offered for sale by a  
16 dealer until the dealer has registered, with the Director,  
17 documenting information of the certifying Islamic entity  
18 specialized in halal food or the supervising Muslim Inspector  
19 of Halal Food.

20 (g) The Director shall adopt rules to carry out this  
21 Section in accordance with the Illinois Administrative  
22 Procedure Act.

23 (h) It is an unlawful practice under this Act to violate  
24 this Section or the rules adopted by the Director to carry  
25 out this Section.

26 (Source: P.A. 92-394, eff. 1-1-02; revised 10-17-01.)

27 Section 95. The Business Opportunity Sales Law of 1995  
28 is amended by changing Section 5-60 as follows:

29 (815 ILCS 602/5-60)

30 Sec. 5-60. Investigations and subpoenas.

31 (a) The Secretary of State:

32 (1) may make such public or private investigations

1 within or outside of this State as the Secretary of State  
2 deems necessary to determine whether any person has  
3 violated or is about to violate any provision of this Law  
4 or any rule, regulation, or order under this Law, or to  
5 aid in the enforcement of this Law or in the prescribing  
6 of rules and forms under this Law;

7 (2) may require or permit any person to file a  
8 statement, under oath or otherwise as the Secretary of  
9 State determines, as to all the facts and circumstances  
10 concerning the matter to be investigated; and

11 (3) may publish information concerning any  
12 violation of this Law or any rule, regulation, or order  
13 under this Law.

14 (b) For the purpose of any investigation or proceeding  
15 under this Law, the Secretary of State or his or her designee  
16 may administer oaths and affirmations, subpoena witnesses,  
17 compel their attendance, take evidence and require, by  
18 subpoena or other lawful means provided by this Act or the  
19 rules adopted by the Secretary of State, the production of  
20 any books, papers, correspondence, memoranda, agreements, or  
21 other documents or records which the Secretary of State deems  
22 relevant or material to the inquiry.

23 (c) In case of contumacy ~~by~~, or refusal to obey a  
24 subpoena issued to any person under this Section, the  
25 Secretary of State, through the Office of the Attorney  
26 General, may bring an appropriate action in any circuit court  
27 of the State of Illinois for the purpose of enforcing the  
28 subpoena.

29 (d) It shall be a violation of the provisions of this  
30 Law for any person to fail to file with the Secretary of  
31 State any report, document, or statement required to be filed  
32 under the provisions of this Section or to fail to comply  
33 with the terms of any order of the Secretary of State issued  
34 pursuant to this Law.

1 (Source: P.A. 92-308, eff. 1-1-02; revised 1-26-02.)

2 Section 96. The Motor Vehicle Franchise Act is amended  
3 by changing Section 6 as follows:

4 (815 ILCS 710/6) (from Ch. 121 1/2, par. 756)

5 Sec. 6. Warranty agreements; claims; approval; payment;  
6 written disapproval.

7 (a) Every manufacturer, distributor, wholesaler,  
8 distributor branch or division, factory branch or division,  
9 or wholesale branch or division shall properly fulfill any  
10 warranty agreement and adequately and fairly compensate each  
11 of its motor vehicle dealers for labor and parts.

12 (b) In no event shall such compensation fail to include  
13 reasonable compensation for diagnostic work, as well as  
14 repair service, labor, and parts. Time allowances for the  
15 diagnosis and performance of warranty work and service shall  
16 be reasonable and adequate for the work to be performed. In  
17 the determination of what constitutes reasonable compensation  
18 under this Section, the principal factor to be given  
19 consideration shall be the prevailing wage rates being paid  
20 by the dealer in the relevant market area in which the motor  
21 vehicle dealer is doing business, and in no event shall such  
22 compensation of a motor vehicle dealer for warranty service  
23 be less than the rates charged by such dealer for like  
24 service to retail customers for nonwarranty service and  
25 repairs. The franchiser shall reimburse the franchisee for  
26 any parts provided in satisfaction of a warranty at the  
27 prevailing retail price charged by that dealer for the same  
28 parts when not provided in satisfaction of a warranty;  
29 provided that such motor vehicle franchisee's prevailing  
30 retail price is not unreasonable when compared with that of  
31 the holders of motor vehicle franchises from the same motor  
32 vehicle franchiser for identical merchandise in the

