



Rep. Frank J. Mautino

Filed: 5/18/2011

09700SB1306ham001

LRB097 08920 CEL 55779 a

1 AMENDMENT TO SENATE BILL 1306

2 AMENDMENT NO. _____. Amend Senate Bill 1306 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Collateral Recovery Act.

6 Section 5. Findings; purpose. The General Assembly finds
7 that collateral recovery practices affect public health,
8 safety, and welfare and declares that the purpose of this Act
9 is to regulate individuals and entities engaged in the business
10 of collateral recovery for the protection of the public.

11 Section 10. Definitions. In this Act:

12 "Assignment" means a written authorization by a legal
13 owner, lien holder, lessor, lessee, or licensed repossession
14 agency authorized by a legal owner, lien holder, lessor or
15 lessee to locate or repossess, involuntarily or voluntarily,

1 any collateral, including, but not limited to, collateral
2 registered under the Illinois Vehicle Code that is subject to a
3 security agreement that contains a repossession clause or is
4 the subject of a rental or lease agreement.

5 "Assignment" also means a written authorization by an
6 employer to recover any collateral entrusted to an employee or
7 former employee if the possessor is wrongfully in the
8 possession of the collateral. A photocopy, facsimile copy, or
9 electronic copy of an assignment shall have the same force and
10 effect as an original written assignment.

11 "Branch office" means each additional office and secured
12 storage facility location of a repossession agency (i) located
13 in and conducting business within the State of Illinois and
14 (ii) operating under the same name as the repossession agency
15 where business is actively conducted or is engaged in the
16 business authorized by the licensure. Each branch office must
17 be individually licensed.

18 "Collateral" means any vehicle, boat, recreational
19 vehicle, motor home, motorcycle, or other property that is
20 subject to a security, lease, or rental agreement.

21 "Commission" means the Illinois Commerce Commission.

22 "Debtor" means any person or entity obligated under a
23 lease, rental, or security agreement.

24 "Financial institution" means a bank, a licensee under the
25 Consumer Installment Loan Act, savings bank, savings and loan
26 association, or credit union organized and operating under the

1 laws of this or any other state or of the United States, and
2 any subsidiary or affiliate thereof.

3 "Legal owner" means a person holding (i) a security
4 interest in any collateral that is subject to a security
5 agreement, (ii) a lien against any collateral, or (iii) an
6 interest in any collateral that is subject to a lease or rental
7 agreement.

8 "Licensure" means the approval of the required criteria
9 that has been submitted for review in accordance with the
10 provisions of this Act.

11 "Licensed recovery manager" means a person who possesses a
12 valid license in accordance with the provisions of this Act and
13 is in control or management of an Illinois repossession agency.

14 "Personal effects" means any property contained within or
15 on repossessed collateral, or property that is not permanently
16 affixed to the collateral, that is not the property of the
17 legal owner.

18 "Recovery permit" means a permit issued by the Commission
19 to a repossession agency employee who has met all the
20 requirements under this Act.

21 "Recovery ticket" means a serialized record obtained from
22 the Commission for any repossessed vehicle or collateral
23 evidencing that any person, business, financial institution,
24 automotive dealership, or repossession agency who shows a
25 recovery ticket has paid the recovery ticket fee to the
26 Commission.

1 "Remote storage location" means a secured storage facility
2 of a licensed repossession agency designated for the storage of
3 collateral that is a secure building or has a perimeter that is
4 secured with a fencing construction that makes the area not
5 accessible to the public. A remote storage location shall not
6 transact business with the public and shall provide evidence of
7 applicable insurance to the Commission that specifies the
8 licensed repossession agency as the primary policy holder. A
9 remote storage location shall be located in a commercially
10 zoned area physically located in Illinois.

11 "Repossession agency" means any person or entity
12 conducting business within the State of Illinois, that, for any
13 type of consideration, engages in the business of, accepts
14 employment to furnish, or agrees to provide or provides
15 property locating services, property recovery, recovered
16 property transportation, recovered property storage, or all
17 services relevant to any of the following:

18 (1) The location, disposition, or recovery of property
19 as authorized by the self-help provisions of the Uniform
20 Commercial Code.

21 (2) The location, disposition, or recovery of lost or
22 stolen property.

23 (3) Securing evidence concerning repossession and
24 recovery to be used before any court, board, office, or
25 investigating committee.

26 (4) Inventory of property contained in or on the

1 collateral or recovered property.

2 (5) The possession of collateral.

3 (6) The prevention of the misappropriation or
4 concealment of chattel, vehicles, goods, objects,
5 documents, or papers.

6 "Repossession agency" does not include any of the
7 following:

8 (1) An attorney at law who is performing his or her
9 duties as an attorney at law.

10 (2) The legal owner of collateral that is subject to a
11 security agreement.

12 (3) An officer or employee of the United States of
13 America or of this State or a political subdivision of this
14 State while the officer or employee is engaged in the
15 performance of his or her official duties.

16 (4) A qualified license or recovery permit holder when
17 performing services for, or on behalf of, a licensed
18 repossession agency.

19 (5) A collection agency licensed under the Collection
20 Agency Act when its activities are limited to assisting an
21 owner in the recovery of property that is not collateral,
22 as defined in this Act.

23 "Repossession agency employee" means any person or
24 self-employed independent contractor who is hired by a
25 repossession agency.

26 "Secured storage facility" means an area located on the

1 same premises as a repossession agency office or branch office
2 that is designated for the storage of collateral and is a
3 secure building or has a perimeter that is secured with a
4 fencing construction that makes the area not accessible to the
5 public. Each repossession agency office or branch office must
6 maintain a secured storage facility.

7 "Security agreement" means an obligation, pledge,
8 mortgage, chattel mortgage, lease agreement, rental agreement,
9 deposit, or lien, given by a debtor as security for payment or
10 performance of his or her debt by furnishing the creditor with
11 a recourse to be used in case of failure in the principal
12 obligation. "Security agreement" includes a bailment where an
13 employer-employee relationship exists or existed between the
14 bailor and the bailee.

15 Section 15. Powers of the Commission.

16 (a) The Commission shall regulate repossession agencies
17 and their employees, managers or agents in accordance with this
18 Act, and to that end may establish reasonable requirements with
19 respect to proper service and practices relating thereto.

20 (b) The Commission shall have the following powers:

21 (1) To require that all employees, agents, or other
22 personnel used in repossession be employees, agents, or
23 personnel of a licensed repossession agency.

24 (2) To adopt reasonable and proper rules covering the
25 exercise of powers conferred upon it by this Act, and

1 reasonable rules governing investigations, hearings, and
2 proceedings under this Act.

3 (3) To adopt appropriate rules setting forth the
4 standards and procedures by which it will administer and
5 enforce this Act.

6 (4) To create special procedures for the receipt and
7 handling of consumer complaints.

