



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB2957

Introduced 2/6/2025, by Rep. Michael J. Kelly

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-1701	from Ch. 95 1/2, par. 18c-1701
625 ILCS 5/18c-1704	from Ch. 95 1/2, par. 18c-1704
815 ILCS 505/2HHHH new	

Amends the Illinois Commercial Transportation Law. In provisions concerning penalties, provides that an officer, employee, or agent shall not be held liable unless the officer, employee, or agent has personally profited from the violation. Provides that the first violation for acting as a broker of household goods shall constitute a Class 4 felony, and each subsequent violation shall constitute a Class 3 felony. Grants the Commission authority to assess a civil penalty not greater than \$25,000 nor less than \$1,000 per violation where the violation consists of acting as a broker of household goods. Prohibits the Commission from accepting reasonable monetary settlement, suspension or revocation of a license or registration, or any other reasonable terms stipulated between the respondent and staff where the violation consists of acting as a broker of household goods. Amends the Consumer Fraud and Deceptive Business Practices Act. Provides that any person who violates the provisions of the Illinois Commercial Transportation Law that make it unlawful for any person to act as a broker of household goods commits an unlawful practice and engages in an unfair competition within the meaning of the Act.

LRB104 09525 LNS 19588 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 18c-1701 and 18c-1704 as follows:

6 (625 ILCS 5/18c-1701) (from Ch. 95 1/2, par. 18c-1701)

7 Sec. 18c-1701. Violations Defined. Each person who fails
8 to comply, in whole or in part, with any provision of this
9 Chapter, Commission regulations or orders shall have committed
10 a violation of this Chapter. Likewise, any person who aids or
11 abets another in such failure to comply shall have committed a
12 violation of this Chapter. The agent of a carrier shall not be
13 found to have aided or abetted in violation of this Chapter
14 where the act of the agent was required by this Chapter,
15 Commission regulations or orders. The act or omission of any
16 officer, employee, or agent within the scope of such person's
17 office, employment or agency shall be deemed the act or
18 omission of the business entity; such entity shall be named as
19 the party defendant or respondent and, unless the officer,
20 employee, or agent has personally profited from the violation,
21 the officer, employee, or agent shall not be held liable.
22 Failure to comply with more than one provision of this Chapter
23 or regulations or orders hereunder shall constitute multiple

1 violations. Each day's continuance of a violation shall
2 constitute a separate violation.

3 (Source: P.A. 84-796.)

4 (625 ILCS 5/18c-1704) (from Ch. 95 1/2, par. 18c-1704)

5 Sec. 18c-1704. Sanctions. Each violation of this Chapter
6 shall subject the violator to the following sanctions, except
7 as otherwise provided elsewhere in this Chapter. Sanctions
8 provided for in this Section may be imposed by the Commission
9 only in compliance with the notice and hearing requirements of
10 Section 18c-2102 of this Chapter.

11 (1) Criminal Misdemeanor Penalties. With the exception of
12 a violation of subsection (13) of Section 18c-5101, each ~~Each~~
13 violation of this Chapter shall constitute a Class C
14 misdemeanor. The first violation of subsection (13) of Section
15 18c-510 shall constitute a Class 4 felony. Each subsequent
16 violation shall constitute a Class 3 felony.

17 (2) Civil Penalties. Except for violations of subsection
18 (13) of Section 18c-510, the ~~The~~ Commission may assess,
19 against any person found by it to have violated this Chapter, a
20 civil penalty not greater than \$1,000 nor less than \$100 per
21 violation. Where the violation is a failure to comply with
22 subsection (13) of Section 18c-510, the Commission may assess
23 a civil penalty not greater than \$25,000 nor less than \$1,000
24 per violation. The penalty assessed by the Commission shall
25 reflect the number and severity of violations found to have

1 been committed. Penalties assessed by the Commission shall be
2 enforced by any court having venue in enforcement cases under
3 this Chapter.

4 (3) Cease and Desist Orders. The Commission may, where a
5 person is found after hearing to have violated this Chapter,
6 Commission regulations or orders, and justice requires, order
7 the person to cease and desist from further or from any future
8 violations. A cease and desist order may be entered on the
9 Commission's own motion or by agreement between the parties.
10 Orders and agreements under this Section shall be valid and
11 enforceable for the period stated therein, not to exceed 2
12 years from the date the order or agreement is approved by the
13 Commission, unless the parties stipulate otherwise. Such
14 orders and agreements shall be enforceable in any court of
15 this State having venue and jurisdiction in enforcement
16 actions under this Chapter. Failure to comply with a
17 Commission cease and desist order shall constitute a violation
18 of this Chapter separate and apart from any underlying
19 violations.

