



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB3566

Introduced 2/14/2014, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

205 ILCS 405/3	from Ch. 17, par. 4804
205 ILCS 405/3.3	from Ch. 17, par. 4807
205 ILCS 405/4.1	from Ch. 17, par. 4809
205 ILCS 405/5	from Ch. 17, par. 4812
205 ILCS 405/8	from Ch. 17, par. 4815
205 ILCS 405/9	from Ch. 17, par. 4816
205 ILCS 405/10	from Ch. 17, par. 4817
205 ILCS 405/11	from Ch. 17, par. 4819
205 ILCS 405/15	from Ch. 17, par. 4824
205 ILCS 405/18	from Ch. 17, par. 4834

Amends the Currency Exchange Act. Provides that a currency exchange is not prohibited from accepting any check without regard to the date imprinted on the check, as long as the check is immediately cashed, deposited, and processed in the ordinary course of business. Further provides that a community or ambulatory currency exchange is permitted to place self-service automated terminals on its premises, engage in and charge a fee for the transmission of information upon the request of a consumer, advertise and distribute materials concerning legal services and products on its premises, and provide access to third-party travel reservation and ticketing services. Makes changes to provisions concerning community currency exchanges and the Secretary of Financial and Professional Regulation's authority to fine a licensee or suspend or revoke licenses under the Act. Makes other changes.

LRB098 19703 ZMM 54914 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Currency Exchange Act is amended by changing
5 Sections 3, 3.3, 4.1, 5, 8, 9, 10, 11, 15, and 18 as follows:

6 (205 ILCS 405/3) (from Ch. 17, par. 4804)

7 Sec. 3. Powers of community currency exchanges. No
8 community or ambulatory currency exchange shall be permitted to
9 accept money or evidences of money as a deposit to be returned
10 to the depositor or upon the depositor's order. No community or
11 ambulatory currency exchange shall be permitted to act as
12 bailee or agent for persons, firms, partnerships, limited
13 liability companies, associations or corporations to hold
14 money or evidences thereof or the proceeds therefrom for the
15 use and benefit of the owners thereof, and deliver such money
16 or proceeds of evidence of money upon request and direction of
17 such owner or owners. Nothing in this Act shall prevent a
18 currency exchange from accepting any check without regard to
19 the date imprinted on the check, as long as the check is
20 immediately cashed, deposited, and processed in the ordinary
21 course of business. A community or ambulatory currency exchange
22 is permitted to engage in, and charge a fee for, the following
23 activities, either directly or as a third-party agent: (i)

1 cashing of checks, drafts, money orders, or any other evidences
2 of money acceptable to the currency exchange, (ii) selling or
3 issuing money orders, (iii) obtaining reports, certificates,
4 governmental permits, licenses, and vital statistics and the
5 preparation of necessary applications to obtain the same, (iv)
6 the sale and distribution of bond cards, (v) obtaining,
7 distributing, providing, or selling: State vehicle
8 registration renewals, title transfers and tax remittance
9 forms, city vehicle licenses, and other governmental services,
10 (vi) photocopying and sending and receiving facsimile
11 transmissions, (vii) notary service either by the proprietor of
12 the currency exchange or any currency exchange employee,
13 authorized by the State to act as a notary public, (viii)
14 issuance of travelers checks obtained by the currency exchange
15 from a banking institution under a trust receipt, (ix)
16 accepting for payment utility and other companies' bills, (x)
17 issuance and acceptance of any third-party debit, credit, or
18 stored value card and loading or unloading, (xi) on-premises
19 automated cash dispensing machines, (xii) sale of rolled coin
20 and paper money, (xiii) exchange of foreign currency through a
21 third-party, (xiv) sale of cards, passes, or tokens for public
22 transit, (xv) providing mail box service, (xvi) sale of phone
23 cards and other pre-paid telecommunication services, (xvii)
24 on-premises public telephone, (xviii) sale of U.S. postage,
25 (xix) money transmission through a licensed third-party money
26 transmitter, (xx) sale of candy, gum, other packaged foods,