8 (5) To employ such persons as are needed to administer
9 and enforce this Act, in such capacities as they are
10 needed, whether as hearing examiners, special examiners,
11 enforcement officers, investigators, or otherwise.

12 (c) The staff of the Commission shall have full power and
13 authority in the performance of their official duties to enter
14 into or upon any place, building, or premises of any
15 repossession agency location or branch office location at any
16 reasonable time for the purpose of inspecting such agency
17 operating under this Act. The Commission shall not set pricing
18 fees for repossessions, personal property storage, skip
19 tracing, or other related services provided by repossession
20 agencies to their clients.

21 Section 20. Rulemaking enforcement.

22 (a) The Commission may adopt any rules and procedures
23 necessary to enforce and administer the provisions of this Act.

24 (b) The Commission may, by administrative rule, modify any
25 rules or procedures or adjust any Commission fees necessary to

1 regulate and enforce the provisions of this Act.

2 Section 25. Recovery ticket.

3 (a) A licensed repossession agency must purchase a recovery
4 ticket from the Commission for each repossessed vehicle or
5 collateral. The recovery ticket must show all of the following
6 information:

7 (1) The date and time of the repossession.

8 (2) The Vehicle Identification Number (VIN), the make,
9 the model, and the year of the vehicle or collateral
10 repossessed.

11 (3) The agency name, the financial institution, and the
12 recovery permit number.

13 (4) The name and officer identification number of the
14 local law enforcement officer notified of the
15 repossession.

16 (b) The recovery ticket, or copy of the recovery ticket,
17 must be placed with the vehicle or collateral at the time of
18 repossession and must accompany the vehicle or collateral until
19 it has been liquidated or returned to the lien holder or
20 debtor. A copy of the recovery ticket must be kept for the
21 agency's permanent file for a period of 2 years following the
22 date of repossession. A copy of the recovery ticket must be
23 returned to the legal owner or financial institution within 72
24 hours following the date of repossession.

25 (c) A fee for the recovery ticket must be collected by the

1 Commission at the time of purchase. The cost for each recovery
2 ticket is \$10 and is nonrefundable. Recovery tickets must only
3 be sold in lots of 50 and 100. Only an Illinois licensed
4 repossession agency may purchase recovery tickets.

5 If a repossession agency's license is revoked by the
6 Commission, then the repossession agency must return any and
7 all unused recovery tickets to the Commission immediately upon
8 license revocation. No refund from the Commission shall be
9 issued for the return of unused recovery tickets.

10 (d) Any agency or employee found to be in possession of a
11 repossessed vehicle without having a valid recovery ticket is
12 in violation of this Act and therefore jeopardizing the license
13 of the employee or the agency that he or she is repossessing
14 for.

15 Section 30. License or registration required.

16 (a) It shall be unlawful for any person or entity to
17 repossess a vehicle or collateral in this State, attempt to
18 repossess a vehicle or collateral in this State, or to hold
19 himself, herself, or itself out to be a repossession agency
20 unless licensed under this Act.

21 (b) It shall be unlawful for any person to repossess a
22 vehicle or collateral in this State, attempt to repossess a
23 vehicle or collateral in this State, or to hold himself or
24 herself out to be a licensed recovery manager unless licensed
25 under this Act.

1 (c) It shall be unlawful for any person to repossess a
2 vehicle or collateral in this State, attempt to repossess a
3 vehicle or collateral in this State, or hold himself or herself
4 out to be a repossession agency employee unless he or she holds
5 a valid recovery permit issued by the Commission under this
6 Act.

7 (d) This Act does not apply to a financial institution or
8 the employee of a financial institution when engaged in an
9 activity otherwise covered by this Act if the activity is
10 conducted by the employee on behalf of that financial
11 institution.

12 (e) This Act does not apply to a towing company or towing
13 operator when an employee or agent of the creditor financial
14 institution is present at the site from which the vehicle is
15 towed.

16 Section 35. Application for repossession agency licensure.

17 (a) Application for original licensure as a repossession
18 agency shall be made to the Commission in writing on forms
19 prescribed by the Commission and shall be accompanied by the
20 appropriate documentation and the required fee, and the fee is
21 nonrefundable.

22 (b) Every application shall state, in addition to any other
23 requirements, (i) the name of the applicant, (ii) the name
24 under which the applicant shall do business, (iii) the proposed
25 location of the agency by number, street, and city, and (iv)

1 the proposed location of the agency's remote storage location
2 or locations by number, street, and city, (v) the proposed
3 location of the Agency's branch office or branch offices by
4 number, street, and city, and (vi) the usual business hours
5 that the agency shall maintain.

6 (c) No license may be issued (i) in any fictitious name
7 that may be confused with or is similar to any federal, state,
8 county, or municipal government function or agency, (ii) in any
9 name that may tend to describe any business function or
10 enterprise not actually engaged in by the applicant, (iii) in
11 any name that is the same as or similar to any existing
12 licensed company and that would tend to deceive the public,
13 (iv) in any name that would tend to be deceptive or misleading,
14 or (v) to any repossession agency applicant without that
15 agency's location or branch office location maintaining a
16 secured storage facility as defined in Section 10 of this Act.

17 (d) If the applicant for repossession agency licensure is
18 an individual, then his or her application shall include (i)
19 the full residential address of the applicant and (ii) either
20 the sworn statement of the applicant declaring that he or she
21 is the licensed recovery manager who shall be personally in
22 control of the agency for which the licensure is sought, or the
23 name and signed sworn statement of the licensed recovery
24 manager who shall be in control or management of the agency.

25 (e) If the applicant for repossession agency licensure is a
26 partnership, then the application shall include (i) a statement

1 of the names and full residential addresses of all partners in
2 the business and (ii) a sworn statement signed by each partner
3 verifying the name of the person who is a licensed recovery
4 manager and shall be in control or management of the business.
5 If a licensed recovery manager who is not a partner shall be in
6 control or management of the agency, then he or she must also
7 sign the sworn statement. The application shall also state
8 whether any of the partners has ever used an alias.

9 (f) If the applicant for licensure as a repossession agency
10 is a corporation, then the application shall include (i) the
11 names and full residential addresses of all corporation
12 officers and (ii) a sworn statement signed by a duly authorized
13 officer of the corporation verifying the name of the person who
14 is a licensed recovery manager and shall be in control or
15 management of the agency. If a licensed recovery manager who is
16 not an officer shall be in control or management of the agency,
17 then he or she must also sign the sworn statement. The
18 application shall also state whether any of the officers has
19 ever used an alias.

20 (g) If the applicant for licensure as a repossession agency
21 is a limited liability company, then the application shall
22 include (i) the names and full residential addresses of all
23 members and (ii) a sworn statement signed by each member
24 verifying the name of the person who is a licensed recovery
25 manager and shall be in control or management of the agency. If
26 a licensed recovery manager who is not a member shall be in

1 control or management of the agency, then he or she must also
2 sign the sworn statement. The application shall also state
3 whether any of the members has ever used an alias.

