



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3514

by Rep. Peter Breen

SYNOPSIS AS INTRODUCED:

| | |
|---------------------|--------------------------|
| 805 ILCS 5/15.95 | from Ch. 32, par. 15.95 |
| 805 ILCS 105/115.20 | from Ch. 32, par. 115.20 |
| 805 ILCS 180/50-50 | |
| 805 ILCS 206/108 | |
| 805 ILCS 215/1308 | |

Amends the Business Corporation Act of 1983, General Not For Profit Corporation Act of 1986, Limited Liability Company Act, Uniform Partnership Act (1997), and Uniform Limited Partnership Act (2001). Provides that filings with the Secretary of State by entities organized under those Acts may not be deemed expedited services subject to certain fees solely because the filings are made electronically.

LRB100 07685 JLS 17751 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning business.

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

4 Section 5. The Business Corporation Act of 1983 is amended
5 by changing Section 15.95 as follows:

6 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

7 Sec. 15.95. Department of Business Services Special
8 Operations Fund.

9 (a) A special fund in the State treasury known as the
10 Division of Corporations Special Operations Fund is renamed the
11 Department of Business Services Special Operations Fund.
12 Moneys deposited into the Fund shall, subject to appropriation,
13 be used by the Department of Business Services of the Office of
14 the Secretary of State, hereinafter "Department", to create and
15 maintain the capability to perform expedited services in
16 response to special requests made by the public for same day or
17 24 hour service. Moneys deposited into the Fund shall be used
18 for, but not limited to, expenditures for personal services,
19 retirement, social security, contractual services, equipment,
20 electronic data processing, and telecommunications.

21 (b) On or before August 31 of each year, the balance in the
22 Fund in excess of \$600,000 shall be transferred to the General
23 Revenue Fund.

1 (c) All fees payable to the Secretary of State under this
2 Section shall be deposited into the Fund. No other fees or
3 taxes collected under this Act shall be deposited into the
4 Fund.

5 (d) "Expedited services" means services rendered within
6 the same day, or within 24 hours from the time, the request
7 therefor is submitted by the filer, law firm, service company,
8 or messenger physically in person or, at the Secretary of
9 State's discretion, by electronic means, to the Department's
10 Springfield Office and includes requests for certified copies,
11 photocopies, and certificates of good standing or fact made to
12 the Department's Springfield Office in person or by telephone,
13 or requests for certificates of good standing or fact made in
14 person or by telephone to the Department's Chicago Office.

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

16 Restatement of articles, \$200;

17 Merger, consolidation or exchange, \$200;

18 Articles of incorporation, \$100;

19 Articles of amendment, \$100;

20 Revocation of dissolution, \$100;

21 Reinstatement, \$100;

22 Application for authority, \$100;

23 Cumulative report of changes in issued shares or paid-in
24 capital, \$100;

25 Report following merger or consolidation, \$100;

26 Certificate of good standing or fact, \$20;

1 All other filings, copies of documents, annual reports
2 filed on or after January 1, 1984, and copies of documents of
3 dissolved or revoked corporations having a file number over
4 5199, \$50. Filings, including annual reports, made by
5 electronic means shall be treated as if submitted by mail and
6 may not be considered expedited services solely because of
7 their submission by electronic means.

8 (f) Expedited services shall not be available for a
9 statement of correction, a petition for refund or adjustment,
10 or a request involving annual reports filed before January 1,
11 1984 or involving dissolved corporations with a file number
12 below 5200.

13 (Source: P.A. 99-620, eff. 1-1-17.)

14 Section 10. The General Not For Profit Corporation Act of
15 1986 is amended by changing Section 115.20 as follows:

16 (805 ILCS 105/115.20) (from Ch. 32, par. 115.20)

17 Sec. 115.20. Expedited service fees.

18 (a) The Secretary of State may charge and collect a fee for
19 expedited services as follows:

20 Certificates of good standing or fact, \$10;

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

24 (b) Expedited services shall not be available for a

1 statement of correction or any request for copies involving
2 annual reports filed before January 1, 1984 or involving
3 dissolved corporations with a file number below 5200.

4 (c) All moneys collected under this Section shall be
5 deposited into the Department of Business Services Special
6 Operations Fund. No other fees or taxes collected under this
7 Act shall be deposited into that Fund.

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

11 (e) Filings, including annual reports, made by electronic
12 means shall be treated as if submitted by mail and may not be
13 considered expedited services solely because of their
14 submission by electronic means.

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

16 Section 15. The Limited Liability Company Act is amended by
17 changing Section 50-50 as follows:

18 (805 ILCS 180/50-50)

19 Sec. 50-50. Department of Business Services Special
20 Operations Fund.

21 (a) A special fund in the State treasury is created and
22 shall be known as the Department of Business Services Special
23 Operations Fund. Moneys deposited into the Fund shall, subject
24 to appropriation, be used by the Department of Business

1 Services of the Office of the Secretary of State, hereinafter
2 "Department", to create and maintain the capability to perform
3 expedited services in response to special requests made by the
4 public for same-day or 24-hour service. Moneys deposited into
5 the Fund shall be used for, but not limited to, expenditures
6 for personal services, retirement, Social Security,
7 contractual services, equipment, electronic data processing,
8 and telecommunications.

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

12 (c) All fees payable to the Secretary of State under this
13 Section shall be deposited into the Fund. No other fees or
14 charges collected under this Act shall be deposited into the
15 Fund.

