

AN ACT concerning regulation.

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

Section 5. The Financial Institutions Code is amended by changing Sections 4 and 6 as follows:

(20 ILCS 1205/4) (from Ch. 17, par. 104)

Sec. 4. As used in this Act:

~~(a)~~ "Department" means the Department of Financial and Professional Regulation Institutions.

~~(b)~~ "Director" means the Director of the Division of Financial Institutions and any authorized representative of the Director.

"Division" means the Division of Financial Institutions of the Department.

~~(c)~~ ~~"Person" means any individual, partnership, joint venture, trust, estate, firm, corporation, association or cooperative society or association.~~

~~(d)~~ "Financial institutions" means ambulatory and community currency exchanges, credit unions, guaranteed credit unions, money transmitters, ~~persons engaged in the business of transmitting money to foreign countries or buying and selling foreign money, pawnshops, societies,~~ title insuring or guaranteeing companies, consumer installment lenders, payday

~~lenders, sales finance agencies, and any other industry or business that offers services or products that are regulated under any Act administered by the Director and persons engaged in the business of making loans of \$800 or less, all as respectively defined in the laws referred to in Section 6 of this Act. The term includes sales finance agencies, as defined in the "Sales Finance Agency Act", enacted by the 75th General Assembly.~~

"License" means any certificate or authorization issued to any person, party, or entity pursuant to any Act administered by the Division.

"Licensee" means any person, party, or entity who is or comes to be certified, chartered, registered, licensed, or otherwise authorized by the Division pursuant to any Act administered by the Division.

~~(e)~~ "Payday loan" has the meaning ascribed to that term in the Payday Loan Reform Act.

"Person" means any individual, partnership, joint venture, trust, estate, firm, corporation, cooperative society or association, or any other form of business association or legal entity.

"Secretary" means the Secretary of Financial and Professional Regulation and any authorized representative of the Secretary.

(Source: P.A. 94-13, eff. 12-6-05.)

(20 ILCS 1205/6) (from Ch. 17, par. 106)

Sec. 6. General powers and duties. In addition to the powers and duties provided by law and imposed elsewhere in this Act, the Division Department has the following powers and duties:

(1) To administer and enforce the Consumer Installment Loan Act and its implementing rules. ~~To exercise the rights, powers and duties vested by law in the Auditor of Public Accounts under "An Act to provide for the incorporation, management and regulation of pawners' societies and limiting the rate of compensation to be paid for advances, storage and insurance on pawns and pledges and to allow the loaning of money upon personal property", approved March 29, 1899, as amended.~~

(2) To administer and enforce the Currency Exchange Act and its implementing rules. ~~To exercise the rights, powers and duties vested by law in the Auditor of Public Accounts under "An Act in relation to the definition, licensing and regulation of community currency exchanges and ambulatory eurrency exchanges, and the operators and employees thereof, and to make an appropriation therefor, and to provide penalties and remedies for the violation thereof", approved June 30, 1943, as amended.~~

(3) To administer and enforce the Debt Management Service Act and its implementing rules. ~~To exercise the rights, powers, and duties vested by law in the Auditor of Public~~

~~Accounts under "An Act in relation to the buying and selling of foreign exchange and the transmission or transfer of money to foreign countries", approved June 28, 1923, as amended.~~

(4) To administer and enforce the Debt Settlement Consumer Protection Act and its implementing rules. ~~To exercise the rights, powers, and duties vested by law in the Auditor of Public Accounts under "An Act to provide for and regulate the business of guaranteeing titles to real estate by corporations", approved May 13, 1901, as amended.~~

(5) To administer and enforce the Illinois Development Credit Corporation Act and its implementing rules. ~~To exercise the rights, powers and duties vested by law in the Department of Insurance under "An Act to define, license, and regulate the business of making loans of eight hundred dollars or less, permitting an interest charge thereon greater than otherwise allowed by law, authorizing and regulating the assignment of wages or salary when taken as security for any such loan or as consideration for a payment of eight hundred dollars or less, providing penalties, and to repeal Acts therein named", approved July 11, 1935, as amended.~~