4 (h) Each individual, partner of a partnership, officer of a
5 corporation, or member of a limited liability company shall
6 submit with the application a copy of one form of personal
7 identification upon which must appear a photograph taken within
8 one year immediately preceding the date of the filing of the
9 application.

10 (i) No examination shall be required for licensure as a
11 repossession agency by the Commission.

12 (j) The Commission may require any additional information
13 that, in the judgment of the Commission, shall enable the
14 Commission to determine the qualifications of the applicant for
15 licensure.

16 (k) Applicants have 90 days from the date of application to
17 complete the application process. If the application has not
18 been completed within 90 days, then the application shall be
19 denied, the fee shall be forfeited, and the applicant must
20 reapply and meet the requirements in effect at the time of
21 reapplication.

22 (l) Nothing in this Section precludes a domestic or foreign
23 limited liability company being licensed as a repossession
24 agency.

25 (m) A repossession agency license may be transferable upon
26 prior notice to the Commission and upon completion of all

1 requirements relative to the application process for
2 repossession agency licensure.

3 (n) Repossessions performed in this State must be performed
4 by repossession agencies, their employees, or agents licensed
5 by the Commission, with the exception of financial institutions
6 or the employees of a financial institution that are exempt
7 under subsection (d) of Section 30 of this Act.

8 Section 37. Enforcement. It shall be unlawful for any
9 repossession agency, employee, or agent of a repossession
10 agency to operate in this State without a valid license or
11 recovery permit issued by the Commission. It shall be unlawful
12 for any person or entity to repossess a vehicle or collateral
13 in the State without a recovery ticket issued by the
14 Commission. The Commission may, at any time during the term of
15 the license, make inquiry into the licensee's management or
16 conduct of business to determine compliance with the provisions
17 of this Act or the rules adopted pursuant to this Act. State,
18 county, and local municipalities shall work in conjunction with
19 the Commission in the enforcement of this Act.

20 Section 40. Qualifications for recovery manager;
21 identification card.

22 (a) An applicant is qualified for licensure as a recovery
23 manager if that person meets all of the following requirements:

24 (1) Is 21 years of age or older.

1 (2) Has not been convicted in any jurisdiction of any
2 felony or at least 10 years has passed from the time of
3 discharge from any sentence imposed for a felony.

4 (3) Has completed no less than 2,500 hours of actual
5 compensated collateral recovery work as an employee of a
6 repossession agency, a financial institution, or a vehicle
7 dealer within the 5 years immediately preceding the filing
8 of an application, acceptable proof of which must be
9 submitted to the Commission.

10 (4) Has submitted to the Commission 2 sets of
11 fingerprints, which shall be checked against the
12 fingerprint records on file with the Illinois State Police
13 and the Federal Bureau of Investigation in the manner set
14 forth in Section 60 of this Act.

15 (5) Has successfully completed a certification program
16 approved by the Commission.

17 (6) Has paid the required application fees.

18 (b) Upon the issuance of a recovery manager license, the
19 Commission shall issue the license holder a suitable pocket
20 identification card that shall include a photograph of the
21 license holder. The identification card must contain the name
22 of the license holder and that of the repossession agency that
23 employs the license holder, in addition to any other
24 information required by the Commission.

25 (c) A recovery manager license is not transferable.

1 Section 45. Repossession agency employee requirements.

2 (a) All employees of a licensed repossession agency whose
3 duties include the actual repossession of collateral must apply
4 for a recovery permit. The holder of a repossession agency
5 license issued under this Act, known in this Section as the
6 "employer", may employ in the conduct of the business under the
7 following provisions:

8 (1) No person may be issued a recovery permit who meets
9 any of the following criteria:

10 (A) Is younger than 21 years of age.

11 (B) Has been determined by the Commission to be
12 unfit by reason of conviction of an offense in this or
13 another state, other than a minor traffic offense. The
14 Commission shall adopt rules for making those
15 determinations.

16 (C) Has had a license or recovery permit denied,
17 suspended, or revoked under this Act.

18 (D) Has not successfully completed a certification
19 program approved by the Commission.

20 (2) No person may be employed by a repossession agency
21 under this Section until he or she has executed and
22 furnished to the Commission, on forms furnished by the
23 Commission, a verified statement to be known as an
24 "Employee's Statement" setting forth all of the following:

25 (A) The person's full name, age, and residence
26 address.

1 (B) The business or occupation engaged in for the 5
2 years immediately before the date of the execution of
3 the statement, the place where the business or
4 occupation was engaged in, and the names of the
5 employers, if any.

6 (C) That the person has not had a license or
7 recovery permit denied, revoked, or suspended under
8 this Act.

9 (D) Any conviction of a felony, except as provided
10 for in Section 85.

11 (E) Any other information as may be required by any
12 rule of the Commission to show the good character,
13 competency, and integrity of the person executing the
14 statement.

15 (b) Each applicant for a recovery permit shall have his or
16 her fingerprints submitted to the Commission by a Live Scan
17 fingerprint vendor certified by the Illinois State Police under
18 the Private Detective, Private Alarm, Private Security,
19 Fingerprint Vendor, and Locksmith Act of 2004 in an electronic
20 format that complies with the form and manner for requesting
21 and furnishing criminal history record information as
22 prescribed by the Illinois State Police. These fingerprints
23 shall be checked against the Illinois State Police and Federal
24 Bureau of Investigation criminal history record databases now
25 and hereafter filed. The Commission shall charge applicants a
26 fee for conducting the criminal history records check, which

1 shall not exceed the actual cost of the records check. The
2 Illinois Commerce Commission Police shall furnish, pursuant to
3 positive identification, records of Illinois convictions to
4 the Commission. The Commission, in its discretion, may allow an
5 applicant who does not have reasonable access to a designated
6 vendor to provide his or her fingerprints in an alternative
7 manner. The Commission, in its discretion, may also use other
8 procedures in performing or obtaining criminal history records
9 checks of applicants. Instead of submitting his or her
10 fingerprints, an individual may submit proof that is
11 satisfactory to the Commission that an equivalent security
12 clearance has been conducted.

13 (c) Qualified applicants shall purchase a recovery permit
14 from the Commission and in a form that the Commission
15 prescribes. The Commission shall notify the submitting person
16 within 10 days after receipt of the application of its intent
17 to issue or deny the recovery permit. The holder of a recovery
18 permit shall carry the recovery permit at all times while
19 actually engaged in the performance of the duties of his or her
20 employment. No recovery permit shall be effective unless
21 accompanied by a license issued by the Commission. Expiration
22 and requirements for renewal of recovery permits shall be
23 established by rule of the Commission. Possession of a recovery
24 permit does not in any way imply that the holder of the
25 recovery permit is employed by any agency unless the recovery
26 permit is accompanied by the employee identification card

1 required by subsection (e) of this Section.

