



Rep. Frank J. Mautino

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1 AMENDMENT TO SENATE BILL 1787

2 AMENDMENT NO. _____. Amend Senate Bill 1787, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Funeral or Burial Funds Act is
6 amended by changing Section 3a as follows:

7 (225 ILCS 45/3a) (from Ch. 111 1/2, par. 73.103a)

8 Sec. 3a. Denial, suspension, or revocation of license.

9 (a) The Comptroller may refuse to issue or may suspend or
10 revoke a license on any of the following grounds:

11 (1) The applicant or licensee has made any
12 misrepresentations or false statements or concealed any
13 material fact.

14 (2) The applicant or licensee is insolvent.

15 (3) The applicant or licensee has been engaged in
16 business practices that work a fraud.

1 (4) The applicant or licensee has refused to give
2 pertinent data to the Comptroller.

3 (5) The applicant or licensee has failed to satisfy any
4 enforceable judgment or decree rendered by any court of
5 competent jurisdiction against the applicant.

6 (6) The applicant or licensee has conducted or is about
7 to conduct business in a fraudulent manner.

8 (7) The trust agreement is not in compliance with State
9 or federal law.

10 (8) The fidelity bond is not satisfactory to the
11 Comptroller.

12 (9) As to any individual required to be listed in the
13 license application, the individual has conducted or is
14 about to conduct any business on behalf of the applicant in
15 a fraudulent manner; has been convicted of any felony or
16 misdemeanor, an essential element of which is fraud; has
17 had a judgment rendered against him or her based on fraud
18 in any civil litigation; has failed to satisfy any
19 enforceable judgment or decree rendered against him or her
20 by any court of competent jurisdiction; or has been
21 convicted of any felony or any theft-related offense.

22 (10) The applicant or licensee, including any member,
23 officer, or director thereof if the applicant or licensee
24 is a firm, partnership, association or corporation and any
25 shareholder holding more than 10% of the corporate stock,
26 has violated any provision of this Act or any regulation,

1 decision, order, or finding made by the Comptroller under
2 this Act.

3 (11) The Comptroller finds any fact or condition
4 existing which, if it had existed at the time of the
5 original application for such license, would have
6 warranted the Comptroller in refusing the issuance of the
7 license.

8 (12) If an applicant or licensee engages in a lockout,
9 as defined in the Employment of Strikebreakers Act, and the
10 Comptroller has reason to believe the lockout is negatively
11 impacting the consumer.

12 (b) Before refusal to issue or renew and before suspension
13 or revocation of a license, the Comptroller shall hold a
14 hearing to determine whether the applicant or licensee,
15 hereinafter referred to as the respondent, is entitled to hold
16 such a license. At least 10 days prior to the date set for such
17 hearing, the Comptroller shall notify the respondent in writing
18 that on the date designated a hearing will be held to determine
19 his eligibility for a license and that he may appear in person
20 or by counsel. Such written notice may be served on the
21 respondent personally, or by registered or certified mail sent
22 to the respondent's business address as shown in his latest
23 notification to the Comptroller. At the hearing, both the
24 respondent and the complainant shall be accorded ample
25 opportunity to present in person or by counsel such statements,
26 testimony, evidence and argument as may be pertinent to the

1 charges or to any defense thereto. The Comptroller may
2 reasonably continue such hearing from time to time.

3 The Comptroller may subpoena any person or persons in this
4 State and take testimony orally, by deposition or by exhibit,
5 in the same manner and with the same fees and mileage
6 allowances as prescribed in judicial proceedings in civil
7 cases.

8 Any authorized agent of the Comptroller may administer
9 oaths to witnesses at any hearing which the Comptroller is
10 authorized to conduct.

11 (Source: P.A. 92-419, eff. 1-1-02.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."