1 soft drinks, and other products and services by means of
2 on-premises vending machines and self-service automated
3 terminals, and (xxi) transmittal of information upon the
4 request of a consumer, (xxii) advertising upon and about the
5 premises and distribution to consumers of advertising and other
6 materials of any legal product or service that is not
7 misleading to the public, (xxiii) providing access to consumers
8 of third-party travel reservation and ticketing services, and
9 (xxiv) other products and services as may be approved by the
10 Secretary. Any community or ambulatory currency exchange may
11 enter into agreements with any utility and other companies to
12 act as the companies' agent for the acceptance of payment of
13 utility and other companies' bills without charge to the
14 customer and, acting under such agreement, may receipt for
15 payments in the names of the utility and other companies. Any
16 community or ambulatory currency exchange may also receive
17 payment of utility and other companies' bills for remittance to
18 companies with which it has no such agency agreement and may
19 charge a fee for such service but may not, in such cases, issue
20 a receipt for such payment in the names of the utility and
21 other companies. However, funds received by currency exchanges
22 for remittance to utility and other companies with which the
23 currency exchange has no agency agreement shall be forwarded to
24 the appropriate utility and other companies by the currency
25 exchange before the end of the next business day.

26 For the purpose of this Section, "utility and other

1 companies" means any utility company and other company with
2 which the currency exchange may or may not have a contractual
3 agreement and for which the currency exchange accepts payments
4 from consumers for remittance to the utility or other company
5 for the payment of bills.

6 (Source: P.A. 97-315, eff. 1-1-12.)

7 (205 ILCS 405/3.3) (from Ch. 17, par. 4807)

8 Sec. 3.3. Additional public services.

9 (a) Nothing in this Act shall prevent the Secretary from
10 authorizing a currency exchange, group of currency exchanges,
11 or association of currency exchanges to render additional
12 services to the public if the services are consistent with the
13 provisions of this Act, are within its meaning, are in the best
14 interest of the public, and benefit the general welfare. For
15 the purposes of this Section, lawful services shall be presumed
16 to be consistent with the provisions of this Act, within its
17 meaning, and in the best interest of the public and to benefit
18 the general welfare. A currency exchange, group of currency
19 exchanges, or association of currency exchanges must request,
20 in writing, the Secretary's approval of the additional service
21 prior to rendering such additional service to the public. Any
22 approval under this Section shall be deemed an approval for all
23 currency exchanges. Any currency exchange wishing to provide an
24 additional service previously approved by the Secretary must
25 provide written notice, on a form provided by the Department

1 and available on its website, to the Secretary 30 days prior to
2 offering the approved additional service to the public. The
3 Secretary may charge an additional service investigation fee of
4 \$500 per application for a new additional service request. The
5 additional service request shall be on a form provided by the
6 Department and available on the Department's website. Within 15
7 days after receipt by the Department of an additional service
8 request, the Secretary shall examine the additional service
9 request for completeness and notify the requester of any
10 defect. The requester must remedy the defect within 10 days
11 after the mailing of the notification of the defect by the
12 Secretary. Failure to remedy the defect within such time will
13 void the additional service request. If the Secretary
14 determines that the additional service request is complete, the
15 Secretary shall have 60 business days to approve or deny the
16 additional service request. If the additional service request
17 is denied, the Secretary shall send by United States mail
18 notice of the denial to the requester at the address set forth
19 in the additional service request, together with the reasons
20 therefor stated with particularity that the additional service
21 is not consistent with the provisions of this Act or in the
22 best interest of the public and does not benefit the general
23 welfare. If an additional service request is denied, the
24 requester may, within 10 days after receipt of the denial, make
25 a written request to the Secretary for a hearing on the
26 additional service request denial. The hearing shall be set for

1 a date after the receipt by the Secretary of the request for a
2 hearing, and written notice of the time and place of the
3 hearing shall be mailed to the requester no later than 15 days
4 before the date of the hearing. The hearing shall be scheduled
5 for a date within 56 days after the date of the receipt of the
6 request for a hearing. The requester shall pay the actual cost
7 of making the transcript of the hearing prior to the
8 Secretary's issuing his or her decision following the hearing.
9 If the Secretary denies the request for a new additional
10 service, a currency exchange shall not offer the new additional
11 service until a final administrative order has been entered
12 permitting a currency exchange to offer the service. The
13 Secretary's decision may be subject to review as provided in
14 Section 22.01 of this Act. If the Secretary revokes a
15 previously approved authorization for an additional service
16 request, the Secretary shall provide written notice to all
17 affected currency exchange licensees, together with the
18 reasons therefor stated with particularity, that the
19 additional service is no longer consistent with the provisions
20 of this Act or in the best interest of the public and does not
21 benefit the general welfare. Upon receipt of the revocation
22 notice, a currency exchange licensee, group of currency
23 exchange licensees, or association of currency exchanges shall
24 have 10 days to make a written request to the Secretary for a
25 hearing, and the Department shall have 30 business days to
26 schedule a future hearing. Written notice of the time and place

