



Sen. Michael Connelly

Filed: 5/18/2018

10000HB5141sam001

LRB100 17373 XWW 40410 a

1 AMENDMENT TO HOUSE BILL 5141

2 AMENDMENT NO. _____. Amend House Bill 5141 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Currency Exchange Act is amended by
5 changing 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

1 sworn list itemizing in full all such debts, liabilities and
2 lawful demands against it. Corporate licensees shall attach to,
3 and make a part of such statement of termination, a copy of a
4 resolution providing for the determination and closing up of
5 the licensee's affairs, certified by the secretary of such
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 such meeting. Upon the filing with the
9 Secretary of a statement of termination the Secretary shall
10 cause notice thereof to be published once each week for three
11 consecutive weeks in a public newspaper of general circulation
12 published in the city or village where such community currency
13 exchange is located, and if no newspaper shall be there
14 published, then in a public newspaper of general circulation
15 nearest to said city or village; and such publication shall
16 give notice that the debts, liabilities and lawful demands
17 against such community currency exchange will be redeemed by
18 the Secretary on demand in writing made by the owner thereof,
19 at any time within one year ~~three years~~ from the date of first
20 publication. After the expiration of such one-year ~~three-year~~
21 period, the Secretary shall return to the person or persons
22 designated in the statement of termination to receive such
23 repayment and in the proportion therein specified, any balance
24 of money then remaining in his possession, if any there be,
25 after first deducting therefrom all unpaid costs and expenses
26 incurred in connection with this proceeding. The Secretary

1 shall receive for his services, exclusive of costs and
2 expenses, two per cent of any amount up to \$5,000.00, and one
3 per cent of any amount in excess of \$5,000.00, deposited with
4 him hereunder by any one community currency exchange. Nothing
5 contained herein shall affect or impair the liability of any
6 bonding or insurance company on any bond or insurance policy
7 issued under this Act relating to such community currency
8 exchange.

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

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

12 (205 ILCS 670/8) (from Ch. 17, par. 5408)

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

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

22 If a licensee fails to renew his or her license by the 31st
23 day of December, it shall automatically expire and the licensee
24 is not entitled to a hearing; however, the Director, in his or

1 her discretion, may reinstate an expired license upon payment
2 of the annual renewal fee and proof of good cause for failure
3 to renew.

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

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

7 (815 ILCS 122/3-5)

8 Sec. 3-5. Licensure.

9 (a) A license to make a payday loan shall state the
10 address, including city and state, at which the business is to
11 be conducted and shall state fully the name of the licensee.
12 The license shall be conspicuously posted in the place of
13 business of the licensee and shall not be transferable or
14 assignable.

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

19 (1) that the financial responsibility, experience,
20 character, and general fitness of the applicant are such as
21 to command the confidence of the public and to warrant the
22 belief that the business will be operated lawfully and
23 fairly and within the provisions and purposes of this Act;
24 and

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

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

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

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

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

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

4 (f) Not more than one place of business shall be maintained
5 under the same license, but the Secretary may issue more than
6 one license to the same licensee upon compliance with all the
7 provisions of this Act governing issuance of a single license.
8 The location, except those locations already in existence as of
9 June 1, 2005, may not be within one mile of a horse race track
10 subject to the Illinois Horse Racing Act of 1975, within one
11 mile of a facility at which gambling is conducted under the
12 Riverboat Gambling Act, within one mile of the location at
13 which a riverboat subject to the Riverboat Gambling Act docks,
14 or within one mile of any State of Illinois or United States
15 military base or naval installation.

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

1 (g-5) Notwithstanding subsection (g) of this Section, a
2 licensee may obtain a license under the Consumer Installment
3 Loan Act (CILA) for the exclusive purpose and use of making
4 title secured loans, as defined in subsection (a) of Section 15
5 of CILA and governed by Title 38, Section 110.300 of the
6 Illinois Administrative Code. A licensee may continue to
7 service Consumer Installment Loan Act loans that were
8 outstanding as of the effective date of this amendatory Act of
9 the 96th General Assembly.

10 (h) The Secretary shall maintain a list of licensees that
11 shall be available to interested consumers and lenders and the
12 public. The Secretary shall maintain a toll-free number whereby
13 consumers may obtain information about licensees. The
14 Secretary shall also establish a complaint process under which
15 an aggrieved consumer may file a complaint against a licensee
16 or non-licensee who violates any provision of this Act.

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

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."