

1 AN ACT concerning regulation.

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

4 Section 5. The Currency Exchange Act is amended by changing  
5 Section 15.2 as follows:

6 (205 ILCS 405/15.2) (from Ch. 17, par. 4831)

7 Sec. 15.2. No community currency exchange shall determine  
8 its affairs and close up its business unless it shall first  
9 deposit with the Secretary an amount of money equal to the  
10 whole of its debts, liabilities and lawful demands against it  
11 including the costs and expenses of this proceeding, and shall  
12 surrender to the Secretary its community currency exchange  
13 license, and shall file with the Secretary a statement of  
14 termination signed by the licensee of such community currency  
15 exchange, containing a pronouncement of intent to close up its  
16 business and liquidate its liabilities, and also containing a  
17 sworn list itemizing in full all such debts, liabilities and  
18 lawful demands against it. Corporate licensees shall attach to,  
19 and make a part of such statement of termination, a copy of a  
20 resolution providing for the determination and closing up of  
21 the licensee's affairs, certified by the secretary of such  
22 licensee and duly adopted at a shareholders' meeting by the  
23 holders of at least two-thirds of the outstanding shares

1 entitled to vote at such meeting. Upon the filing with the  
2 Secretary of a statement of termination the Secretary shall  
3 cause notice thereof to be published once each week for three  
4 consecutive weeks in a public newspaper of general circulation  
5 published in the city or village where such community currency  
6 exchange is located, and if no newspaper shall be there  
7 published, then in a public newspaper of general circulation  
8 nearest to said city or village; and such publication shall  
9 give notice that the debts, liabilities and lawful demands  
10 against such community currency exchange will be redeemed by  
11 the Secretary on demand in writing made by the owner thereof,  
12 at any time within one year ~~three years~~ from the date of first  
13 publication. After the expiration of such one-year ~~three-year~~  
14 period, the Secretary shall return to the person or persons  
15 designated in the statement of termination to receive such  
16 repayment and in the proportion therein specified, any balance  
17 of money then remaining in his possession, if any there be,  
18 after first deducting therefrom all unpaid costs and expenses  
19 incurred in connection with this proceeding. The Secretary  
20 shall receive for his services, exclusive of costs and  
21 expenses, two per cent of any amount up to \$5,000.00, and one  
22 per cent of any amount in excess of \$5,000.00, deposited with  
23 him hereunder by any one community currency exchange. Nothing  
24 contained herein shall affect or impair the liability of any  
25 bonding or insurance company on any bond or insurance policy  
26 issued under this Act relating to such community currency

1 exchange.

2 (Source: P.A. 97-315, eff. 1-1-12.)

3 Section 10. The Consumer Installment Loan Act is amended by  
4 changing Section 8 as follows:

5 (205 ILCS 670/8) (from Ch. 17, par. 5408)

6 Sec. 8. Annual license fee - Expenses. Before the 1st ~~15th~~  
7 day of each December, a licensee must pay to the Director, and  
8 the Department must receive, the annual license fee required by  
9 Section 2 for the next succeeding calendar year. The license  
10 shall expire on the first of January unless the license fee has  
11 been paid prior thereto.

12 In addition to such license fee, the reasonable expense of  
13 any examination, investigation or custody by the Director under  
14 any provisions of this Act shall be borne by the licensee.

15 If a licensee fails to renew his or her license by the 31st  
16 day of December, it shall automatically expire and the licensee  
17 is not entitled to a hearing; however, the Director, in his or  
18 her discretion, may reinstate an expired license upon payment  
19 of the annual renewal fee and proof of good cause for failure  
20 to renew.

21 (Source: P.A. 92-398, eff. 1-1-02.)

22 Section 15. The Payday Loan Reform Act is amended by  
23 changing Section 3-5 as follows:

1 (815 ILCS 122/3-5)

2 Sec. 3-5. Licensure.

3 (a) A license to make a payday loan shall state the  
4 address, including city and state, at which the business is to  
5 be conducted and shall state fully the name of the licensee.  
6 The license shall be conspicuously posted in the place of  
7 business of the licensee and shall not be transferable or  
8 assignable.