1 geographic area in which the motor vehicle franchisee is  
2 engaged in business. All claims, either original or  
3 resubmitted, made by motor vehicle dealers hereunder and  
4 under Section 5 for such labor and parts shall be either  
5 approved or disapproved within 30 days following their  
6 submission. All approved claims shall be paid within 30 days  
7 following their approval. The motor vehicle dealer who  
8 submits a claim which is disapproved shall be notified in  
9 writing of the disapproval within the same period, and each  
10 such notice shall state the specific grounds upon which the  
11 disapproval is based. The motor vehicle dealer shall be  
12 permitted to correct and resubmit such disapproved claims  
13 within 30 days of receipt of disapproval. Any claims not  
14 specifically disapproved in writing within 30 days from their  
15 submission shall be deemed approved and payment shall follow  
16 within 30 days. The manufacturer or franchiser shall have  
17 the right to require reasonable documentation for claims and  
18 to audit such claims within a one year period from the date  
19 the claim was paid or credit issued by the manufacturer or  
20 franchiser, and to charge back any false or unsubstantiated  
21 claims. The audit and charge back provisions of this Section  
22 also apply to all other incentive and reimbursement programs  
23 for a period of 18 months after the date of the transactions  
24 that are subject to audit by the franchiser. However, the  
25 manufacturer retains the right to charge back any fraudulent  
26 claim if the manufacturer establishes in a court of competent  
27 jurisdiction in this State that the claim is fraudulent.

28 (c) The motor vehicle franchiser shall not, by  
29 agreement, by restrictions upon reimbursement, or otherwise,  
30 restrict the nature and extent of services to be rendered or  
31 parts to be provided so that such restriction prevents the  
32 motor vehicle franchisee from satisfying the warranty by  
33 rendering services in a good and workmanlike manner and  
34 providing parts which are required in accordance with

1 generally accepted standards. Any such restriction shall  
2 constitute a prohibited practice.

3 (d) For the purposes of this Section, the "prevailing  
4 retail price charged by that dealer for the same parts" means  
5 the price paid by the motor vehicle franchisee for parts,  
6 including all shipping and other charges, multiplied by the  
7 sum of 1.0 and the franchisee's average percentage markup  
8 over the price paid by the motor vehicle franchisee for parts  
9 purchased by the motor vehicle franchisee from the motor  
10 vehicle franchiser and sold at retail. The motor vehicle  
11 franchisee may establish average percentage markup under this  
12 Section by submitting to the motor vehicle franchiser 100  
13 sequential customer paid service repair orders or 90 days of  
14 customer paid service repair orders, whichever is less,  
15 covering repairs made no more than 180 days before the  
16 submission, and declaring what the average percentage markup  
17 is. The average percentage markup so declared shall go into  
18 effect 30 days following the declaration, subject to audit of  
19 the submitted repair orders by the motor vehicle franchiser  
20 and adjustment of the average percentage markup based on that  
21 audit. Any audit must be conducted within 30 days following  
22 the declaration. Only retail sales not involving warranty  
23 repairs, parts covered by subsection (e) of this Section, or  
24 parts supplied for routine vehicle maintenance, shall be  
25 considered in calculating average percentage markup. No  
26 motor vehicle franchiser shall require a motor vehicle  
27 franchisee to establish average percentage markup by a  
28 methodology, or by requiring information, that is unduly  
29 burdensome or time consuming to provide, including, but not  
30 limited to, part by part or transaction by transaction  
31 calculations. A motor vehicle franchisee shall not request a  
32 change in the average percentage markup more than twice in  
33 one calendar year.

34 (e) If a motor vehicle franchiser supplies a part or

1 parts for use in a repair rendered under a warranty other  
2 than by sale of that part or parts to the motor vehicle  
3 franchisee, the motor vehicle franchisee shall be entitled to  
4 compensation equivalent to the motor vehicle franchisee's  
5 average percentage markup on the part or parts, as if the  
6 part or parts had been sold to the motor vehicle franchisee  
7 by the motor vehicle franchiser. The requirements of this  
8 subsection (e) shall not apply to entire engine assemblies  
9 and entire transmission assemblies. In the case of those  
10 assemblies, the motor vehicle franchiser shall reimburse the  
11 motor vehicle franchisee in the amount of 30% of what the  
12 motor vehicle franchisee would have paid the motor vehicle  
13 franchiser for the assembly if the assembly had not been  
14 supplied by the franchiser other than by the sale of that  
15 assembly to the motor vehicle franchisee.

16 (f) The obligations imposed on motor vehicle franchisers  
17 by this Section shall apply to any parent, subsidiary,  
18 affiliate, or agent of the motor vehicle franchiser, any  
19 person under common ownership or control, any employee of the  
20 motor vehicle franchiser, and any person holding 1% or more  
21 of the shares of any class of securities or other ownership  
22 interest in the motor vehicle franchiser, if a warranty or  
23 service or repair plan is issued by that person instead of or  
24 in addition to one issued by the motor vehicle franchiser.

