

1 AN ACT concerning State government.

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

4 Section 1. Nature of this Act.

5 (a) This Act may be cited as the First 2014 General  
6 Revisory Act.

7 (b) This Act is not intended to make any substantive change  
8 in the law. It reconciles conflicts that have arisen from  
9 multiple amendments and enactments and makes technical  
10 corrections and revisions in the law.

11 This Act revises and, where appropriate, renumbers certain  
12 Sections that have been added or amended by more than one  
13 Public Act. In certain cases in which a repealed Act or Section  
14 has been replaced with a successor law, this Act may  
15 incorporate amendments to the repealed Act or Section into the  
16 successor law. This Act also corrects errors, revises  
17 cross-references, and deletes obsolete text.

18 (c) In this Act, the reference at the end of each amended  
19 Section indicates the sources in the Session Laws of Illinois  
20 that were used in the preparation of the text of that Section.  
21 The text of the Section included in this Act is intended to  
22 include the different versions of the Section found in the  
23 Public Acts included in the list of sources, but may not  
24 include other versions of the Section to be found in Public

1 Acts not included in the list of sources. The list of sources  
2 is not a part of the text of the Section.

3 (d) Public Acts 97-1145 through 98-589 were considered in  
4 the preparation of the combining revisories included in this  
5 Act. Many of those combining revisories contain no striking or  
6 underscoring because no additional changes are being made in  
7 the material that is being combined.

8 Section 5. The Regulatory Sunset Act is amended by changing  
9 Section 4.34 as follows:

10 (5 ILCS 80/4.34)

11 Sec. 4.34. Acts and Section ~~Act~~ repealed on January 1,  
12 2024. The following Acts and Section of an Act are ~~is~~ repealed  
13 on January 1, 2024:

14 The Electrologist Licensing Act.

15 The Illinois Certified Shorthand Reporters Act of  
16 1984.

17 The Illinois Occupational Therapy Practice Act.

18 The Illinois Public Accounting Act.

19 The Private Detective, Private Alarm, Private  
20 Security, Fingerprint Vendor, and Locksmith Act of 2004.

21 The Registered Surgical Assistant and Registered  
22 Surgical Technologist Title Protection Act.

23 Section 2.5 of the Illinois Plumbing License Law.

24 The Veterinary Medicine and Surgery Practice Act of

1 2004.

2 (Source: P.A. 98-140, eff. 12-31-13; 98-253, eff. 8-9-13;  
3 98-254, eff. 8-9-13; 98-264, eff. 12-31-13; 98-339, eff.  
4 12-31-13; 98-363, eff. 8-16-13; 98-364, eff. 12-31-13; 98-445,  
5 eff. 12-31-13; revised 9-10-13.)

6 Section 10. The Open Meetings Act is amended by changing  
7 Section 2 as follows:

8 (5 ILCS 120/2) (from Ch. 102, par. 42)

9 Sec. 2. Open meetings.

10 (a) Openness required. All meetings of public bodies shall  
11 be open to the public unless excepted in subsection (c) and  
12 closed in accordance with Section 2a.

13 (b) Construction of exceptions. The exceptions contained  
14 in subsection (c) are in derogation of the requirement that  
15 public bodies meet in the open, and therefore, the exceptions  
16 are to be strictly construed, extending only to subjects  
17 clearly within their scope. The exceptions authorize but do not  
18 require the holding of a closed meeting to discuss a subject  
19 included within an enumerated exception.

20 (c) Exceptions. A public body may hold closed meetings to  
21 consider the following subjects:

22 (1) The appointment, employment, compensation,  
23 discipline, performance, or dismissal of specific  
24 employees of the public body or legal counsel for the

1 public body, including hearing testimony on a complaint  
2 lodged against an employee of the public body or against  
3 legal counsel for the public body to determine its  
4 validity.

5 (2) Collective negotiating matters between the public  
6 body and its employees or their representatives, or  
7 deliberations concerning salary schedules for one or more  
8 classes of employees.

9 (3) The selection of a person to fill a public office,  
10 as defined in this Act, including a vacancy in a public  
11 office, when the public body is given power to appoint  
12 under law or ordinance, or the discipline, performance or  
13 removal of the occupant of a public office, when the public  
14 body is given power to remove the occupant under law or  
15 ordinance.

16 (4) Evidence or testimony presented in open hearing, or  
17 in closed hearing where specifically authorized by law, to  
18 a quasi-adjudicative body, as defined in this Act, provided  
19 that the body prepares and makes available for public  
20 inspection a written decision setting forth its  
21 determinative reasoning.

22 (5) The purchase or lease of real property for the use  
23 of the public body, including meetings held for the purpose  
24 of discussing whether a particular parcel should be  
25 acquired.

26 (6) The setting of a price for sale or lease of

1 property owned by the public body.

2 (7) The sale or purchase of securities, investments, or  
3 investment contracts. This exception shall not apply to the  
4 investment of assets or income of funds deposited into the  
5 Illinois Prepaid Tuition Trust Fund.

