



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2800

by Rep. Emanuel Chris Welch

SYNOPSIS AS INTRODUCED:

805 ILCS 105/114.05	from Ch. 32, par. 114.05
805 ILCS 105/115.20	from Ch. 32, par. 115.20
805 ILCS 180/50-50	
805 ILCS 206/1209	

Amends the General Not For Profit Corporation Act of 1986. Provides that a domestic or foreign corporation shall, in its annual report, supply the rural route number, if applicable, for the address of its principal office. Provides that the Secretary of State may not consider a request submitted by electronic means a request for expedited services solely because of its submission by electronic means, unless expedited service is requested by the filer. Provides that the Secretary may not provide expedited services for the online electronic filing of annual reports or requests for certificates of good standing or certificates of existence under the General Not For Profit Corporation Act of 1986, the Limited Liability Company Act, and the Uniform Partnership Act (1997). Effective July 1, 2019.

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1 AN ACT concerning business.

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

4 Section 5. The General Not For Profit Corporation Act of
5 1986 is amended by changing Sections 114.05 and 115.20 as
6 follows:

7 (805 ILCS 105/114.05) (from Ch. 32, par. 114.05)

8 Sec. 114.05. Annual report of domestic or foreign
9 corporation. Each domestic corporation organized under this
10 Act, and each foreign corporation authorized to conduct affairs
11 in this State, shall file, within the time prescribed by this
12 Act, an annual report setting forth:

13 (a) The name of the corporation.

14 (b) The address, including street and number, or rural
15 route number, of its registered office in this State, and
16 the name of its registered agent at such address.

17 (c) The address, including street and number, or rural
18 route number ~~if any~~, of its principal office.

19 (d) The names and respective addresses, including
20 street and number, or rural route number, of its directors
21 and officers.

22 (e) A brief statement of the character of the affairs
23 which the corporation is actually conducting from among the

1 purposes authorized in Section 103.05 of this Act.

2 (f) Whether the corporation is a Condominium
3 Association as established under the Condominium Property
4 Act, a Cooperative Housing Corporation defined in Section
5 216 of the Internal Revenue Code of 1954 or a Homeowner
6 Association which administers a common-interest community
7 as defined in subsection (c) of Section 9-102 of the Code
8 of Civil Procedure.

9 (g) Such additional information as may be necessary or
10 appropriate in order to enable the Secretary of State to
11 administer this Act and to verify the proper amount of fees
12 payable by the corporation.

13 Such annual report shall be made on forms prescribed and
14 furnished by the Secretary of State, and the information
15 therein required by subsections (a) to (d), both inclusive, of
16 this Section, shall be given as of the date of the execution of
17 the annual report. It shall be executed by the corporation by
18 any authorized officer and verified by him or her, or, if the
19 corporation is in the hands of a receiver or trustee, it shall
20 be executed on behalf of the corporation and verified by such
21 receiver or trustee.

22 (Source: P.A. 93-59, eff. 7-1-03; 94-605, eff. 1-1-06.)

23 (805 ILCS 105/115.20) (from Ch. 32, par. 115.20)

24 Sec. 115.20. Expedited service fees.

25 (a) The Secretary of State may charge and collect a fee for

1 expedited services as follows:

2 ~~Certificates of good standing or fact, \$10,~~

3 All filings, copies of documents, ~~annual reports filed on~~
4 ~~or after January 1, 1984,~~ and copies of documents of dissolved
5 corporations having a file number over 5199, \$25.

6 The Secretary may not consider a request submitted by
7 electronic means a request for expedited services solely
8 because of its submission by electronic means, unless expedited
9 service is requested by the filer.

10 (b) Expedited services shall not be available for a
11 statement of correction or any request for copies involving
12 annual reports filed before January 1, 1984 or involving
13 dissolved corporations with a file number below 5200.

14 (c) All moneys collected under this Section shall be
15 deposited into the Department of Business Services Special
16 Operations Fund. No other fees or taxes collected under this
17 Act shall be deposited into that Fund.

18 (d) As used in this Section, "expedited services" has the
19 meaning ascribed thereto in Section 15.95 of the Business
20 Corporation Act of 1983.

21 (e) The Secretary may not provide expedited services for
22 the online electronic filing of annual reports or requests for
23 certificates of good standing.

24 (Source: P.A. 92-33, eff. 7-1-01; 93-59, eff. 7-1-03.)