(6) To administer and enforce the Payday Loan Reform Act and its implementing rules. ~~To administer and enforce "An Act to license and regulate the keeping and letting of safety deposit boxes, safes, and vaults, and the opening thereof, and to repeal a certain Act therein named", approved June 13, 1945, as amended.~~

(7) To administer and enforce the Safety Deposit License Act and its implementing rules. ~~Whenever the Department is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, then, upon request and payment of fees in conformance with the requirements of Section 2605 400 of the Illinois State Police Law, the Illinois State Police is authorized to furnish, pursuant to positive identification, such information contained in State files as is necessary to fulfill the request.~~

(8) To administer and enforce the Sales Finance Agency Act and its implementing rules. ~~To administer the Payday Loan Reform Act, the Consumer Installment Loan Act, the Predatory Loan Prevention Act, the Motor Vehicle Retail Installment Sales Act, and the Retail Installment Sales Act.~~

(9) To administer and enforce the Title Insurance Act and its implementing rules.

(10) To administer and enforce the Transmitters of Money Act and its implementing rules.

(11) To administer and enforce the Predatory Loan Prevention Act and its implementing rules.

(12) To administer and enforce the Motor Vehicle Retail Installment Sales Act and its implementing rules.

(13) To administer and enforce the Retail Installment Sales Act and its implementing rules.

(14) To administer and enforce the Illinois Credit Union Act and its implementing rules.

(15) To administer and enforce the Collection Agency Act and its implementing rules.

(16) To administer and enforce any other Act administered by the Director or Division.

(17) If the Division is authorized or required by law to consider some aspect of criminal history record information for the purpose of carrying out its statutory powers and responsibilities, to obtain from the Illinois State Police, upon request and payment of the fees required by the Illinois State Police Law of the Civil Administrative Code of Illinois, pursuant to positive identification, such information contained in State files as is necessary to carry out the duties of the Division.

(18) To authorize and administer examinations to ascertain the qualifications of applicants and licensees for which the examination is held.

(19) To conduct hearings in proceedings to revoke, suspend, refuse to renew, or take other disciplinary action regarding licenses, charters, certifications, registrations, or authorities of persons as authorized in any Act administered by the Division.

(Source: P.A. 101-658, eff. 3-23-21; 102-538, eff. 8-20-21; revised 10-5-21.)

Section 10. The Collection Agency Act is amended by changing Sections 2, 4.5, 5, 7, 8a, 9, 9.2, 11, 13.2, 16, 26, and 30 as follows:

(225 ILCS 425/2) (from Ch. 111, par. 2002)

(Section scheduled to be repealed on January 1, 2026)

Sec. 2. Definitions. In this Act:

"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department's licensure maintenance unit.

"Board" means the Collection Agency Licensing and Disciplinary Board.

"Charge-off balance" means an account principal and other legally collectible costs, expenses, and interest accrued prior to the charge-off date, less any payments or settlement.

"Charge-off date" means the date on which a receivable is treated as a loss or expense.

"Collection agency" means any person who, in the ordinary course of business, regularly, on behalf of himself or herself or others, engages in the collection of a debt.

"Consumer debt" or "consumer credit" means money or property, or their equivalent, due or owing or alleged to be due or owing from a natural person by reason of a consumer credit transaction.

"Credit transaction" means a transaction between a natural

person and another person in which property, service, or money is acquired on credit by that natural person from such other person primarily for personal, family, or household purposes.

"Creditor" means a person who extends consumer credit to a debtor.

"Current balance" means the charge-off balance plus any legally collectible costs, expenses, and interest, less any credits or payments.

"Debt" means money, property, or their equivalent which is due or owing or alleged to be due or owing from a person to another person.