25 (g) (1) Any motor vehicle franchiser and at least a  
26 majority of its Illinois franchisees of the same line make  
27 may agree in an express written contract citing this Section  
28 upon a uniform warranty reimbursement policy used by  
29 contracting franchisees to perform warranty repairs. The  
30 policy shall only involve either reimbursement for parts used  
31 in warranty repairs or the use of a Uniform Time Standards  
32 Manual, or both. Reimbursement for parts under the agreement  
33 shall be used instead of the franchisees' "prevailing retail  
34 price charged by that dealer for the same parts" as defined

1 in this Section to calculate compensation due from the  
2 franchiser for parts used in warranty repairs. This Section  
3 does not authorize a franchiser and its Illinois franchisees  
4 to establish a uniform hourly labor reimbursement.

5 Each franchiser shall only have one such agreement with  
6 each line make. Any such agreement shall:

7 (A) Establish a uniform parts reimbursement rate.

8 The uniform parts reimbursement rate shall be greater  
9 than the franchiser's nationally established parts  
10 reimbursement rate in effect at the time the first such  
11 agreement becomes effective; however, any subsequent  
12 agreement shall result in a uniform reimbursement rate  
13 that is greater or equal to the rate set forth in the  
14 immediately prior agreement.

15 (B) Apply to all warranty repair orders written  
16 during the period that the agreement is effective.

17 (C) Be available, during the period it is  
18 effective, to any motor vehicle franchisee of the same  
19 line make at any time and on the same terms.

20 (D) Be for a term not to exceed 3 years so long as  
21 any party to the agreement may terminate the agreement  
22 upon the annual anniversary of the agreement and with 30  
23 days' prior written notice; however, the agreement shall  
24 remain in effect for the term of the agreement regardless  
25 of the number of dealers of the same line make that may  
26 terminate the agreement.

27 (2) A franchiser that enters into an agreement with its  
28 franchisees pursuant to paragraph (1) of this subsection (g)  
29 may seek to recover its costs from only those franchisees  
30 that are receiving their "prevailing retail price charged by  
31 that dealer" under subsections (a) through (f) of this  
32 Section, subject to the following requirements:

33 (A) "costs" means the difference between the  
34 uniform reimbursement rate set forth in an agreement

1 entered into pursuant to paragraph (1) of this subsection  
2 (g) and the "prevailing retail price charged by that  
3 dealer" received by those franchisees of the same line  
4 make;

5 (B) the costs shall be recovered only by increasing  
6 the invoice price on new vehicles received by those  
7 franchisees; and

8 (C) price increases imposed for the purpose of  
9 recovering costs imposed by this Section may vary from  
10 time to time and from model to model, but shall apply  
11 uniformly to all franchisees of the same line make in the  
12 State of Illinois that have requested reimbursement for  
13 warranty repairs at their "prevailing retail price  
14 charged by that dealer", except that a franchiser may  
15 make an exception for vehicles that are titled in the  
16 name of a consumer in another state.

17 (3) If a franchiser contracts with its Illinois dealers  
18 pursuant to paragraph (1) of this subsection (g), the  
19 franchiser shall certify under oath to the Motor Vehicle  
20 Review Board that a majority of the franchisees of that line  
21 make did agree to such an agreement and file a sample copy of  
22 the agreement. On an annual basis, each franchiser shall  
23 certify under oath to the Motor Vehicle Review Board that the  
24 reimbursement costs it recovers under paragraph (2) of this  
25 subsection (g) do not exceed the amounts authorized by  
26 paragraph (2) of this subsection (g). The franchiser shall  
27 maintain for a period of 3 years a file that contains the  
28 information upon which its certification is based.

29 (4) If a franchiser and its franchisees do not enter  
30 into an agreement pursuant to paragraph (1) of this  
31 subsection (g), and for any matter that is not the subject of  
32 an agreement, this subsection (g) shall have no effect  
33 whatsoever.

34 (5) For purposes of this subsection (g), a Uniform Time

1 Standard Manual is a document created by a franchiser that  
2 establishes the time allowances for the diagnosis and  
3 performance of warranty work and service. The allowances  
4 shall be reasonable and adequate for the work and service to  
5 be performed. Each franchiser shall have a reasonable and  
6 fair process that allows a franchisee to request a  
7 modification or adjustment of a standard or standards  
8 included in such a manual.

9 (Source: P.A. 91-485, eff. 1-1-00; 92-498, eff. 12-12-01;  
10 revised 1-25-02.)