1 of the hearing shall be mailed to the licensee no later than 10
2 business days before the date of the hearing. The licensee
3 shall pay the actual cost of making the transcript prior to the
4 Secretary's issuing his or her decision following the hearing.
5 The Secretary's decision is subject to review as provided in
6 Section 22.01 of this Act.

7 (b) (Blank).

8 (c) If the Secretary revokes authorization for a previously
9 approved additional service, the currency exchange may
10 continue to offer the additional service until a final
11 administrative order has been entered revoking the licensee's
12 previously approved authorization.

13 (Source: P.A. 97-315, eff. 1-1-12; 97-1111, eff. 8-27-12.)

14 (205 ILCS 405/4.1) (from Ch. 17, par. 4809)

15 Sec. 4.1. Application; investigation; community need.

16 (a) The General Assembly finds and declares that community
17 currency exchanges provide important and vital services to
18 Illinois citizens, that the number of community currency
19 exchanges should be limited in accordance with the needs of the
20 communities they are to serve, and that it is in the public
21 interest to promote and foster the community currency exchange
22 business and to insure the financial stability thereof.

23 (b) Upon receipt of an application for a license for a
24 community currency exchange, the Secretary shall cause an
25 investigation to determine:

1 (1) ~~of~~ the need of the community for the establishment
2 of a community currency exchange at the location specified
3 in the application; and

4 (2) the effect that granting the license will have on
5 the financial stability of other community currency
6 exchanges that may be serving the community in which the
7 business of the applicant is proposed to be conducted.

8 (c) "Community", as used in this Act, means a locality
9 where there may or can be available to the people thereof the
10 services of a community currency exchange reasonably
11 accessible to them, but in no case less than a one-half mile
12 radius from the location specified in an application for a
13 license for a community currency exchange.

14 (d) If the issuance of a license to engage in the community
15 currency exchange business at the location specified will not
16 promote the needs and the convenience and advantage of the
17 community in which the business of the applicant is proposed to
18 be conducted or would have a material and negative effect upon
19 the financial stability of other currency exchanges as
20 described in paragraph (2) of subsection (b) of this Section,
21 then the application shall be denied. Notwithstanding any other
22 provision contained in this Section, the Secretary shall not
23 approve an application to operate a new community currency
24 exchange within a one-half mile radius of any existing licensee
25 located in any municipality with a population exceeding 500,000
26 or within a one mile radius of any existing licensee located in

1 any municipality with a population less than 500,000. This
2 provision shall not require the Secretary to deny any
3 application:

4 (1) from the purchaser of the place of business of a
5 licensee that was licensed before the effective date of
6 this amendatory Act of the 98th General Assembly if the
7 purchaser will operate at the specific location occupied by
8 the existing licensee, or within 600 feet of that location;

9 (2) from a licensee requesting to relocate to within
10 600 feet of the address currently occupied by the licensee;
11 or

12 (3) from an applicant providing written waivers from
13 all existing licensees within the distance limits set forth
14 in this Section.

15 For the purposes of this subsection (d), a community
16 currency exchange business will promote the needs and the
17 convenience and advantage of the community if it will provide a
18 benefit to that community.