"Debt buyer" means a person or entity that is engaged in the business of purchasing delinquent or charged-off consumer loans or consumer credit accounts or other delinquent consumer debt for collection purposes, whether it collects the debt itself or hires a third-party for collection or an attorney-at-law for litigation in order to collect such debt.

"Debtor" means a person from whom a collection agency seeks to collect a consumer or commercial debt that is due and owing or alleged to be due and owing from such person.

"Department" means the Department of Financial and Professional Regulation.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file, as maintained by the Department's licensure maintenance unit.

"Person" means a natural person, partnership, corporation, limited liability company, trust, estate, cooperative, association, or other similar entity.

"Licensed collection agency" means a person who is licensed under this Act to engage in the practice of debt collection in Illinois.

"Multi-state licensing system" means a web-based platform that allows licensure applicants to submit their applications and renewals to the Department online.

"Secretary" means the Secretary of Financial and Professional Regulation or his or her designee.

(Source: P.A. 99-227, eff. 8-3-15; 99-500, eff. 1-29-16; 100-132, eff. 8-18-17.)

(225 ILCS 425/4.5)

(Section scheduled to be repealed on January 1, 2026)

Sec. 4.5. Unlicensed practice; violation; civil penalty.

(a) Any person who practices, offers to practice, attempts to practice, or holds oneself out to practice as a collection agency without being licensed under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a

licensee.

(b) The Department has the authority and power to investigate any and all unlicensed activity. In addition to taking any other action provided under this Act, whenever the Department has reason to believe a person has violated any provision of subsection (a) of this Section, the Department may issue a rule to show cause why an order to cease and desist should not be entered against that person. The rule shall clearly set forth the grounds relied upon by the Department and shall provide a period of 7 days from the date of the rule to file an answer to the satisfaction of the Department. Failure to answer to the satisfaction of the Department shall provide the Department authority to issue ~~cause~~ an order to cease and desist ~~to be issued~~ immediately.

(c) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed ~~execution had thereon~~ in the same manner as any judgment from any court of record.

(d) All moneys collected under this Section shall be deposited into the Financial Institution Fund.

(Source: P.A. 102-205, eff. 7-30-21.)

(225 ILCS 425/5) (from Ch. 111, par. 2008)

(Section scheduled to be repealed on January 1, 2026)

Sec. 5. Application for original license. Application for

an original license shall be made to the Secretary on forms provided by the Department or through a multi-state licensing system as designated by the Secretary. The application, shall be accompanied by the required fee and shall state:

(1) the applicant's name and address;

(2) the names and addresses of the officers of the collection agency and, if the collection agency is a corporation, the names and addresses of all persons owning 10% or more of the stock of such corporation, if the collection agency is a partnership, the names and addresses of all partners of the partnership holding a 10% or more interest in the partnership, if the collection agency is a limited liability company, the names and addresses of all members holding 10% or more interest in the limited liability company, and if the collection agency is any other legal business entity, the names and addresses of all persons owning 10% or more interest in the entity; and

(3) such other information as the Department may deem necessary.

(Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

(225 ILCS 425/7) (from Ch. 111, par. 2010)

(Section scheduled to be repealed on January 1, 2026)

Sec. 7. Qualifications for license. In order to be qualified to obtain a license or a renewal license under this

Act, a collection agency's owners or officers shall:

(a) have the financial responsibility, financial condition, business experience, character, and general fitness such as to merit the confidence and trust of the public that an applicant, licensee, or regulated person is fit, willing, and able to carry on his or her proposed business in a lawful and fair manner ~~be of good moral character and of the age of 18 years or more;~~

(a-5) be 18 years of age or more;

(b) (blank); and

(c) have an acceptable credit rating, have no unsatisfied judgments; and not have been officers and owners of 10% or more interest of a former licensee under this Act whose license was suspended or revoked without subsequent restoration.

(Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

(225 ILCS 425/8a) (from Ch. 111, par. 2011a)

(Section scheduled to be repealed on January 1, 2026)

Sec. 8a. Fees.