2 (d) Each employer shall maintain a record of each employee
3 that is accessible to the duly authorized representatives of
4 the Commission. The record shall contain all of the following
5 information:

6 (1) A photograph taken within 10 days after the date
7 that the employee begins employment with the employer. The
8 photograph shall be replaced with a current photograph
9 every 3 calendar years.

10 (2) The Employee's Statement specified in paragraph
11 (2) of subsection (a) of this Section.

12 (3) All correspondence or documents relating to the
13 character and integrity of the employee received by the
14 employer from any official source or law enforcement
15 agency.

16 (4) In the case of former employees, the employee
17 identification card of that person issued under subsection
18 (e) of this Section.

19 (e) Every employer shall furnish an employee
20 identification card to each of his or her employees. This
21 subsection (e) shall not apply to office or clerical personnel.
22 This employee identification card shall contain a recent
23 photograph of the employee, the employee's name, the name and
24 agency license number of the employer, the employee's personal
25 description, the signature of the employer, the signature of
26 that employee, the date of issuance, and an employee

1 identification card number.

2 (f) No employer may issue an employee identification card
3 to any person who is not employed by the employer in accordance
4 with this Section or falsely state or represent that a person
5 is or has been in his or her employ. It is unlawful for an
6 applicant for registration to file with the Commission the
7 fingerprints of a person other than himself or herself or to
8 fail to exercise due diligence in resubmitting replacement
9 fingerprints for those employees who have had original
10 fingerprint submissions returned as unclassifiable. An agency
11 shall inform the Commission within 15 days after contracting or
12 employing a licensed repossession agency employee. The
13 Commission shall develop a registration process by rule.

14 (g) Every employer shall obtain the identification card of
15 every employee who terminates employment with the employer. An
16 employer shall immediately report an identification card that
17 is lost or stolen to the local police department having
18 jurisdiction over the repossession agency location.

19 (h) No agency may employ any person to perform any activity
20 under this Act unless the person possesses a valid license or
21 recovery permit under this Act.

22 (i) If information is discovered affecting the
23 registration of a person whose fingerprints were submitted
24 under this Section, then the Commission shall so notify the
25 agency that submitted the fingerprints on behalf of that
26 person.

1 (j) A person employed under this Section shall have 15
2 business days within which to notify the Commission of any
3 change in employer, but may continue working under any other
4 recovery permits granted as an employee or independent
5 contractor.

6 (k) This Section applies only to those employees of
7 licensed repossession agencies whose duties include actual
8 repossession of collateral.

9 Section 50. Fees.

10 (a) The license and permit fees required under this Act are
11 as follows:

12 (1) Class "R" license (recovery agency), \$825.

13 (2) Class "RR" license (branch office), \$425.

14 (3) Class "MR" license (recovery agency manager),
15 \$325.

16 (4) Class "E" recovery permit, \$75.

17 (5) Class "EE" recovery permit (recovery agent
18 intern), \$75.

19 An agency shall submit an application to register any
20 remote storage location or locations. The Commission shall
21 develop by rule the requirements for registering remote storage
22 locations. The fee for each registration shall not exceed \$300
23 as set by the Commission.

24 (b) The Commission may establish by rule a fee for the
25 replacement or revision of a license or recovery permit.

1 (c) The fees set forth in the Section must be paid by
2 certified check or money order, or at the discretion of the
3 Commission, by agency check at the time of application. An
4 applicant for a Class "E", Class "EE", or Class "MR" license or
5 permit must pay the license or permit fee at the time the
6 application is made. If a license or permit is revoked or
7 denied, or if an application is withdrawn, then the license or
8 permit fee shall not be refunded.

9 Section 55. Social Security Number or Federal Employee
10 Identification Number on application. In addition to any other
11 information required by the Commission to be contained in the
12 application, every application for original, renewal, or
13 restored license or permit shall include the applicant's Social
14 Security Number, if an individual, or Federal Employer
15 Identification Number, if not an individual. The Commission
16 shall not disclose an individual's Social Security Number or
17 residential address and must keep that Social Security Number
18 and residential address confidential unless disclosure is
19 required by law.

20 Section 60. Criminal background check. The Commission
21 shall require that each individual, partner of a partnership,
22 officer of a corporation, or owner of a limited liability
23 company, as part of the application process, authorize a
24 criminal history records check to determine if such applicant

1 has ever been charged with a crime and, if so, the disposition
2 of those charges. Upon this authorization, each individual,
3 partner of a partnership, officer of a corporation, or owner of
4 a limited liability company shall submit his or her
5 fingerprints to the Commission in the form and manner
6 prescribed by the Illinois Commerce Commission Police. These
7 fingerprints shall be checked against the fingerprint records
8 now and hereafter filed in the Illinois State Police and
9 Federal Bureau of Investigation criminal history records
10 databases. The Commission shall charge a fee for conducting the
11 criminal history records check, which shall be deposited in the
12 Transportation Regulatory Fund and shall not exceed the actual
13 cost of the records check. The Illinois Commerce Commission
14 Police shall provide information concerning any criminal
15 charges, and their disposition, now or hereafter filed against
16 an applicant upon request of the Commission when the request is
17 made in the form and manner required by the Illinois Commerce
18 Commission Police.

19 Section 65. Licensed recovery manager in control of
20 repossession agency.

21 (a) As a condition of licensure, a licensed recovery
22 manager must, at all times, be in control or management of the
23 repossession agency. Each licensed repossession agency and
24 licensed branch office location must have a licensed recovery
25 manager.

1 (b) A licensed recovery manager may only be in control of
2 one repossession agency or branch office location at one time.
3 Upon written request by a representative of an agency within 10
4 days after the loss of the licensed recovery manager in control
5 due to the death of the license holder or because of an
6 unanticipated termination of his or her employment, the
7 Commission shall issue a temporary permit allowing the
8 continuing operation of a previously licensed repossession
9 agency. The temporary permit shall be valid for no more than 90
10 days. Upon written request by the representative of the agency,
11 an extension of an additional 90 days may be granted by the
12 Commission for good cause shown. No more than 2 extensions may
13 be granted to any repossession agency. A temporary permit may
14 not be issued for loss of the licensed recovery manager in
15 control or management if that loss is due to disciplinary
16 action taken by the Commission.

17 (c) Whenever a licensed recovery manager in control or
18 management of a repossession agency ceases to be in control or
19 management, the licensed agency shall file notice with the
20 Commission within 30 days after the cessation. If the
21 repossession agency fails to give written notice at the end of
22 the 30-day period, then the agency's license shall
23 automatically be suspended. If the notice is filed, then the
24 license shall remain in force for a period of 90 days after the
25 filing of the notice. At the end of the 90-day period or an
26 additional period, not to exceed one year, as specified by the

1 Commission, if written notice is not given that a licensed
2 recovery manager is then in control or management of the
3 agency, then the agency's license shall automatically be
4 suspended. A license suspended under this Section may be
5 reinstated upon payment of a reinstatement fee, to be
6 determined by the Commission, and submission of a reinstatement
7 application.