11 Section 97. The Public Safety Employee Benefits Act is  
12 amended by changing Section 15 as follows:

13 (820 ILCS 320/15)

14 Sec. 15. Required educational benefits. If a  
15 firefighter, law enforcement, or correctional or correctional  
16 probation officer is accidentally or unlawfully and  
17 intentionally killed as specified in subsection (b) of  
18 Section 10 ~~Section-5~~ on or after July 1, 1980, the State  
19 shall waive certain educational expenses which children of  
20 the deceased incur while obtaining a vocational-technical  
21 certificate or an undergraduate education at a State  
22 supported institution. The amount waived by the State shall  
23 be an amount equal to the cost of tuition and matriculation  
24 and registration fees for a total of 120 credit hours. The  
25 child may attend a State vocational-technical school, a  
26 public community college, or a State university. The child  
27 may attend any or all of the institutions specified in this  
28 Section, on either a full-time or part-time basis. The  
29 benefits provided under this Section shall continue to the  
30 child until the child's 25th birthday.

31 (1) Upon failure of any child benefited by the  
32 provisions of this Section to comply with the ordinary

1           and minimum requirements of the institution attended,  
2           both as to discipline and scholarship, the benefits shall  
3           be withdrawn as to the child and no further moneys may be  
4           expended for the child's benefits so long as the failure  
5           or delinquency continues.

6           (2) Only a student in good standing in his or her  
7           respective institution may receive the benefits under  
8           this Section.

9           (3) A child receiving benefits under this Section  
10          must be enrolled according to the customary rules and  
11          requirements of the institution attended.

12         (Source: P.A. 90-535, eff. 11-14-97; revised 9-22-00.)

13          Section 997. No acceleration or delay. Where this Act  
14          makes changes in a statute that is represented in this Act by  
15          text that is not yet or no longer in effect (for example, a  
16          Section represented by multiple versions), the use of that  
17          text does not accelerate or delay the taking effect of (i)  
18          the changes made by this Act or (ii) provisions derived from  
19          any other Public Act.

20          Section 998. No revival or extension. This Act does not  
21          revive or extend any Section or Act otherwise repealed.

22          Section 999. Effective date. This Act takes effect upon  
23          becoming law.

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- 23 625 ILCS 5/11-1201 from Ch. 95 1/2, par. 11-1201
- 24 625 ILCS 5/11-1201.1
- 25 625 ILCS 5/12-215 from Ch. 95 1/2, par. 12-215
- 26 625 ILCS 5/18b-105 from Ch. 95 1/2, par. 18b-105
- 27 625 ILCS 5/18c-2108 from Ch. 95 1/2, par. 18c-2108
- 28 625 ILCS 45/5-7 from Ch. 95 1/2, par. 315-7
- 29 705 ILCS 105/27.6
- 30 705 ILCS 405/5-615
- 31 705 ILCS 405/5-715
- 32 720 ILCS 5/12-21.6
- 33 720 ILCS 5/Art. 16G heading
- 34 725 ILCS 5/110-10 from Ch. 38, par. 110-10

1	730 ILCS 5/3-3-4	from Ch. 38, par. 1003-3-4
2	730 ILCS 5/5-1-22	from Ch. 38, par. 1005-1-22
3	730 ILCS 5/5-5-3	from Ch. 38, par. 1005-5-3
4	730 ILCS 5/5-6-3	from Ch. 38, par. 1005-6-3
5	730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1
6	730 ILCS 5/5-8-3	from Ch. 38, par. 1005-8-3
7	735 ILCS 5/3-101	from Ch. 110, par. 3-101
8	735 ILCS 5/8-402	from Ch. 110, par. 8-402
9	740 ILCS 45/10.1	from Ch. 70, par. 80.1
10	740 ILCS 175/6	from Ch. 127, par. 4106
11	750 ILCS 5/505	from Ch. 40, par. 505
12	750 ILCS 5/505.3	
13	750 ILCS 5/510	from Ch. 40, par. 510
14	750 ILCS 16/50	
15	750 ILCS 50/1	from Ch. 40, par. 1501
16	750 ILCS 60/222	from Ch. 40, par. 2312-22
17	760 ILCS 100/2	from Ch. 21, par. 64.2
18	805 ILCS 105/115.10	from Ch. 32, par. 115.10
19	810 ILCS 5/2A-103	from Ch. 26, par. 2A-103
20	815 ILCS 505/2KK	
21	815 ILCS 505/2LL	
22	815 ILCS 602/5-60	
23	815 ILCS 710/6	from Ch. 121 1/2, par. 756
24	820 ILCS 320/15	