25 Section 10. The Limited Liability Company Act is amended by

1 changing Section 50-50 as follows:

2 (805 ILCS 180/50-50)

3 Sec. 50-50. Department of Business Services Special
4 Operations Fund.

5 (a) A special fund in the State treasury is created and
6 shall be known as the Department of Business Services Special
7 Operations Fund. Moneys deposited into the Fund shall, subject
8 to appropriation, be used by the Department of Business
9 Services of the Office of the Secretary of State, hereinafter
10 "Department", to create and maintain the capability to perform
11 expedited services in response to special requests made by the
12 public for same-day or 24-hour service. Moneys deposited into
13 the Fund shall be used for, but not limited to, expenditures
14 for personal services, retirement, Social Security,
15 contractual services, equipment, electronic data processing,
16 and telecommunications.

17 (b) The balance in the Fund at the end of any fiscal year
18 shall not exceed \$600,000, and any amount in excess thereof
19 shall be transferred to the General Revenue Fund.

20 (c) All fees payable to the Secretary of State under this
21 Section shall be deposited into the Fund. No other fees or
22 charges collected under this Act shall be deposited into the
23 Fund.

24 (d) "Expedited services" means services rendered within
25 the same day, or within 24 hours from the time, the request

1 therefor is submitted by the filer, law firm, service company,
2 or messenger physically in person or, at the Secretary of
3 State's discretion, by electronic means, to the Department's
4 Springfield Office and includes, but is not limited to,
5 requests for certified copies, photocopies, and computer
6 abstracts ~~certificates of good standing~~ made in person to the
7 Department's Springfield Office ~~in person or by telephone, or~~
8 ~~requests for certificates of good standing made in person or by~~
9 ~~telephone~~ to the Department's Chicago Office. A request
10 submitted by electronic means may not be considered a request
11 for expedited services solely because of its submission by
12 electronic means, unless expedited service is requested by the
13 filer.

14 (e) Fees for expedited services shall be as follows:

15 Restated articles of organization, \$200;

16 Merger, \$200;

17 Articles of organization, \$100;

18 Articles of amendment, \$100;

19 Reinstatement, \$100;

20 Application for admission to transact business, \$100;

21 Computer Certificate of good standing ~~or abstract of~~
22 ~~computer record~~, \$20;

23 All other filings, copies of documents, ~~annual~~
24 ~~reports~~, and copies of documents of dissolved or revoked
25 limited liability companies, \$50.

26 (f) The Secretary may not provide expedited services for

1 the online electronic filing of annual reports or requests for
2 certificates of good standing.

3 (Source: P.A. 100-186, eff. 7-1-18; 100-561, eff. 7-1-18;
4 revised 9-13-18.)

5 Section 15. The Uniform Partnership Act (1997) is amended
6 by changing Section 1209 as follows:

7 (805 ILCS 206/1209)

8 Sec. 1209. Expedited services; fees.

9 (a) As used in this Section:

10 "Department" means the Department of Business Services of
11 the Office of the Secretary of State.

12 "Expedited services" means services rendered within the
13 same day or within 24 hours after the time the request therefor
14 is submitted by the filer, law firm, service company, or
15 messenger physically, in person, or at the Secretary of State's
16 discretion, by electronic means to the Department's
17 Springfield office or Chicago office and includes requests for
18 certified copies, photocopies, ~~and certificates of existence~~
19 or abstracts of computer record made to the Department's
20 Springfield office in person, by mail, or by fax or requests
21 for certificates of existence or abstracts of computer record
22 made in person to the Department's Chicago office.

23 (b) The Secretary of State shall charge and collect the
24 following fees for expedited services:

1 (1) Statement of Qualification or Foreign
2 Qualification, \$100.

3 (2) Application for Reinstatement, \$100.

4 (3) Statement of Merger, \$200.

5 (4) Computer ~~Certificate of existence or computer~~
6 abstract, \$20.

7 (5) All other filings and copies of documents, \$50.

8 (c) All fees collected by and payable to the Secretary of
9 State under this Section shall be deposited into the Division
10 of Corporations Registered Limited Liability Partnership Fund
11 to the credit of an account within the Fund. Subject to
12 appropriation, moneys in the account shall be used by the
13 Department to create and maintain the capability to perform
14 expedited services in response to special requests made by the
15 public for same-day or 24-hour service and shall also be used
16 for purposes including, but not limited to, expenditures for
17 personal services, retirement, Social Security, contractual
18 services, equipment, electronic data processing, and
19 telecommunications. No other fees or charges collected under
20 this Act shall be credited to the account established under
21 this subsection (c)

22 (d) The Secretary may not provide expedited services for
23 the online electronic filing of annual reports or requests for
24 certificates of existence.

25 (Source: P.A. 100-486, eff. 1-1-18.)

26 Section 99. Effective date. This Act takes effect July 1,

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1 2019.