8 (d) Except as otherwise provided in this Act, no person may
9 serve as the licensed recovery manager in control or management
10 of a licensed repossession agency if that person has ever had a
11 repossession agency's license revoked or if the person was a
12 partner, managing employee, owner, or officer of a repossession
13 agency the license of which has been revoked for cause.

14 (e) The license of the recovery manager in control or
15 management of a licensed repossession agency, together with the
16 agency's license, shall be conspicuously displayed at the
17 agency location of which the recovery manager is in control or
18 management.

19 (f) A license extended under this Section is subject to all
20 other provisions of this Act.

21 Section 70. License extension in cases of death or
22 disassociation.

23 (a) In the case of the death of a person who is licensed
24 individually as a repossession agency, a member of the
25 deceased's immediate family shall be entitled to continue

1 operating the agency under the same license for up to 120 days
2 following the date of death, provided that written notice is
3 given to the Commission within 30 days following the date of
4 death. At the end of the 120-day period, the license shall
5 automatically be revoked.

6 (b) In the case of the death or disassociation of a partner
7 of a partnership licensed as a repossession agency, the company
8 shall notify the Commission, in writing, within 30 days from
9 the death or disassociation of the partner. If they fail to
10 notify the Commission within the 30-day period, then the
11 license shall automatically be revoked at the end of that
12 period. If proper notice is given, then the license shall
13 remain in force for 90 days following the date of death or
14 disassociation of the partner. At the end of the 90-day period,
15 the license shall automatically be revoked.

16 (c) A license extended under this Section is subject to all
17 other provisions of this Act.

18 Section 75. Licenses and recovery permits; renewals;
19 restoration; person in military service.

20 (a) An original Class "R" license, Class "RR" license, and
21 Class "MR" license shall expire 2 years after the date of
22 issuance.

23 (b) An original Class "E" recovery permit and Class "EE"
24 recovery permit shall expire one year after the date of
25 issuance.

1 (c) A renewal Class "R" license, Class "RR" license and
2 Class "MR" license shall expire 2 years after the date of
3 renewal.

4 (d) A renewal Class "E" recovery permit and Class "EE"
5 recovery permit shall expire one year after the date of
6 renewal.

7 (e) The following are guidelines for the classes of
8 licensure and registration:

9 (1) Any person, firm, company, partnership, or
10 corporation that engages in business as a recovery agency
11 shall have a Class "R" license. A Class "R" license is
12 valid for only one location.

13 (2) Each branch office of a Class "R" agency shall have
14 a Class "RR" license.

15 (3) Any individual who performs the services of a
16 manager for a Class "R" recovery agency or a Class "RR"
17 branch office must have a Class "MR" license.

18 (4) Any individual who performs recovery services as a
19 repossession agency employee for a Class "R" recovery
20 agency or a Class "RR" branch office must have a Class "E"
21 recovery permit.

22 (5) Any individual who performs repossessions as an
23 intern under the direction and control of a designated,
24 sponsoring Class "E" recovery permit or a designated,
25 sponsoring Class "MR" license shall have a Class "EE"
26 recovery permit.

1 (6) An individual shall have a Class "MR" or Class "E"
2 recovery permit if he or she owns or is an employee of a
3 Class "R" agency or Class "RR" branch office.

4 (7) Class "MR", Class "E", and Class "EE" licenses and
5 recovery permits are not transferable.

6 (f) At least 90 days prior to the expiration of a license
7 or recovery permit, the Commission shall mail to the license or
8 permit holder a renewal form in the form and manner prescribed
9 by the Commission. The license holder or recovery permit holder
10 must complete and mail the renewal form to the Commission, pay
11 any fines assessed, and pay any renewal fee required by the
12 Commission.

13 (g) Any person or entity that has permitted a license or
14 recovery permit to expire may have that license or recovery
15 permit restored by making an application to the Commission
16 within one year after the expiration of a repossession agency's
17 license or a qualified manager license or within 30 days after
18 the expiration of a recovery permit, filing proof acceptable to
19 the Commission of fitness to have the license or recovery
20 permit restored, and paying the required restoration fee.
21 However, any person whose license or recovery permit expired
22 while (i) in federal service on active duty with the Armed
23 Forces of the United States or called into service or training
24 with the State militia or (ii) in training or education under
25 the supervision of the United States preliminary to induction
26 into military service may have his or her license or recovery

1 permit renewed or restored without paying any lapsed renewal
2 fees, if within 2 years after honorable termination of the
3 service, training, or education, except under condition other
4 than honorable, he or she furnishes the Commission with
5 satisfactory evidence to the effect that he or she has been so
6 engaged and that the service, training, or education has been
7 so terminated.

8 (h) A suspended repossession agency license, recovery
9 manager license, or recovery permit is subject to expiration as
10 set forth in this Section. Renewal of a certificate or
11 registration card does not entitle the license holder or
12 recovery permit holder, while the license or recovery permit
13 remains suspended and until it is reinstated, to engage in the
14 licensed or permitted activity.

15 (i) A revoked repossession agency license, recovery
16 manager license, or recovery permit is subject to expiration as
17 set forth in this Section; however, it may not be renewed. If a
18 revoked license or recovery permit is reinstated after its
19 expiration, then the license holder or recovery permit holder,
20 as a condition of reinstatement, shall pay a reinstatement fee
21 in an amount equal to the renewal fee in effect on the last
22 regular renewal date prior to the date on which the license or
23 recovery permit is reinstated and any additional delinquency
24 fee required by the Commission.

25 (j) Any person or entity that notifies the Commission, in
26 writing on forms prescribed by the Commission, may place a

1 license or recovery permit on inactive status and shall be
2 excused from the payment of renewal fees until the person or
3 entity notifies the Commission in writing of the intention to
4 resume active practice. Any person or entity requesting that a
5 license or recovery permit be changed from inactive to active
6 status shall be required to pay the current renewal fee.

7 (k) Any repossession agency license holder, recovery
8 manager license holder, or recovery permit holder whose license
9 or recovery permit is nonrenewed or on inactive status shall
10 not engage in the practice of recovery in this State or use the
11 title or advertise that he, she, or it performs the services of
12 a licensed repossession agency, licensed recovery manager, or
13 repossession agency employee.

14 (l) Any person violating subsection (k) of this Section
15 shall be considered to be operating a repossession agency
16 without a license, acting as a recovery manager without a
17 license, or acting as a repossession agency employee without a
18 recovery permit and is subject to the disciplinary provisions
19 of this Act.

20 (m) A repossession agency license, recovery manager
21 license, or recovery permit that is not renewed within 3 years
22 after its expiration may not be renewed, restored, reinstated,
23 or reissued thereafter. The holder of the license or recovery
24 permit may obtain a new license or recovery permit only upon
25 compliance with all of the provisions of this Act concerning
26 the issuance of original licenses or recovery permits.