20 (4) Stipulated Settlements.

21 (a) General Provisions. With the exception of
22 violations of subsection (13) of Section 18c-510, the ~~The~~
23 Commission may accept a reasonable monetary settlement,
24 suspension or revocation of a license or registration, or
25 any other reasonable terms stipulated between the
26 respondent and staff, with or without a finding of

1 violations.

2 (b) Presumption of Reasonableness. Such stipulations
3 shall be presumed reasonable. Unless the terms of a
4 stipulation exceed such parameters as the Commission may
5 establish, this presumption is rebuttable only by evidence
6 of record at hearing.

7 (c) Parameters. Parameters for settlement shall be
8 based on type of violation; severity, as measured by
9 revenues from unlawful activities; and number of
10 violations. Minimum settlement amounts may be established.

11 (d) Orders. Orders suspending proposed settlements
12 shall cite reasons for suspension which are specific to
13 the case. Orders rejecting proposed settlements shall
14 recite the grounds on which the settlements are found to
15 be unreasonable and describe the evidence which supports
16 such findings.

17 (5) Injunctive Relief. Any court with jurisdiction and
18 venue for purposes of enforcing this Chapter shall have the
19 power to enjoin any person from committing violations of this
20 Chapter. Suit for penalties shall not be a prerequisite to
21 injunctive relief. No bond shall be required when injunctive
22 relief is granted at the request of the Commission.

23 (6) Suspension or Revocation of Licenses and
24 Registrations.

25 (a) Availability of Suspension and Revocation as
26 Sanctions. Violation of this Chapter by a motor carrier of

1 property or passengers shall, in addition to other
2 sanctions provided herein, subject the violator to
3 suspension or revocation of any or all Commission licenses
4 and registrations. The Commission may impose the sanctions
5 of suspension and revocation. Where the violation is
6 failure of a motor carrier of property or passengers to
7 have in effect and file proof of continuous insurance
8 coverage in accordance with this Chapter, Commission
9 regulations and orders, the license or registration or
10 both may be suspended by telephonic or telegraphic
11 directive, confirmed by certified or registered mail or
12 personal service, pending final disposition of revocation
13 proceedings.

14 (b) Suspension Pending Adjudication. Where the
15 violation is failure of a motor carrier of property to pay
16 a franchise or franchise renewal fee, the license or
17 registration or both may be suspended by certified or
18 registered mail or personally served directive, pending
19 final disposition of revocation proceedings.

20 (c) Special Revocation Procedures.

21 (i) Notice. The Commission shall serve notice upon
22 all persons who have failed to pay a franchise tax,
23 license fee, or penalty required under the Business
24 Corporation Act of 1983, or who have failed to comply
25 with this Chapter, Commission regulations and orders,
26 regarding the filing of proof of continuous insurance

1 or bond coverage, the payment of periodic fees, the
2 filing of periodic reports, the payment of civil
3 penalties, or the filing of rates to the full extent of
4 a carrier's authority. The notice shall advise such
5 person of the apparent violations and state that,
6 unless the Commission receives a written request for
7 hearing or extension of time within 30 days from the
8 date the notice is served, the person's license or
9 registration will be revoked by operation of law
10 without further action by the Commission.

11 (ii) Extensions of Time. The Commission may grant
12 one extension of time not exceeding 60 days where the
13 extension will not endanger the public.

14 (iii) Request for Hearing. If a timely written
15 request for hearing is received, no further action
16 shall be taken until the requirements of Section
17 18c-2102 of this Chapter have been satisfied.

18 (iv) Revocation by Operation of Law. If, at the
19 expiration of the applicable time period, the person
20 has not complied with the pertinent requirements, and
21 a written request for hearing has not been received,
22 the person will be deemed to have waived hearing and
23 the license or registration shall be revoked by
24 operation of law without further action by the
25 Commission as if the Commission has served an order on
26 the date following expiration revoking the license or

1 registration.

2 (7) Probation. The Commission may probate the imposition
3 of any of the sanctions set forth in this Section.

4 (Source: P.A. 88-415.)

5 Section 10. The Consumer Fraud and Deceptive Business
6 Practices Act is amended by adding Section 2HHHH as follows:

7 (815 ILCS 505/2HHHH new)

8 Sec. 2HHHH. Violations concerning brokers of household
9 goods under the Illinois Vehicle Code. Any person who violates
10 subsection (13) of Section 18c-510, making it unlawful for any
11 person to act as a broker of household goods, commits an
12 unlawful practice and engages in an unfair competition within
13 the meaning of this Act. For purposes of this Section, the
14 terms "broker" and "household goods" shall have the same
15 definition as they have in the Illinois Vehicle Code.