(a) The fees for the administration and enforcement of this Act, including but not limited to original licensure, renewal, and restoration, shall be set by the Department by rule. All fees are nonrefundable.

(b) All fees collected under this Act by the Department shall be deposited into the Financial Institution Fund and

shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act. After the effective date of this amendatory Act of the 102nd General Assembly, the Department may transfer any funds ~~fees~~ collected under this Act from the General Professions Dedicated Fund to the Financial Institution Fund.

(c) The administration fee charged by the multi-state licensing system shall be paid directly to the multi-state licensing system.

(Source: P.A. 102-205, eff. 7-30-21.)

(225 ILCS 425/9) (from Ch. 111, par. 2012)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9. Disciplinary actions.

(a) The Department may refuse to issue or renew, or may revoke, suspend, place on probation, reprimand or take other disciplinary or non-disciplinary action as the Department may deem proper, including fines not to exceed \$10,000 per violation, for any one or any combination of the following causes:

(1) Material misstatement in furnishing information to the Department.

(2) Violations of this Act or of the rules promulgated hereunder.

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by

sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation of the collection agency or any of the officers or owners of more than 10% interest of the agency of any crime under the laws of any U.S. jurisdiction that (i) is a felony, (ii) is a misdemeanor, an essential element of which is dishonesty, or (iii) is directly related to the practice of a collection agency.

(4) Fraud or misrepresentation in applying for, or procuring, a license under this Act or in connection with applying for renewal of a license under this Act.

(5) Aiding or assisting another person in violating any provision of this Act or rules adopted under this Act.

(6) Failing, within 60 days, to provide information in response to a written request made by the Department.

(7) Habitual or excessive use or addiction to alcohol, narcotics, stimulants or any other chemical agent or drug which results in the inability to practice with reasonable judgment, skill, or safety by any of the officers or owners of 10% or more interest of a collection agency.

(8) Discipline by another state, the District of Columbia, a territory of the United States, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Act.

(9) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.

(10) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with State agencies or departments.

(11) Practicing or attempting to practice under a false or, except as provided by law, an assumed name.

(12) An adjudicated ~~A~~ finding by the Federal Trade Commission or other federal or State agency that a licensee violated the federal Fair Debt Collection Practices Act or its rules.

(13) Failure to file a return, or to pay the tax, penalty or interest shown in a filed return, or to pay any final assessment of tax, penalty or interest, as required by any tax Act administered by the Illinois Department of Revenue until such time as the requirements of any such tax Act are satisfied.

(14) Using or threatening to use force or violence to cause physical harm to a debtor, his or her family or his or her property.

(15) Threatening to instigate an arrest or criminal prosecution where no basis for a criminal complaint lawfully exists.

(16) Threatening the seizure, attachment or sale of a

debtor's property where such action can only be taken pursuant to court order without disclosing that prior court proceedings are required.

(17) Disclosing or threatening to disclose information adversely affecting a debtor's reputation for credit worthiness with knowledge the information is false.

(18) Threatening ~~Initiating or threatening~~ to initiate communication with a debtor's employer unless there has been a default of the payment of the obligation for at least 30 days and the licensee has given at least 5 days prior written notice, ~~to the last known address of the debtor,~~ of the intention to communicate with the employer ~~has been given~~ to the employee to the last known address of the debtor, ~~except as expressly permitted by law or court order.~~

(19) Communicating with the debtor or any member of the debtor's family at such a time of day or night and with such frequency as to constitute harassment of the debtor or any member of the debtor's family. For purposes of this Section the following conduct shall constitute harassment:

(A) Communicating with the debtor or any member of his or her family in connection with the collection of any debt without the prior consent of the debtor given directly to the debt collector, or the express permission of a court of competent jurisdiction, at any unusual time or place or a time or place known or

which should be known to be inconvenient to the debtor. In the absence of knowledge of circumstances to the contrary, a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock a.m. and before 9 o'clock p.m. in the debtor's local time ~~at the debtor's location~~.