9 (b) An application for a license shall be in writing and in  
10 a form prescribed by the Secretary. The Secretary may not issue  
11 a payday loan license unless and until the following findings  
12 are made:

13 (1) that the financial responsibility, experience,  
14 character, and general fitness of the applicant are such as  
15 to command the confidence of the public and to warrant the  
16 belief that the business will be operated lawfully and  
17 fairly and within the provisions and purposes of this Act;  
18 and

19 (2) that the applicant has submitted such other  
20 information as the Secretary may deem necessary.

21 (c) A license shall be issued for no longer than one year,  
22 and no renewal of a license may be provided if a licensee has  
23 substantially violated this Act and has not cured the violation  
24 to the satisfaction of the Department.

25 (d) A licensee shall appoint, in writing, the Secretary as

1 attorney-in-fact upon whom all lawful process against the  
2 licensee may be served with the same legal force and validity  
3 as if served on the licensee. A copy of the written  
4 appointment, duly certified, shall be filed in the office of  
5 the Secretary, and a copy thereof certified by the Secretary  
6 shall be sufficient evidence to subject a licensee to  
7 jurisdiction in a court of law. This appointment shall remain  
8 in effect while any liability remains outstanding in this State  
9 against the licensee. When summons is served upon the Secretary  
10 as attorney-in-fact for a licensee, the Secretary shall  
11 immediately notify the licensee by registered mail, enclosing  
12 the summons and specifying the hour and day of service.

13 (e) A licensee must pay an annual fee of \$1,000. In  
14 addition to the license fee, the reasonable expense of any  
15 examination or hearing by the Secretary under any provisions of  
16 this Act shall be borne by the licensee. If a licensee fails to  
17 renew its license by December 1 ~~31~~, its license shall  
18 automatically expire; however, the Secretary, in his or her  
19 discretion, may reinstate an expired license upon:

20 (1) payment of the annual fee within 30 days of the  
21 date of expiration; and

22 (2) proof of good cause for failure to renew.

23 (f) Not more than one place of business shall be maintained  
24 under the same license, but the Secretary may issue more than  
25 one license to the same licensee upon compliance with all the  
26 provisions of this Act governing issuance of a single license.

1 The location, except those locations already in existence as of  
2 June 1, 2005, may not be within one mile of a horse race track  
3 subject to the Illinois Horse Racing Act of 1975, within one  
4 mile of a facility at which gambling is conducted under the  
5 Riverboat Gambling Act, within one mile of the location at  
6 which a riverboat subject to the Riverboat Gambling Act docks,  
7 or within one mile of any State of Illinois or United States  
8 military base or naval installation.

9 (g) No licensee shall conduct the business of making loans  
10 under this Act within any office, suite, room, or place of  
11 business in which (1) any loans are offered or made under the  
12 Consumer Installment Loan Act other than title secured loans as  
13 defined in subsection (a) of Section 15 of the Consumer  
14 Installment Loan Act and governed by Title 38, Section 110.330  
15 of the Illinois Administrative Code or (2) any other business  
16 is solicited or engaged in unless the other business is  
17 licensed by the Department or, in the opinion of the Secretary,  
18 the other business would not be contrary to the best interests  
19 of consumers and is authorized by the Secretary in writing.

20 (g-5) Notwithstanding subsection (g) of this Section, a  
21 licensee may obtain a license under the Consumer Installment  
22 Loan Act (CILA) for the exclusive purpose and use of making  
23 title secured loans, as defined in subsection (a) of Section 15  
24 of CILA and governed by Title 38, Section 110.300 of the  
25 Illinois Administrative Code. A licensee may continue to  
26 service Consumer Installment Loan Act loans that were

1 outstanding as of the effective date of this amendatory Act of  
2 the 96th General Assembly.

3 (h) The Secretary shall maintain a list of licensees that  
4 shall be available to interested consumers and lenders and the  
5 public. The Secretary shall maintain a toll-free number whereby  
6 consumers may obtain information about licensees. The  
7 Secretary shall also establish a complaint process under which  
8 an aggrieved consumer may file a complaint against a licensee  
9 or non-licensee who violates any provision of this Act.

10 (Source: P.A. 96-936, eff. 3-21-11.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law.