



Sen. Jim Oberweis

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1 AMENDMENT TO SENATE BILL 951

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

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

8 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

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

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

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

1 hearing.

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

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

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

10 (5) The names and mailing addresses of the
11 administrative law judge, all parties, and all other
12 persons to whom the agency gives notice of the hearing
13 unless otherwise confidential by law.

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

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

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

21 (5 ILCS 100/10-50) (from Ch. 127, par. 1010-50)

22 Sec. 10-50. Decisions and orders.

23 (a) A final decision or order adverse to a party (other
24 than the agency) in a contested case shall be in writing or
25 stated in the record. A final decision shall include findings

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

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

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

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

23 (5 ILCS 100/10-75 new)

24 Sec. 10-75. Service by email.

25 (a) The following requirements shall apply for consenting

1 to accept service by email:

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

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