19 (e) As a part of the investigation, the Secretary shall,
20 within 10 business days after receipt of an application, notify
21 in writing all currency exchanges as described in paragraph (2)
22 of subsection (b) of this Section of the application and the
23 proposed location. Within 10 business days after the notice,
24 any currency exchange as described in paragraph (2) of
25 subsection (b) of this Section may notify the Secretary it
26 intends to protest the application. If the currency exchange

1 intends to protest the application, then the currency exchange
2 shall, within 30 days after notifying the Secretary, provide
3 the Secretary with any information requested to substantiate
4 that granting the license would have a material and negative
5 effect upon the financial stability of the existing currency
6 exchange. Once the investigation is complete, the Secretary
7 shall, within 10 business days thereafter, notify any currency
8 exchange as described in paragraph (2) of subsection (b) of
9 this Section of the determination to approve or deny the
10 application. The determination shall sufficiently detail the
11 facts that led to the determination.

12 (Source: P.A. 97-315, eff. 1-1-12.)

13 (205 ILCS 405/5) (from Ch. 17, par. 4812)

14 Sec. 5. Bond; condition; amount.

15 (a) Before any license shall be issued to a community
16 currency exchange the applicant shall file annually with and
17 have approved by the Secretary a surety bond, issued by a
18 bonding company authorized to do business in this State in the
19 principal sum of \$25,000. Such bond shall run to the Secretary
20 and shall be for the benefit of any creditors of such currency
21 exchange for any liability incurred by the currency exchange on
22 any money orders, including any fees and penalties incurred by
23 the remitter should the money order be returned unpaid, issued
24 or sold by the currency exchange in the ordinary course of its
25 business and for any liability incurred by the currency

1 exchange for any sum or sums due to any payee or endorsee of
2 any check, draft or money order left with the currency exchange
3 in the ordinary course of its business for collection, and for
4 any liability to the public incurred by the currency exchange
5 in the ordinary course of its business in connection with the
6 rendering of any of the services referred to in Section 3 of
7 this Act.

8 To protect the public and allow for the effective
9 underwriting of bonds, the surety bond shall not cover money
10 orders issued and other liabilities incurred by a currency
11 exchange for its own account or that of its controlling
12 persons, including money orders issued or liabilities incurred
13 by the currency exchange to obtain cash for its own operations,
14 to pay for the currency exchange's own bills or liabilities or
15 that of its controlling persons, or to obtain things of value
16 for the currency exchange or its controlling persons,
17 regardless of whether such things of value are used in the
18 currency exchange's operations or sold by the currency
19 exchange.

20 From time to time the Secretary may determine the amount of
21 liabilities as described herein and shall require the licensee
22 to file a bond in an additional sum if the same is determined
23 to be necessary in accordance with the requirements of this
24 Section. In no case shall the bond be less than the initial
25 \$25,000, nor more than the outstanding liabilities.

26 (b) In lieu of the surety bond requirements of subsection

1 (a), a community currency exchange licensee may submit evidence
2 satisfactory to the Secretary that the community currency
3 exchange licensee is covered by a blanket bond that covers
4 multiple licensees who are members of a statewide association
5 of community currency exchanges. Such a blanket bond must be
6 issued by a bonding company authorized to do business in this
7 State and in a principal aggregate sum of not less than
8 \$3,000,000 as of May 1, 2012, and not less than \$4,000,000 as
9 of May 1, 2014.

10 (c) An ambulatory currency exchange may sell or issue money
11 orders at any location with regard to which it is issued a
12 license pursuant to this Act, including existing licensed
13 locations, without the necessity of a further application or
14 hearing and without regard to any exceptions contained in
15 existing licenses, upon the filing with the Secretary of a
16 surety bond approved by the Secretary and issued by a bonding
17 company or insurance company authorized to do business in
18 Illinois, in the principal sum of \$100,000. Such bond may be a
19 blanket bond covering all locations at which the ambulatory
20 currency exchange may sell or issue money orders, and shall run
21 to the Secretary for the use and benefit of any creditors of
22 such ambulatory currency exchange for any liability incurred by
23 the ambulatory currency exchange on any money orders issued or
24 sold by it to the public in the ordinary course of its
25 business. Such bond shall be renewed annually. If after the
26 expiration of one year from the date of approval of such bond

1 by the Secretary, it shall appear that the average amount of
2 such liability during the year has exceeded \$100,000, the
3 Secretary shall require the licensee to furnish a bond for the
4 ensuing year, to be approved by the Secretary, for an
5 additional principal sum of \$1,000 for each \$1,000 of such
6 liability or fraction thereof in excess of the original
7 \$100,000, except that the maximum amount of such bond shall not
8 be required to exceed \$250,000.