1 Section 80. Refusal, revocation, or suspension.

2 (a) The Commission may refuse to issue or renew or may
3 revoke any license or recovery permit or may suspend, place on
4 probation, fine, or take any disciplinary action that the
5 Commission may deem proper, including fines not to exceed
6 \$2,500 for each violation, with regard to any license holder or
7 recovery permit holder for one or any combination of the
8 following causes:

9 (1) Knowingly making any misrepresentation for the
10 purpose of obtaining a license or recovery permit.

11 (2) Violations of this Act or its rules.

12 (3) Conviction of any crime under the laws of the
13 United States or any state or territory thereof that is (i)
14 a felony, (ii) a misdemeanor, an essential element of which
15 is dishonesty, or (iii) a crime that is related to the
16 practice of the profession.

17 (4) Aiding or abetting another in violating any
18 provision of this Act or its rules.

19 (5) Engaging in dishonorable, unethical, or
20 unprofessional conduct of a character likely to deceive,
21 defraud, or harm the public as defined by rule.

22 (6) Violation of any court order from any State or
23 public agency engaged in the enforcement of payment of
24 child support arrearages or for noncompliance with certain
25 processes relating to paternity or support proceeding.

1 (7) Solicitation of professional services by using
2 false or misleading advertising.

3 (8) A finding that the license or recovery permit was
4 obtained by fraudulent means.

5 (9) Practicing or attempting to practice under a name
6 other than the full name shown on the license or recovery
7 permit or any other legally authorized name.

8 (b) The Commission may refuse to issue or may suspend the
9 license or recovery permit of any person or entity who fails to
10 file a return, pay the tax, penalty, or interest shown in a
11 filed return, or pay any final assessment of tax, penalty, or
12 interest, as required by any tax Act administered by the
13 Department of Revenue, until the time the requirements of the
14 tax Act are satisfied. The Commission may take into
15 consideration any pending tax disputes properly filed with the
16 Department of Revenue.

17 Section 85. Consideration of past crimes.

18 (a) Notwithstanding the prohibitions set forth in Sections
19 40 and 45 of this Act, when considering the denial of a license
20 or recovery permit on the grounds of conviction of a crime, the
21 Commission, in evaluating the rehabilitation of the applicant
22 and the applicant's present eligibility for a license or
23 recovery permit, shall consider each of the following criteria:

24 (1) The nature and severity of the act or crime under
25 consideration as grounds for denial.

1 (2) Evidence of any act committed subsequent to the act
2 or crime under consideration as grounds for denial, which
3 also could be considered as grounds for disciplinary action
4 under this Act.

5 (3) The amount of time that has lapsed since the
6 commission of the act or crime referred to in item (1) or
7 (2) of this subsection (a).

8 (4) The extent to which the applicant has complied with
9 any terms of parole, probation, restitution, or any other
10 sanctions lawfully imposed against the applicant.

11 (5) Evidence, if any, of rehabilitation submitted by
12 the applicant.

13 (b) When considering the suspension or revocation of a
14 license or recovery permit on the grounds of conviction of a
15 crime, the Commission, in evaluating the rehabilitation of the
16 applicant and the applicant's present eligibility for a license
17 or recovery permit, shall consider each of the following
18 criteria:

19 (1) The nature and severity of the act or offense.

20 (2) The license holder's or recovery permit holder's
21 criminal record in its entirety.

22 (3) The amount of time that has lapsed since the
23 commission of the act or offense.

24 (4) Whether the license holder or recovery permit
25 holder has complied with any terms of parole, probation,
26 restitution, or any other sanctions lawfully imposed

1 against him or her.

2 (5) If applicable, evidence of expungement
3 proceedings.

4 (6) Evidence, if any, of rehabilitation submitted by
5 the license holder or recovery permit holder.

6 Section 90. Insurance required. No repossession agency,
7 branch office, or remote storage location license shall be
8 issued unless the applicant first files with the Commission a
9 certification of insurance evidencing coverage in the amount
10 required under this Section. The coverage shall provide the
11 Commission as an additional insured for the purpose of
12 receiving all notices of modifications or cancellations of such
13 insurance. Coverage shall be written by an insurance company
14 that is lawfully engaged to provide insurance coverage in
15 Illinois. Coverage shall provide for a combined single limit
16 policy in the amount of at least \$1,000,000 per occurrence and
17 a \$3,000,000 aggregate policy, which shall include commercial
18 general liability for wrongful repossession, garage keepers,
19 on hook, and drive-away and shall be a direct primary policy.
20 Coverage shall provide for a dishonesty bond policy in the
21 amount of at least \$1,000,000. Coverage shall insure for the
22 liability of all employees licensed or registered by the
23 Commission while acting in the course of their employment. The
24 agency shall notify the Commission immediately upon
25 cancellation of the insurance policy, whether the cancellation

1 was initiated by the insurance company or the insured agency.
2 The agency's license shall automatically be suspended on the
3 date of cancellation of the policy, unless new evidence of
4 insurance is provided to the Commission prior to the effective
5 date of cancellation.

6 Section 95. Display of license required. At all times, a
7 repossession agency's license shall be conspicuously displayed
8 at the agency location on record with the Commission.

9 Section 100. Local government; home rule.

10 (a) Nothing in this Act shall prevent local authorities in
11 any municipality, county, or municipality and county, by
12 ordinance and within the exercise of the police power of the
13 municipality or county, from requiring repossession agency and
14 recovery manager license holders to register their names and
15 file a copy of their State identification cards with the
16 municipality, county, or municipality and county.

17 (b) A municipality or county, including a home rule unit,
18 may not regulate individuals and entities engaged in the
19 business of collateral recovery in a manner that is less
20 stringent than the standards established under this Act. To the
21 extent that any regulation by a municipality or county,
22 including a home rule unit, is less stringent than the
23 standards established under this Act, it is superseded by this
24 Act. This Section is a limitation under subsection (i) of

1 Section 6 of Article VII of the Illinois Constitution on the
2 concurrent exercise by home rule units of powers and functions
3 exercised by the State.

4 Section 105. Notification of law enforcement. Prior to a
5 repossession the licensed repossession agency or repossession
6 agency employee shall notify the appropriate law enforcement
7 agency located in the jurisdiction in which the licensed
8 repossession agency or repossession agency employee plans to
9 perform the repossession. Within 30 minutes after the
10 completion of the repossession, the licensed repossession
11 agency or repossession agency employee must notify the
12 appropriate law enforcement agency that the repossession has
13 occurred within its jurisdiction.

14 Section 110. Repossession of vehicles.

15 (a) With regard to collateral subject to a security
16 agreement, repossession occurs when the licensed repossession
17 agency employee gains entry into the collateral, the collateral
18 becomes connected to a tow vehicle, or the licensed
19 repossession agency employee has physical control, custody, or
20 possession of the collateral. A debtor may not pursue a
21 recovery agent in any way.

22 (b) The licensed repossession agency shall confirm with the
23 legal owner of a recovered vehicle whether the legal owner
24 holds a security interest in the personal effects or other

1 property contained in or on the recovered vehicle.

