



Rep. Michael G. Connelly

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09700SB2945ham001

LRB097 17926 RPM 70110 a

1 AMENDMENT TO SENATE BILL 2945

2 AMENDMENT NO. _____. Amend Senate Bill 2945 on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 3. The Smoke Free Illinois Act is amended by
5 changing Sections 40 and 65 as follows:

6 (410 ILCS 82/40)

7 Sec. 40. Enforcement; complaints.

8 (a) The Department, State-certified local public health
9 departments, and local law enforcement agencies shall enforce
10 the provisions of this Act through the issuance of citations
11 and may assess fines pursuant to Section 45 of this Act, except
12 that in a home rule municipality that has a local public health
13 department, this Act shall be enforced exclusively by the
14 municipality's local public health department or police
15 department or both.

16 (a-2) The citations issued pursuant to this Act shall

1 conspicuously include the following:

2 (1) the name of the offense and its statutory
3 reference;

4 (2) the nature and elements of the violation;

5 (3) the date and location of the violation;

6 (4) the name of the enforcing agency;

7 (5) the name of the violator;

8 (6) the amount of the imposed fine and the location
9 where the violator can pay the fine without objection;

10 (7) the address and phone number of the enforcing
11 agency where the violator can request a hearing before the
12 Department to contest the imposition of the fine imposed by
13 the citation under the rules and procedures of the
14 Administrative Procedure Act;

15 (8) the time period in which to pay the fine or to
16 request a hearing to contest the imposition of the fine
17 imposed by the citation; and

18 (9) the verified signature of the person issuing the
19 citation.

20 (a-3) One copy of the citation shall be provided to the
21 violator, one copy shall be retained by the enforcing agency,
22 and one copy shall be provided to the entity otherwise
23 authorized by the enforcing agency to receive fines on their
24 behalf.

25 (b) Any person may register a complaint with the
26 Department, a State-certified local public health department,

1 or a local law enforcement agency for a violation of this Act.
2 The Department shall establish a telephone number that a person
3 may call to register a complaint under this subsection (b).

4 (c) The Department shall afford a violator the opportunity
5 to pay the fine without objection or to contest the citation in
6 accordance with the Illinois Administrative Procedure Act,
7 except that in case of a conflict between the Illinois
8 Administrative Procedure Act and this Act, the provisions of
9 this Act shall control.

10 (d) Upon receipt of a request for hearing to contest the
11 imposition of a fine imposed by a citation, the enforcing
12 agency shall immediately forward a copy of the citation and
13 notice of the request for hearing to the Department for
14 initiation of a hearing conducted in accordance with the
15 Illinois Administrative Procedure Act and the rules
16 established thereto by the Department applicable to contested
17 cases, except that in case of a conflict between the Illinois
18 Administrative Procedure Act and this Act, the provisions of
19 this Act shall control. Parties to the hearing shall be the
20 enforcing agency and the violator.

21 The Department shall notify the violator in writing of the
22 time, place, and location of the hearing. The hearing shall be
23 conducted at the nearest regional office of the Department, or
24 in a location contracted by the Department in the county where
25 the citation was issued.

26 (e) Fines imposed under this Act may be collected in

1 accordance with all methods otherwise available to the
2 enforcing agency or the Department, except that there shall be
3 no collection efforts during the pendency of the hearing before
4 the Department.

5 (f) Rulemaking authority to implement this amendatory Act
6 of the 95th General Assembly, if any, is conditioned on the
7 rules being adopted in accordance with all provisions of the
8 Illinois Administrative Procedure Act and all rules and
9 procedures of the Joint Committee on Administrative Rules; any
10 purported rule not so adopted, for whatever reason, is
11 unauthorized.

12 (Source: P.A. 95-17, eff. 1-1-08; 95-1029, eff. 2-4-09.)

13 (410 ILCS 82/65)

14 Sec. 65. Home rule and other local regulation.

15 (a) Any home rule unit of local government, any non-home
16 rule municipality, or any non-home rule county within the
17 unincorporated territory of the county may regulate smoking in
18 public places, but that regulation must be no less restrictive
19 than this Act. This subsection (a) is a limitation on the
20 concurrent exercise of home rule power under subsection (i) of
21 Section 6 of Article VII of the Illinois Constitution.

22 (b) In addition to any regulation authorized under
23 subsection (a) or authorized under home rule powers, any home
24 rule unit of local government, any non-home rule municipality,
25 or any non-home rule county within the unincorporated territory

1 of the county may regulate smoking in any enclosed indoor area
2 used by the public or serving as a place of work if the area
3 does not fall within the definition of a "public place" under
4 this Act.

5 (c) A home rule municipality that has a local public health
6 department shall have exclusive authority to enforce this Act
7 through the municipality's local public health department or
8 police department or both.

9 (Source: P.A. 95-17, eff. 1-1-08.)".