16 (d) "Expedited services" means services rendered within
17 the same day, or within 24 hours from the time, the request
18 therefor is submitted by the filer, law firm, service company,
19 or messenger physically in person or, at the Secretary of
20 State's discretion, by electronic means, to the Department's
21 Springfield Office and includes requests for certified copies,
22 photocopies, and certificates of good standing made to the
23 Department's Springfield Office in person or by telephone, or
24 requests for certificates of good standing made in person or by
25 telephone to the Department's Chicago Office.

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

1 Restated articles of organization, \$200;
2 Merger or conversion, \$200;
3 Articles of organization, \$100;
4 Articles of amendment, \$100;
5 Reinstatement, \$100;
6 Application for admission to transact business, \$100;
7 Certificate of good standing or abstract of computer
8 record, \$20;

9 All other filings, copies of documents, annual reports, and
10 copies of documents of dissolved or revoked limited liability
11 companies, \$50. Filings, including annual reports, made by
12 electronic means shall be treated as if submitted by mail and
13 may not be considered expedited services solely because of
14 their submission by electronic means.

15 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03.)

16 Section 20. The Uniform Partnership Act (1997) is amended
17 by changing Section 108 as follows:

18 (805 ILCS 206/108)

19 Sec. 108. Fees.

20 (a) The Secretary of State shall charge and collect in
21 accordance with the provisions of this Act and rules
22 promulgated under its authority:

23 (1) fees for filing documents;

24 (2) miscellaneous charges; and

1 (3) fees for the sale of lists of filings and for
2 copies of any documents.

3 (b) The Secretary of State shall charge and collect:

4 (1) for furnishing a copy or certified copy of any
5 document, instrument, or paper relating to a registered
6 limited liability partnership, \$25;

7 (2) for the transfer of information by computer process
8 media to any purchaser, fees established by rule;

9 (3) for filing a statement of partnership authority,
10 \$25;

11 (4) for filing a statement of denial, \$25;

12 (5) for filing a statement of dissociation, \$25;

13 (6) for filing a statement of dissolution, \$100;

14 (7) for filing a statement of merger, \$100;

15 (8) for filing a statement of qualification for a
16 limited liability partnership organized under the laws of
17 this State, \$100 for each partner, but in no event shall
18 the fee be less than \$200 or exceed \$5,000;

19 (9) for filing a statement of foreign qualification,
20 \$500;

21 (10) for filing a renewal statement for a limited
22 liability partnership organized under the laws of this
23 State, \$100 for each partner, but in no event shall the fee
24 be less than \$200 or exceed \$5,000;

25 (11) for filing a renewal statement for a foreign
26 limited liability partnership, \$300;

1 (12) for filing an amendment or cancellation of a
2 statement, \$25;

3 (13) for filing a statement of withdrawal, \$100;

4 (14) for the purposes of changing the registered agent
5 name or registered office, or both, \$25;

6 (15) for filing an application for reinstatement,
7 \$200;

8 (16) for filing any other document, \$25.

9 (c) All fees collected pursuant to this Act shall be
10 deposited into the Division of Corporations Registered Limited
11 Liability Partnership Fund.

12 (d) There is hereby continued in the State treasury a
13 special fund to be known as the Division of Corporations
14 Registered Limited Liability Partnership Fund. Moneys
15 deposited into the Fund shall, subject to appropriation, be
16 used by the Business Services Division of the Office of the
17 Secretary of State to administer the responsibilities of the
18 Secretary of State under this Act. On or before August 31 of
19 each year, the balance in the Fund in excess of \$200,000 shall
20 be transferred to the General Revenue Fund.

21 (e) Filings, including annual reports, made by electronic
22 means shall be treated as if submitted by mail and may not be
23 considered expedited services solely because of their
24 submission by electronic means.

25 (Source: P.A. 99-620, eff. 1-1-17; 99-933, eff. 1-27-17;
26 revised 2-2-17.)

1 Section 25. The Uniform Limited Partnership Act (2001) is
2 amended by changing Section 1308 as follows:

3 (805 ILCS 215/1308)

4 Sec. 1308. Department of Business Services Special
5 Operations Fund.

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

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

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

1 (d) "Expedited services" means services rendered within
2 the same day, or within 24 hours from the time the request
3 therefor is submitted by the filer, law firm, service company,
4 or messenger physically in person or, at the Secretary of
5 State's discretion, by electronic means, to the Department's
6 Springfield Office or Chicago Office and includes requests for
7 certified copies, photocopies, and certificates of existence
8 or abstracts of computer record made to the Department's
9 Springfield Office in person or by telephone, or requests for
10 certificates of existence or abstracts of computer record made
11 in person or by telephone to the Department's Chicago Office.

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

13 Merger or conversion, \$200;

14 Certificate of limited partnership, \$100;

15 Certificate of amendment, \$100;

16 Reinstatement, \$100;

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

18 Certificate of existence or abstract of computer
19 record, \$20;

20 All other filings, copies of documents, annual renewal
21 reports, and copies of documents of canceled limited
22 partnerships, \$50. Filings, including annual reports, made
23 by electronic means shall be treated as if submitted by
24 mail and may not be considered expedited services solely
25 because of their submission by electronic means.

26 (Source: P.A. 97-839, eff. 7-20-12; 98-463, eff. 8-16-13.)