2 (c) If personal effects or other property not covered by a
3 security agreement are contained in or on a recovered vehicle
4 at the time it is recovered, then the personal effects and
5 other property not covered by a security agreement must be
6 completely and accurately inventoried, and a record of the
7 inventory shall be maintained on file with the licensed
8 repossession agency for a period of 2 years following the date
9 of repossession. The licensed repossession agency shall hold
10 all personal effects and other property not covered by a
11 security agreement until the licensed repossession agency
12 either returns the personal effects and other property to the
13 debtor or disposes of the personal effects and other property
14 in accordance with this Section.

15 (d) Within 5 working days following the date of
16 repossession, the licensed repossession agency shall give
17 written notification to the debtor of the whereabouts of
18 personal effects or other property inventoried. At least 45
19 days prior to disposing of such personal effects or other
20 property, the licensed repossession agency shall, by United
21 States Postal Service certified mail, notify the debtor of the
22 intent to dispose of the property. Should the debtor, or his or
23 her lawful designee, appear to retrieve the personal property
24 prior to the date on which the licensed repossession agency is
25 allowed to dispose of the property, the licensed repossession
26 agency shall surrender the personal property to that individual

1 upon payment of any reasonably incurred expenses for inventory
2 and storage.

3 (e) If personal property is not claimed within 45 days of
4 the notice of intent to dispose, then the licensed repossession
5 agency may dispose of the personal property at its discretion,
6 except that illegal items or contraband shall be surrendered to
7 a law enforcement agency, and the licensed repossession agency
8 shall retain a receipt or other proof of surrender as part of
9 the inventory and disposal records it maintains. The inventory
10 of the personal property and the records regarding any disposal
11 of personal property shall be maintained for a period of 2
12 years in the permanent records of the licensed repossession
13 agency and shall be made available upon request to the
14 Commission.

15 Section 115. Deposit of fees and fines. All of the fees and
16 fines collected under this Act shall be deposited into the
17 Transportation Regulatory Fund and, subject to appropriation,
18 may be used by the Commission for the administration of this
19 Act.

20 Section 120. Payments; penalty for insufficient funds. Any
21 person or entity who delivers a check or other payment to the
22 Commission that is returned to the Commission unpaid by the
23 financial institution upon which it is drawn shall pay to the
24 Commission, in addition to the amount already owed to the

1 Commission, a fine amount as determined by the Commission. The
2 fines imposed by this Section are in addition to any other
3 discipline provided under this Act prohibiting unlicensed or
4 unregistered practice or practice on a nonrenewed license or
5 recovery permit. The Commission shall notify the person or
6 entity that fees and fines shall be paid to the Commission by
7 certified check or money order within 30 calendar days after
8 notification. If, after the expiration of 30 days from the date
9 of notification, the person or entity has failed to submit the
10 necessary remittance, then the Commission shall automatically
11 terminate the license or recovery permit or deny the
12 application without hearing. If, after termination or denial,
13 the person seeks a license or recovery permit, then the person
14 or entity shall apply to the Commission for restoration or
15 issuance of the license or recovery permit and pay all fees and
16 fines due to the Commission. The Commission may establish a fee
17 for the processing of an application for restoration of a
18 license or recovery permit to pay all expenses of processing
19 the application. The Commission may waive the fines due under
20 this Section in individual cases where the Commission finds
21 that the fines would be unreasonable or unnecessarily
22 burdensome.

23 Section 125. Filings, formal complaints. All repossession
24 activity correspondence relating to complaints and alleged
25 violations of this Act shall be submitted to the Commission in

1 writing on forms and in a manner prescribed by the Commission.

2 Section 130. Roster. The Commission shall maintain a
3 roster of names and addresses of all persons who hold valid
4 licenses and recovery permits and all persons whose licenses or
5 recovery permits have been suspended or revoked within the
6 previous year.

7 Section 135. Violations; injunctions; cease and desist
8 order.

9 (a) If any person or entity violates a provision of this
10 Act, then the Commission may, in the name of the People of the
11 State of Illinois, through the Attorney General of the State of
12 Illinois, petition for an order enjoining the violation or for
13 an order enforcing compliance with this Act. Upon the filing of
14 a verified petition in court, the court may issue a temporary
15 restraining order, without notice or bond, and may
16 preliminarily and permanently enjoin the violation. If it is
17 established that the person or entity has violated or is
18 violating the injunction, the court may punish the offender for
19 contempt of court. Proceedings under this Section are in
20 addition to, and not in lieu of, all other remedies and
21 penalties provided by this Act.

22 (b) If any person or entity practices as a repossession
23 agency or a recovery manager or holds himself, herself, or
24 itself out as such without having a valid license or recovery

1 permit under this Act, then any license holder or recovery
2 permit holder, any person injured thereby, or any resident of
3 or legal entity within the State may, in addition to the
4 Commission, petition for relief as provided in subsection (a)
5 of this Section.

6 (c) Whenever, in the opinion of the Commission, any person
7 or entity violates any provision of this Act, the Commission
8 may issue a rule to show cause why an order to cease and desist
9 should not be entered against that person or entity. The rule
10 shall clearly set forth the grounds relied upon by the
11 Commission and shall provide a period of 7 days from the date
12 of the rule to file an answer to the satisfaction of the
13 Commission. Failure to answer to the satisfaction of the
14 Commission shall cause an order to cease and desist to be
15 issued immediately.

16 Section 140. Investigation; notice and hearing. The
17 Commission may investigate the actions or qualifications of any
18 person or entity holding or claiming to hold a license or
19 recovery permit. The Commission may take any immediate
20 disciplinary action that the Commission may deem proper if a
21 person or entity repossesses a vehicle or collateral in the
22 State without a valid license or permit. For all other
23 disciplinary actions against a license or recovery permit
24 holder, the Commission shall (i) notify the accused in writing
25 of any charges made and the time and place for a hearing on the

1 charges at least 30 days before the date set for the hearing,
2 (ii) direct the accused to file a written answer to the charges
3 under oath within 30 days after the service on the person or
4 entity of such notice, and (iii) inform the accused that
5 failure to file an answer shall result in a default judgment
6 against the person or entity and the person's or entity's
7 license or recovery permit may be suspended, revoked, placed on
8 probationary status, or other disciplinary action taken with
9 regard to the license or recovery permit as the Commission may
10 deem proper.

11 In case the person or entity, after receiving notice, fails
12 to file an answer, the person's or entity's license or recovery
13 permit may, in the discretion of the Commission, be suspended,
14 revoked, placed on probationary status, or the Commission, may
15 take whatever disciplinary action it deems proper, including
16 the imposition of a fine, without a hearing, if the act or acts
17 charged constitute sufficient grounds for such action under
18 this Act. This written notice and any notice in the subsequent
19 proceedings may be served by personal delivery to the accused,
20 or by registered or certified mail to the address last
21 specified by the accused in the last notification to the
22 Commission.