6 (8) Security procedures and the use of personnel and  
7 equipment to respond to an actual, a threatened, or a  
8 reasonably potential danger to the safety of employees,  
9 students, staff, the public, or public property.

10 (9) Student disciplinary cases.

11 (10) The placement of individual students in special  
12 education programs and other matters relating to  
13 individual students.

14 (11) Litigation, when an action against, affecting or  
15 on behalf of the particular public body has been filed and  
16 is pending before a court or administrative tribunal, or  
17 when the public body finds that an action is probable or  
18 imminent, in which case the basis for the finding shall be  
19 recorded and entered into the minutes of the closed  
20 meeting.

21 (12) The establishment of reserves or settlement of  
22 claims as provided in the Local Governmental and  
23 Governmental Employees Tort Immunity Act, if otherwise the  
24 disposition of a claim or potential claim might be  
25 prejudiced, or the review or discussion of claims, loss or  
26 risk management information, records, data, advice or

1           communications from or with respect to any insurer of the  
2           public body or any intergovernmental risk management  
3           association or self insurance pool of which the public body  
4           is a member.

5           (13) Conciliation of complaints of discrimination in  
6           the sale or rental of housing, when closed meetings are  
7           authorized by the law or ordinance prescribing fair housing  
8           practices and creating a commission or administrative  
9           agency for their enforcement.

10          (14) Informant sources, the hiring or assignment of  
11          undercover personnel or equipment, or ongoing, prior or  
12          future criminal investigations, when discussed by a public  
13          body with criminal investigatory responsibilities.

14          (15) Professional ethics or performance when  
15          considered by an advisory body appointed to advise a  
16          licensing or regulatory agency on matters germane to the  
17          advisory body's field of competence.

18          (16) Self evaluation, practices and procedures or  
19          professional ethics, when meeting with a representative of  
20          a statewide association of which the public body is a  
21          member.

22          (17) The recruitment, credentialing, discipline or  
23          formal peer review of physicians or other health care  
24          professionals for a hospital, or other institution  
25          providing medical care, that is operated by the public  
26          body.

1           (18) Deliberations for decisions of the Prisoner  
2 Review Board.

3           (19) Review or discussion of applications received  
4 under the Experimental Organ Transplantation Procedures  
5 Act.

6           (20) The classification and discussion of matters  
7 classified as confidential or continued confidential by  
8 the State Government Suggestion Award Board.

9           (21) Discussion of minutes of meetings lawfully closed  
10 under this Act, whether for purposes of approval by the  
11 body of the minutes or semi-annual review of the minutes as  
12 mandated by Section 2.06.

13           (22) Deliberations for decisions of the State  
14 Emergency Medical Services Disciplinary Review Board.

15           (23) The operation by a municipality of a municipal  
16 utility or the operation of a municipal power agency or  
17 municipal natural gas agency when the discussion involves  
18 (i) contracts relating to the purchase, sale, or delivery  
19 of electricity or natural gas or (ii) the results or  
20 conclusions of load forecast studies.

21           (24) Meetings of a residential health care facility  
22 resident sexual assault and death review team or the  
23 Executive Council under the Abuse Prevention Review Team  
24 Act.

25           (25) Meetings of an independent team of experts under  
26 Brian's Law.

1           (26) Meetings of a mortality review team appointed  
2 under the Department of Juvenile Justice Mortality Review  
3 Team Act.

4           (27) (Blank).

5           (28) Correspondence and records (i) that may not be  
6 disclosed under Section 11-9 of the Public Aid Code or (ii)  
7 that pertain to appeals under Section 11-8 of the Public  
8 Aid Code.

9           (29) Meetings between internal or external auditors  
10 and governmental audit committees, finance committees, and  
11 their equivalents, when the discussion involves internal  
12 control weaknesses, identification of potential fraud risk  
13 areas, known or suspected frauds, and fraud interviews  
14 conducted in accordance with generally accepted auditing  
15 standards of the United States of America.

16           (30) Those meetings or portions of meetings of an  
17 at-risk adult fatality review team or the Illinois At-Risk  
18 Adult Fatality Review Team Advisory Council during which a  
19 review of the death of an eligible adult in which abuse or  
20 neglect is suspected, alleged, or substantiated is  
21 conducted pursuant to Section 15 of the Adult Protective  
22 Services Act.

23           (31) ~~(30)~~ Meetings and deliberations for decisions of  
24 the Concealed Carry Licensing Review Board under the  
25 Firearm Concealed Carry Act.

26           (d) Definitions. For purposes of this Section:



1 "Employee" means a person employed by a public body whose  
2 relationship with the public body constitutes an  
3 employer-employee relationship under the usual common law  
4 rules, and who is not an independent contractor.

5 "Public office" means a position created by or under the  
6 Constitution or laws of this State, the occupant of which is  
7 charged with the exercise of some portion of the sovereign  
8 power of this State. The term "public office" shall include  
9 members of the public body, but it shall not include  
10 organizational positions filled by members thereof, whether  
11 established by law or by a public body itself, that exist to  
12 assist the body in the conduct of its business.