9 (Source: P.A. 97-315, eff. 1-1-12.)

10 (205 ILCS 405/8) (from Ch. 17, par. 4815)

11 Sec. 8. A community or an ambulatory currency exchange
12 shall not be conducted as a department of another business. It
13 must be an entity, financed and conducted as a separate
14 business unit. This shall not prevent a community or an
15 ambulatory currency exchange from leasing a part of the
16 premises of, or to, another business where ~~for~~ the conduct of
17 this business on the same premises; provided, that no community
18 currency exchange shall be conducted on the same premises with
19 a business whose chief source of revenue is derived from the
20 sale of alcoholic liquor; and further provided, that all
21 records of the currency exchange shall remain secure and
22 inaccessible from anyone not employed by the currency exchange
23 ~~for consumption on the premises; provided, further, that no~~
24 ~~community currency exchange hereafter licensed for the first~~
25 ~~time shall share any room with any other business, trade or~~

1 ~~profession nor shall it occupy any room from which there is~~
2 ~~direct access to a room occupied by any other business, trade~~
3 ~~or profession.~~

4 (Source: Laws 1951, p. 562.)

5 (205 ILCS 405/9) (from Ch. 17, par. 4816)

6 Sec. 9. No community or ambulatory currency exchange shall
7 issue tokens to be used in lieu of money for the purchase of
8 goods or services from any enterprise, ~~except that currency~~
9 ~~exchanges may engage in the distribution of food stamps as~~
10 ~~authorized by Section 3.2.~~

11 (Source: P.A. 80-439.)

12 (205 ILCS 405/10) (from Ch. 17, par. 4817)

13 Sec. 10. Qualifications of applicant; denial of license;
14 review. The applicant, and its controlling persons ~~officers,~~
15 ~~directors and stockholders, if a corporation, and its managers~~
16 ~~and members, if a liability company,~~ shall be vouched for by 2
17 reputable citizens of this State setting forth that the
18 individual mentioned is (a) personally known to them to be
19 trustworthy and reputable, (b) that he has business experience
20 qualifying him to competently conduct, operate, own or become
21 associated with a currency exchange, (c) that he has a good
22 business reputation and is worthy of a license. Thereafter, the
23 Secretary shall, upon approval of the application filed with
24 him, issue to the applicant, qualifying under this Act, a

1 license to operate a currency exchange. If it is a license for
2 a community currency exchange, the same shall be valid only at
3 the place of business specified in the application. If it is a
4 license for an ambulatory currency exchange, it shall entitle
5 the applicant to operate only at the location or locations
6 specified in the application, provided the applicant shall
7 secure separate and additional licenses for each of such
8 locations. Such licenses shall remain in full force and effect,
9 until they are surrendered by the licensee, or revoked, or
10 expire, as herein provided. If the Secretary shall not so
11 approve, he shall not issue such license or licenses and shall
12 notify the applicant of such denial, retaining the full
13 investigation fee to cover the cost of investigating the
14 community currency exchange applicant. The Secretary shall
15 approve or deny every application hereunder within 90 days from
16 the filing of a complete application; except that in respect to
17 an application by an approved ambulatory currency exchange for
18 a license with regard to a particular location to be served by
19 it, the same shall be approved or denied within 20 days from
20 the filing thereof. If the application is denied, the Secretary
21 shall send by United States mail notice of such denial to the
22 applicant at the address set forth in the application.

23 If an application is denied, the applicant may, within 10
24 days from the date of the notice of denial, make written
25 request to the Secretary for a hearing on the application, and
26 the Secretary shall set a time and place for the hearing. The

1 hearing shall be set for a date after the receipt by the
2 Secretary of the request for hearing, and written notice of the
3 time and place of the hearing shall be mailed to the applicant
4 at least 15 days before the date of the hearing. The applicant
5 shall pay the actual cost of making the transcript of the
6 hearing prior to the Secretary's issuing his decision following
7 the hearing. If, following the hearing, the application is
8 denied, the Secretary shall, within 20 days thereafter prepare
9 and keep on file in his office a written order of denial
10 thereof, which shall contain his findings with respect thereto
11 and the reasons supporting the denial, and shall send by United
12 States Mail a copy thereof to the applicant at the address set
13 forth in the application, within 5 days after the filing of
14 such order. A review of any such decision may be had as
15 provided in Section 22.01 of this Act.