23 The written answer shall be served by personal delivery,
24 certified delivery, or certified or registered mail to the
25 Commission. At the time and place fixed in the notice, the
26 Commission shall proceed to hear the charges and the parties or

1 their counsel shall be accorded ample opportunity to present
2 such statements, testimony, evidence, and argument as may be
3 pertinent to the charges or to the defense thereto. The
4 Commission may continue such hearing from time to time. At the
5 discretion of the Commission, the accused person's or entity's
6 license or recovery permit may be suspended or revoked, if the
7 evidence constitutes sufficient grounds for such action under
8 this Act.

9 Section 145. Record of proceeding. The Commission, at its
10 expense, shall preserve a record of all proceedings at the
11 formal hearing of any case. The notice of hearing, complaint
12 and all other documents in the nature of pleadings and written
13 motions filed in the proceedings, the transcript of testimony,
14 and orders of the Commission shall be in the record of the
15 proceedings.

16 Section 150. Subpoenas; oaths; attendance of witnesses.
17 The Commission has the power to subpoena and to bring before it
18 any person and to take testimony either orally or by
19 deposition, or both, with the same fees and mileage and in the
20 same manner as is prescribed in civil cases in the courts of
21 this State. The Commission and the designated hearing officer
22 have the power to administer oaths to witnesses at any hearing
23 that the Commission is authorized to conduct and any other
24 oaths authorized in any Act administered by the Commission. Any

1 circuit court may, upon application of the Commission or its
2 designee or of the applicant, license holder, or recovery
3 permit holder against whom proceedings under this Act are
4 pending, enter an order requiring the attendance of witnesses
5 and their testimony, and the production of documents, papers,
6 files, books, and records in connection with any hearing or
7 investigation. The court may compel obedience to its order by
8 proceedings for contempt.

9 Section 155. Recommendations for disciplinary action. At
10 the conclusion of the hearing, the Commission shall prepare a
11 written report of its findings and recommendations. The report
12 shall contain a finding whether or not the accused person or
13 entity violated this Act or failed to comply with the
14 conditions required in this Act. The finding is not admissible
15 in evidence against the person in a criminal prosecution
16 brought for the violation of this Act, but the hearing and
17 finding are not a bar to a criminal prosecution brought for the
18 violation of this Act.

19 Section 160. Rehearing. In any hearing involving
20 disciplinary action against a license holder or recovery permit
21 holder, a copy of the Commission's report shall be served upon
22 the respondent by the Commission, either personally or as
23 provided in this Act for the service of the notice of hearing.
24 Within 20 calendar days after service, the respondent may

1 present to the Commission a motion in writing for a rehearing
2 that shall specify the particular grounds for rehearing. If no
3 motion for rehearing is filed, then upon the expiration of the
4 time specified for filing a motion, or if a motion for
5 rehearing is denied, then upon denial, the Commission may enter
6 an order in accordance with its own recommendations except as
7 provided in this Act. If the respondent orders from the
8 reporting service, and pays for, a transcript of the record
9 within the time for filing a motion for rehearing, then the 20
10 calendar day period within which a motion may be filed shall
11 commence upon the delivery of the transcript to the respondent.

12 Section 165. Appointment of a hearing officer. The
13 Commission has the authority to appoint any attorney duly
14 licensed to practice law in the State of Illinois to serve as
15 the hearing officer in any action for refusal to issue or renew
16 a license or recovery permit or to discipline a license holder
17 or recovery permit holder. The hearing officer has full
18 authority to conduct the hearing. The hearing officer shall
19 report his or her findings and recommendations to the
20 Commission. The Commission has 60 calendar days from receipt of
21 the report to review the report of the hearing officer. If the
22 Commission disagrees with the recommendation of the hearing
23 officer, then the Commission may issue an order in
24 contravention of the recommendation.

1 Section 170. Hearing by other examiner. Whenever the
2 Commission is not satisfied that substantial justice has been
3 done in revoking or suspending a license or recovery permit, or
4 refusing to issue or renew a license or recovery permit, the
5 Commission may order a rehearing.

6 Section 175. Order; certified copy. An order or a
7 certified copy thereof, over the seal of the Commission, shall
8 be prima facie proof:

9 (a) that the seal is the genuine seal of the Commission;
10 and

11 (b) that the Commission is duly appointed and qualified.

12 Section 180. Restoration. At any time after the suspension
13 or revocation of any license or recovery permit, the Commission
14 may restore the license or recovery permit to the accused
15 person, unless after an investigation and a hearing the
16 Commission determines that restoration is not in the public
17 interest.

18 Section 185. License and recovery permit surrender. Upon
19 the revocation or suspension of any license or recovery permit,
20 the license holder or recovery permit holder shall immediately
21 surrender the license or recovery permit to the Commission. If
22 the license holder or recovery permit holder fails to do so,
23 then the Commission has the right to seize the license or

1 recovery permit.

2 Section 190. Summary suspension. The Commission may
3 summarily suspend the license of a repossession agency, the
4 license of a recovery manager, or the recovery permit of an
5 employee without a hearing, simultaneously with the
6 institution of proceedings for a hearing provided for in this
7 Act, if the Commission finds that evidence in its possession
8 indicates that a repossession agency's, recovery manager's, or
9 employee's continuation in the business of collateral recovery
10 would constitute an imminent danger to the public. In the event
11 that the Commission summarily suspends a license or recovery
12 permit without a hearing, a hearing by the Commission must be
13 held within 30 calendar days after the suspension has occurred.

14 Section 195. Judicial review. All final administrative
15 decisions of the Commission are subject to judicial review
16 under the Administrative Review Law and its rules. The term
17 "administrative decision" is defined as in Section 3-101 of the
18 Code of Civil Procedure. Proceedings for judicial review shall
19 be commenced in the circuit court of the county in which the
20 party applying for review resides; but if the party is not a
21 resident of this State, the venue shall be in Sangamon County.

22 Section 200. Violations; criminal penalties. Any person
23 who is found to have violated any provision of this Act is

1 guilty of a Class A misdemeanor for the first offense, and a
2 Class 4 felony for a second or subsequent offense.

3 Section 205. Illinois Administrative Procedure Act. The
4 Illinois Administrative Procedure Act is expressly adopted and
5 incorporated in this Act as if all of the provisions of that
6 Act were included in this Act. For the purpose of this Act, the
7 notice required under Section 10-25 of the Illinois
8 Administrative Procedure Act is deemed sufficient when mailed
9 to the last known address of a party.

10 Section 900. The Regulatory Sunset Act is amended by adding
11 Section 4.32 as follows:

12 (5 ILCS 80/4.32 new)

13 Sec. 4.32. Act repealed on January 1, 2022. The following
14 Act is repealed on January 1, 2022:

15 The Collateral Recovery Act.

16 Section 999. Effective date. This Act takes effect July 1,
17 2012.".