(B) The threat of publication or publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency.

(C) The threat of advertisement or advertisement for sale of any debt to coerce payment of the debt.

(D) Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

(20) Using profane, obscene or abusive language in communicating with a debtor, his or her family or others.

(21) Disclosing or threatening to disclose information relating to a debtor's debt to any other person except where such other person has a legitimate business need for the information or except where such disclosure is permitted by law.

(22) Disclosing or threatening to disclose information concerning the existence of a debt which the collection agency knows to be disputed by the debtor without disclosing the fact that the debtor disputes the debt.

(23) Engaging in any conduct that is intended to cause and did cause mental or physical illness to the debtor or his or her family.

(24) Attempting or threatening to enforce a right or remedy with knowledge or reason to know that the right or remedy does not exist.

(25) Failing to disclose to the debtor or his or her family the legally authorized corporate, partnership or proprietary name, or other trade or business name, under which the collection agency is engaging in debt collections ~~and which he or she is legally authorized to use.~~

(26) Using any form of communication which simulates legal or judicial process or which gives the appearance of being authorized, issued, or approved by a governmental agency or official or by an attorney at law when it is not.

(27) Using any badge, uniform, or other indicia of any governmental agency or official except as authorized by law.

(28) Conducting business under any name or in any manner which suggests or implies that the collection agency is a branch of or is affiliated in any way with a governmental agency or court if such collection agency is not.

(29) Failing to disclose, at the time of making any demand for payment, the name of the person to whom the debt

is owed and at the request of the debtor, the address where payment is to be made and the address of the person to whom the debt is owed.

(30) Misrepresenting the amount of the debt alleged to be owed.

(31) Representing that an existing debt may be increased by the addition of attorney's fees, investigation fees or any other fees or charges when such fees or charges may not legally be added to the existing debt.

(32) Representing that the collection agency is an attorney at law or an agent for an attorney if he or she is not.

(33) Collecting or attempting to collect any interest or other charge or fee in excess of the actual debt unless such interest or other charge or fee is expressly authorized by the agreement creating the debt unless expressly authorized by law or unless in a commercial transaction such interest or other charge or fee is expressly authorized in a subsequent agreement. If a contingency or hourly fee arrangement (i) is established under an agreement between a collection agency and a creditor to collect a debt and (ii) is paid by a debtor pursuant to a contract between the debtor and the creditor, then that fee arrangement does not violate this Section unless the fee is unreasonable. The Department

shall determine what constitutes a reasonable collection fee.

(34) Communicating or threatening to communicate with a debtor when the collection agency is informed in writing by an attorney that the attorney represents the debtor concerning the debt. If the attorney fails to respond within a reasonable period of time, the collector may communicate with the debtor. The collector may communicate with the debtor when the attorney gives his or her consent.

(35) Engaging in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public.

(b) No collection agency while collecting or attempting to collect a debt shall engage in any of the Acts specified in this Section, each of which shall be unlawful practice.

(Source: P.A. 99-227, eff. 8-3-15; 100-872, eff. 8-14-18.)

(225 ILCS 425/9.2)

(Section scheduled to be repealed on January 1, 2026)

Sec. 9.2. Communication in connection with debt collection.

(a) Without the prior consent of the debtor given directly to the collection agency or the express permission of a court of competent jurisdiction, a collection agency may not communicate with a debtor in connection with the collection of

any debt in any of the following circumstances:

(1) At any unusual time, place, or manner that is known or should be known to be inconvenient to the debtor. In the absence of knowledge of circumstances to the contrary, a collection agency shall assume that the convenient time for communicating with a debtor is after 8:00 a.m. and before 9:00 p.m. in the debtor's local time ~~at the debtor's location.~~

(2) If the collection agency knows the debtor is represented by an attorney with respect to such debt and has knowledge of or can readily ascertain, the attorney's name and address, unless the attorney fails to respond within a reasonable period of time to a communication from the collection agency or unless the attorney consents to direct communication with the debtor.