16 For the purposes of this Act, "controlling person" means an
17 officer, director, or person owning or holding power to vote
18 10% or more of the outstanding voting securities of a licensee
19 or the power to vote the securities of another controlling
20 person of the licensee. For the purposes of determining the
21 percentage of a licensee controlled by a controlling person,
22 the person's interest shall be combined with the interest of
23 any other person controlled, directly or indirectly, by that
24 person or by a spouse, parent, or child of that person.

25 (Source: P.A. 97-315, eff. 1-1-12.)

1 (205 ILCS 405/11) (from Ch. 17, par. 4819)

2 Sec. 11. Such license, if issued for a community currency
3 exchange, shall state the name of the licensee and the address
4 at which the business is to be conducted. Such license, or ~~and~~
5 its annual renewal, shall be kept conspicuously posted in the
6 place of business of the licensee and shall not be transferable
7 or assignable. If issued for an ambulatory currency exchange,
8 it shall so state, and shall state the name and office address
9 of the licensee, and the name and address of the location or
10 locations to be served by the licensee, and shall not be
11 transferable and assignable.

12 (Source: P.A. 97-315, eff. 1-1-12.)

13 (205 ILCS 405/15) (from Ch. 17, par. 4824)

14 Sec. 15. The Secretary may, after 15 business days notice
15 by registered or certified mail to the licensee at the address
16 set forth in the license, or to such other address or method as
17 previously designated by the licensee, stating the
18 contemplated action and in general the grounds therefore, fine
19 the licensee ~~an amount not exceeding \$1,000 per violation~~ or
20 revoke or suspend any license issued if he or she finds that:

21 (a) the licensee has failed to pay the annual license
22 fee or to maintain in effect the required bond or bonds or
23 insurance policy or policies; or

24 (b) the licensee has failed to comply with any
25 provision of this Act or any order, decision, finding,

1 rule, regulation, or direction of the Secretary lawfully
2 made under the authority of this Act; or

3 (c) the licensee has violated any provision of this Act
4 or any regulation or direction made by the Secretary under
5 this Act; or

6 (d) any fact or condition exists which, if it had
7 existed at the time of the original application for such
8 license, would have warranted the Secretary in refusing the
9 issuance of the license; or

10 (e) the licensee has not operated the currency exchange
11 or at the location licensed, for a period of 60 consecutive
12 days, unless the licensee was prevented from operating
13 during such period by reason of events or acts beyond the
14 licensee's control.

15 The Secretary's authority to fine a licensee or suspend or
16 revoke licenses under this Section is subject to the following:

17 (1) The notice shall state (A) the specific nature and
18 a clear and concise description of the violation, (B) the
19 Sections of this Act or rules that have been violated, (C)
20 the contemplated fine or action, (D) that the licensee may,
21 within 15 business days from the date of the notice,
22 request a hearing pursuant to Section 22.01 of this Act,
23 (E) that the licensee may, within 15 business days after
24 the notice, take corrective action to mitigate any fine or
25 contemplated action, and (F) the specific corrective
26 action to be taken.

1 (2) In the event the licensee requests, in writing to
2 the Secretary and within 15 business days after the notice,
3 a hearing on the fine or contemplated action, the matter
4 shall be heard pursuant to Section 22.01 of this Act, any
5 finances or contemplated action shall be stayed, and no fines
6 shall accrue during the pendency of the hearing.

7 (3) In the event the licensee takes the corrective
8 action set forth in the notice within the time specified,
9 the licensee shall certify the corrective action in writing
10 to the Secretary, who may then confirm the corrective
11 action by conducting a follow-up investigation within 30
12 days of the date of the certification and if the Secretary
13 confirms the corrective action is complete, the
14 contemplated fine or action shall be dismissed and the
15 Secretary may assess an examination charge not to exceed
16 \$100. Corrective action taken by a licensee shall not serve
17 to mitigate any contemplated fine or action if such
18 violation is an impairment or is substantially similar to a
19 violation committed by the licensee at the specific
20 location within the previous 36 months.

