



Rep. Peter Breen

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1 AMENDMENT TO SENATE BILL 951

2 AMENDMENT NO. _____. Amend Senate Bill 951 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Sections 10-25 and 10-50 and by adding
6 Section 10-75 as follows:

7 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

8 Sec. 10-25. Contested cases; notice; hearing.

9 (a) In a contested case, all parties shall be afforded an
10 opportunity for a hearing after reasonable notice. The notice
11 shall be served personally, ~~or~~ by certified or registered mail, or
12 email as provided by Section 10-75, or as otherwise provided by
13 law upon the parties or their agents appointed to receive
14 service of process and shall include the following:

15 (1) A statement of the time, place, and nature of the
16 hearing.

1 (2) A statement of the legal authority and jurisdiction
2 under which the hearing is to be held.

3 (3) A reference to the particular Sections of the
4 substantive and procedural statutes and rules involved.

5 (4) Except where a more detailed statement is otherwise
6 provided for by law, a short and plain statement of the
7 matters asserted, the consequences of a failure to respond,
8 and the official file or other reference number.

9 (5) To the extent such information is available, the
10 names, phone numbers, email addresses, and mailing
11 addresses of the administrative law judge, or designated
12 agency contact, ~~all~~ parties, and all other persons to whom
13 the agency gives notice of the hearing unless otherwise
14 confidential by law.

15 (b) An opportunity shall be afforded all parties to be
16 represented by legal counsel and to respond and present
17 evidence and argument.

18 (c) Unless precluded by law, disposition may be made of any
19 contested case by stipulation, agreed settlement, consent
20 order, or default.

21 (Source: P.A. 87-823.)

22 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)
23 Sec. 10-50. Decisions and orders.

24 (a) A final decision or order adverse to a party (other
25 than the agency) in a contested case shall be in writing or

1 stated in the record. A final decision shall include findings
2 of fact and conclusions of law, separately stated. Findings of
3 fact, if set forth in statutory language, shall be accompanied
4 by a concise and explicit statement of the underlying facts
5 supporting the findings. If, in accordance with agency rules, a
6 party submitted proposed findings of fact, the decision shall
7 include a ruling upon each proposed finding. Parties or their
8 agents appointed to receive service of process shall be
9 notified either personally, ~~or~~ by registered or certified mail,
10 or by email as provided by Section 10-75, or as otherwise
11 provided by law ~~of any decision or order~~. Upon request a copy
12 of the decision or order shall be delivered or mailed forthwith
13 to each party and to his attorney of record.

14 (b) All agency orders shall specify whether they are final
15 and subject to the Administrative Review Law.

16 (c) A decision by any agency in a contested case under this
17 Act shall be void unless the proceedings are conducted in
18 compliance with the provisions of this Act relating to
19 contested cases, except to the extent those provisions are
20 waived under Section 10-70 and except to the extent the agency
21 has adopted its own rules for contested cases as authorized in
22 Section 1-5.

23 (Source: P.A. 92-16, eff. 6-28-01.)

24 (5 ILCS 100/10-75 new)

25 Sec. 10-75. Service by email.

1 (a) The following requirements shall apply for consenting
2 to accept service by email:

3 (1) At any time either before or after its issuance of
4 a hearing notice as described in Section 10-25, an agency
5 may require any attorney representing a party to the
6 hearing to provide one or more email addresses at which
7 they consent to accept service of documents described in
8 Sections 10-25 and 10-50 in connection with the hearing. A
9 party represented by an attorney may provide the email
10 address of the attorney.

11 (2) To the extent a person or entity is subject to
12 licensure, permitting, or regulation by the agency, or
13 submits an application for licensure or permitting to the
14 agency, that agency may require, as a condition of such
15 application, licensure, permitting, or regulation, that
16 such persons or entities consent to service by email of the
17 documents described in Sections 10-25 and 10-50 for any
18 hearings that may arise in connection with such
19 application, licensure or regulation, provided that the
20 agency: (i) requires that any person or entity providing
21 such an email address update that email address if it is
22 changed; and (ii) annually verifies that email address.

23 (3) At any time either before or after its issuance of
24 a hearing notice as described in Section 10-25, an agency
25 may request, but not require, an unrepresented party that
26 is not subject to paragraph (2) of this subsection (a) to

1 consent to accept service by email of the documents
2 described in Sections 10-25 and 10-50 by designating an
3 email address at which they will accept service.

4 (4) Any person or entity who submits an email address
5 under this Section shall also be given the option to
6 designate no more than two secondary email addresses at
7 which the person or entity consents to accept service,
8 provided that, if any secondary email address is
9 designated, an agency must serve the documents to both the
10 designated primary and secondary email addresses.

11 (b) Notwithstanding any party's consent to accept service
12 by email, no document described in Sections 10-25 or 10-50 may
13 be served by email to the extent the document contains:

14 (1) a Social Security or individual taxpayer
15 identification number;

16 (2) a driver's license number;

17 (3) a financial account number;

18 (4) a debit or credit card number;

19 (5) any other information that could reasonably be
20 deemed personal, proprietary, confidential, or trade
21 secret information; or

22 (6) any information about or concerning a minor.

23 (c) Service by email is deemed complete on the day of
24 transmission. Agencies that use email to serve documents under
25 Sections 10-25 and 10-50 shall adopt rules that specify the
26 standard for confirming delivery, and in failure to confirm

1 delivery, what steps the agency will take to ensure that
2 service by email or other means is accomplished.

3 (d) This Section shall not apply with respect to any
4 service of notice other than under this Act."