(3) At the debtor's place of employment, if the collection agency knows or has reason to know that the debtor's employer prohibits the debtor from receiving such communication.

(b) Except as provided in Section 9.1 of this Act, a collection agency may not communicate, in connection with the collection of any debt, with any person other than the debtor, the debtor's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the collection agency without the prior consent of the debtor given directly to the collection

agency, the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a post-judgment judicial remedy, ~~a collection agency may not communicate, in connection with the collection of any debt, with any person other than the debtor, the debtor's attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the collection agency.~~

(c) If a debtor notifies a collection agency in writing that the debtor refuses to pay a debt or that the debtor wishes the collection agency to cease further communication with the debtor, the collection agency may not communicate further with the debtor with respect to such debt, except to perform any of the following tasks:

(1) Advise the debtor that the collection agency's further efforts are being terminated.

(2) Notify the debtor that the collection agency or creditor may invoke specified remedies that are ordinarily invoked by such collection agency or creditor.

(3) Notify the debtor that the collection agency or creditor intends to invoke a specified remedy.

If such notice from the debtor is made by mail, notification shall be complete upon receipt.

(d) For the purposes of this Section, "debtor" includes the debtor's spouse, parent (if the debtor is a minor), guardian, executor, or administrator.

(e) This Section applies to a collection agency or debt buyer only when engaged in the collection of consumer debt.

(Source: P.A. 99-227, eff. 8-3-15; 99-500, eff. 1-29-16.)

(225 ILCS 425/11) (from Ch. 111, par. 2036)

(Section scheduled to be repealed on January 1, 2026)

Sec. 11. Informal conferences. Informal conferences, after a formal hearing is requested, shall be conducted with at least one member of the Board in attendance. Notwithstanding any provisions concerning the conduct of hearings and recommendations for disciplinary actions, the Department has the authority to negotiate agreements with licensees and applicants resulting in disciplinary or non-disciplinary consent orders. The consent orders may provide for any of the forms of discipline provided in this Act. The consent orders shall provide that they were not entered into as a result of any coercion by the Department.

(Source: P.A. 99-227, eff. 8-3-15.)

(225 ILCS 425/13.2) (from Ch. 111, par. 2038.2)

(Section scheduled to be repealed on January 1, 2026)

Sec. 13.2. Powers and duties of Department. The Department shall exercise the powers and duties prescribed by the Financial Institutions Code ~~Civil Administrative Code of Illinois~~ for the administration of licensing Acts and shall exercise such other powers and duties necessary for

effectuating the purposes of this Act.

Subject to the provisions of this Act, the Department may:

(1) Conduct hearings on proceedings to refuse to issue or renew or to revoke licenses or suspend, place on probation, or reprimand persons licensed under this Act.

(2) To adopt rules consistent with the purposes of this Act, including, but not limited to: (i) rules in connection with the activities of collection agencies as may be necessary and appropriate for the protection of consumers in this State; (ii) rules as may be necessary and appropriate to define and enforce against improper or fraudulent business practices in connection with the activities of collection agencies; (iii) rules that define the terms used in this Act and as may be necessary and appropriate to interpret and implement the provisions of this Act; and (iv) rules as may be necessary for the enforcement of this Act ~~Formulate rules required for the administration of this Act.~~

(3) Obtain written recommendations from the Board regarding standards of professional conduct, formal disciplinary actions and the formulation of rules affecting these matters. Notice of proposed rulemaking shall be transmitted to the Board and the Department shall review the response of the Board and any recommendations made in the response. The Department may solicit the advice of the Board on any matter relating to the

administration and enforcement of this Act.

(4) (Blank).

(Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

(225 ILCS 425/16)

(Section scheduled to be repealed on January 1, 2026)

Sec. 16. Investigation; notice and hearing. The Department may investigate the actions or qualifications of any applicant or of any person rendering or offering to render collection agency services or any person holding or claiming to hold a license as a collection agency. The Department shall, before refusing to issue or renew, revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary action under Section 9 of this Act, serve notice on any person, including a statement of the reasons for the Department's action, and notify the person that they may file a Petition for a Hearing with the Department within 30 days of service. All hearings shall be conducted in accordance with 38 Ill. Adm. Code 100 ~~at least 30 days before the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct him or her to file his or her written answer to the charges with the Department under oath within 20 days after the service on him or her of the notice, and (iii) inform the accused that if he or she fails to file an answer default will be taken against him or her or his or her license may be suspended, revoked, or~~

~~placed on probation, or other disciplinary action may be taken with regard to the license, including limiting the scope, nature, or extent of his or her practice, as the Department may consider proper. At the time and place fixed in the notice, the Department shall proceed to hear the charges. The parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. Nothing in this Section shall be construed to require that a hearing be commenced and completed in one day. At the discretion of the Secretary, after having first received the recommendation of the Board, the accused person's license may be suspended or revoked, if the evidence constitutes sufficient grounds for such action under this Act. If the person fails to file an answer after receiving notice, his or her license may, in the discretion of the Department, be suspended, revoked, or placed on probation, or the Department may take whatever disciplinary action it considers proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.~~ Written or electronic notice may be served by personal delivery, mail, or email to the applicant or licensee at the address of record or email address of record. Service by mail is completed when the notice is deposited in the U.S. Mail. Service to the email

address of record is completed when the email is sent.

(Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

(225 ILCS 425/26)

(Section scheduled to be repealed on January 1, 2026)

Sec. 26. Administrative review; venue.

(a) All final administrative decisions of the Department are subject to judicial review under the Administrative Review Law and its rules. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(b) Proceedings for judicial review shall be commenced in the circuit court of the county in which the party applying for review resides, but if the party is not a resident of Illinois, the venue shall be in Cook County or Sangamon County.

(Source: P.A. 99-227, eff. 8-3-15.)

(225 ILCS 425/30)

(Section scheduled to be repealed on January 1, 2026)

Sec. 30. Expiration, renewal, and restoration of license. The expiration date and renewal period for each license shall be set by rule. A collection agency whose license has expired may restore its license at any time within one year ~~5 years~~ after the expiration thereof, by making a renewal application and by paying the required fee.

However, any licensed collection agency whose license has expired while the ~~individual~~ licensed person or ~~while~~ a

shareholder, partner, or member owning 50% or more of the interest in the collection agency ~~whose license has expired while he or she~~ was (i) on active duty with the Armed Forces of the United States or called into service or training by the State militia; or (ii) in training or education under the supervision of the United States preliminary to induction into the military service, may have his or her license renewed or restored without paying any lapsed renewal fee or restoration fee if, within 2 years after termination of the service, training, or education, he or she furnishes the Department with satisfactory evidence of service, training, or education and it has been terminated under honorable conditions.

Any collection agency whose license has expired for more than one year ~~5 years~~ may have it restored by applying to the Department, paying the required fee, and filing acceptable proof of fitness to have the license restored as set by rule.

(Source: P.A. 99-227, eff. 8-3-15; 100-132, eff. 8-18-17.)

(225 ILCS 425/25 rep.)

Section 15. The Collection Agency Act is amended by repealing Section 25.

Section 95. Illinois Compiled Statutes reassignment. The Legislative Reference Bureau shall reassign the following Act to the specified location in the Illinois Compiled Statutes and file appropriate documents with the Index Division of the

Public Act 102-0975

HB5220 Enrolled

LRB102 25772 BMS 35102 b

Office of the Secretary of State in accordance with subsection  
(c) of Section 5.04 of the Legislative Reference Bureau Act:

Collection Agency Act, reassigned from 225 ILCS 425/ to  
205 ILCS 740/.

Section 99. Effective date. This Act takes effect January  
1, 2023.