21 Consistent with the provisions of this Act, the Secretary
22 may, after weighing any harm to the public, the seriousness of
23 the offense, and the history of the licensee, fine a licensee
24 an amount graduated up to \$1,000 per violation. "Violation"
25 means the offending act taken as a whole. Each day, incident,
26 or occurrence the offending act occurred shall not be construed

1 as a separate violation.

2 No license shall be revoked until the licensee has had
3 notice of a hearing on the proposed revocation and an
4 opportunity to be heard. When any license is revoked in this
5 manner, the Secretary shall, within 20 days, prepare and keep
6 on file in his or her office, a written order or decision of
7 revocation that shall contain his or her findings and the
8 reasons supporting the revocation. The Secretary shall send a
9 copy of the order, finding, or decision of revocation by United
10 States mail to the licensee at the address set forth in the
11 license within 5 days after the filing in his or her office of
12 the order, finding, or decision. A review of any such order,
13 finding, or decision is available under Section 22.01 of this
14 Act.

15 The Secretary may fine, suspend or revoke only the
16 particular license or licenses for particular places of
17 business or locations with respect to which grounds for
18 revocation may occur or exist; except that if he shall find
19 that such grounds for revocation are of general application to
20 all places of business or locations, or that such grounds for
21 fines, suspension or revocation have occurred or exist with
22 respect to a substantial number of places of business or
23 locations, he may fine, suspend or revoke all of the licenses
24 issued to such licensee.

25 An order assessing a fine, an order revoking or suspending
26 a license, or an order denying renewal of a license shall take

1 effect on service of the order unless the licensee requests a
2 hearing pursuant to this Section ~~, in writing, within 15 days~~
3 ~~after the date of service. In the event a hearing is requested,~~
4 ~~the order shall be stayed until a final administrative order is~~
5 ~~entered.~~ If the licensee requests a hearing, the Secretary
6 shall schedule a hearing within 30 days after the request for a
7 hearing unless otherwise agreed to by the parties. The hearing
8 shall be held at the time and place designated by the
9 Secretary.

10 The Secretary and any administrative law judge designated
11 by him or her shall have the power to administer oaths and
12 affirmations, subpoena witnesses and compel their attendance,
13 take evidence, and require the production of books, papers,
14 correspondence, and other records or information that he or she
15 considers relevant or material to the inquiry.

16 In case of contumacy or refusal of a witness to obey a
17 subpoena, any circuit court of this State whose jurisdiction
18 encompasses where the hearing is located may issue an order
19 requiring such witness to appear before the Secretary or the
20 hearing officer, to produce documentary evidence, or to give
21 testimony touching the matter in question; and the court may
22 punish any failures to obey such orders of the court as
23 contempt.

24 A licensee may surrender any license by delivering to the
25 Secretary written notice that he, they or it thereby surrenders
26 such license, but such surrender shall not affect such

1 licensee's civil or criminal liability for acts committed prior
2 to such surrender, or affect the liability on his, their or its
3 bond or bonds, or his, their or its policy or policies of
4 insurance, required by this Act, or entitle such licensee to a
5 return of any part of the annual license fee or fees.

6 Every license issued hereunder shall remain in force until
7 the same shall expire, or shall have been surrendered,
8 suspended or revoked in accordance with this Act, but the
9 Secretary may on his own motion, issue new licenses to a
10 licensee whose license or licenses shall have been revoked if
11 no fact or condition then exists which clearly would have
12 warranted the Secretary in refusing originally the issuance of
13 such license under this Act.

14 (Source: P.A. 97-315, eff. 1-1-12.)

15 (205 ILCS 405/18) (from Ch. 17, par. 4834)

16 Sec. 18. Proof of address. The applicant for a community
17 currency exchange license shall have a permanent address as
18 evidenced by a lease of at least 6 ~~six~~ months duration or other
19 suitable evidence of permanency, and the license issued,
20 pursuant to the application shall be valid only at that address
21 or any new address approved by the Secretary. A letter of
22 intent for a lease shall suffice for inclusion with the
23 application, and evidence of an executed lease shall be
24 considered ministerial in nature, to be furnished once the
25 investigation is completed, the approval final, and prior to

1 the issuance of the license.

2 (Source: P.A. 97-315, eff. 1-1-12.)