13 "Quasi-adjudicative body" means an administrative body  
14 charged by law or ordinance with the responsibility to conduct  
15 hearings, receive evidence or testimony and make  
16 determinations based thereon, but does not include local  
17 electoral boards when such bodies are considering petition  
18 challenges.

19 (e) Final action. No final action may be taken at a closed  
20 meeting. Final action shall be preceded by a public recital of  
21 the nature of the matter being considered and other information  
22 that will inform the public of the business being conducted.

23 (Source: P.A. 97-318, eff. 1-1-12; 97-333, eff. 8-12-11;  
24 97-452, eff. 8-19-11; 97-813, eff. 7-13-12; 97-876, eff.  
25 8-1-12; 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; revised  
26 7-23-13.)

1           Section 15. The Freedom of Information Act is amended by  
2 changing Sections 3.2 and 7.5 as follows:

3           (5 ILCS 140/3.2)

4           Sec. 3.2. Recurrent requesters.

5           (a) Notwithstanding ~~Notwithstanding~~ any provision of this  
6 Act to the contrary, a public body shall respond to a request  
7 from a recurrent requester, as defined in subsection (g) of  
8 Section 2, within 21 business days after receipt. The response  
9 shall (i) provide to the requester an estimate of the time  
10 required by the public body to provide the records requested  
11 and an estimate of the fees to be charged, which the public  
12 body may require the person to pay in full before copying the  
13 requested documents, (ii) deny the request pursuant to one or  
14 more of the exemptions set out in this Act, (iii) notify the  
15 requester that the request is unduly burdensome and extend an  
16 opportunity to the requester to attempt to reduce the request  
17 to manageable proportions, or (iv) provide the records  
18 requested.

19           (b) Within 5 business days after receiving a request from a  
20 recurrent requester, as defined in subsection (g) of Section 2,  
21 the public body shall notify the requester (i) that the public  
22 body is treating the request as a request under subsection (g)  
23 of Section 2, (ii) of the reasons why the public body is  
24 treating the request as a request under subsection (g) of

1 Section 2, and (iii) that the public body will send an initial  
2 response within 21 business days after receipt in accordance  
3 with subsection (a) of this Section. The public body shall also  
4 notify the requester of the proposed responses that can be  
5 asserted pursuant to subsection (a) of this Section.

6 (c) Unless the records are exempt from disclosure, a public  
7 body shall comply with a request within a reasonable period  
8 considering the size and complexity of the request.

9 (Source: P.A. 97-579, eff. 8-26-11; revised 9-4-13.)

10 (5 ILCS 140/7.5)

11 Sec. 7.5. Statutory Exemptions. To the extent provided for  
12 by the statutes referenced below, the following shall be exempt  
13 from inspection and copying:

14 (a) All information determined to be confidential under  
15 Section 4002 of the Technology Advancement and Development Act.

16 (b) Library circulation and order records identifying  
17 library users with specific materials under the Library Records  
18 Confidentiality Act.

19 (c) Applications, related documents, and medical records  
20 received by the Experimental Organ Transplantation Procedures  
21 Board and any and all documents or other records prepared by  
22 the Experimental Organ Transplantation Procedures Board or its  
23 staff relating to applications it has received.

24 (d) Information and records held by the Department of  
25 Public Health and its authorized representatives relating to

1 known or suspected cases of sexually transmissible disease or  
2 any information the disclosure of which is restricted under the  
3 Illinois Sexually Transmissible Disease Control Act.

4 (e) Information the disclosure of which is exempted under  
5 Section 30 of the Radon Industry Licensing Act.

6 (f) Firm performance evaluations under Section 55 of the  
7 Architectural, Engineering, and Land Surveying Qualifications  
8 Based Selection Act.

9 (g) Information the disclosure of which is restricted and  
10 exempted under Section 50 of the Illinois Prepaid Tuition Act.

11 (h) Information the disclosure of which is exempted under  
12 the State Officials and Employees Ethics Act, and records of  
13 any lawfully created State or local inspector general's office  
14 that would be exempt if created or obtained by an Executive  
15 Inspector General's office under that Act.

16 (i) Information contained in a local emergency energy plan  
17 submitted to a municipality in accordance with a local  
18 emergency energy plan ordinance that is adopted under Section  
19 11-21.5-5 of the Illinois Municipal Code.

20 (j) Information and data concerning the distribution of  
21 surcharge moneys collected and remitted by wireless carriers  
22 under the Wireless Emergency Telephone Safety Act.

23 (k) Law enforcement officer identification information or  
24 driver identification information compiled by a law  
25 enforcement agency or the Department of Transportation under  
26 Section 11-212 of the Illinois Vehicle Code.

1           (l) Records and information provided to a residential  
2 health care facility resident sexual assault and death review  
3 team or the Executive Council under the Abuse Prevention Review  
4 Team Act.

5           (m) Information provided to the predatory lending database  
6 created pursuant to Article 3 of the Residential Real Property  
7 Disclosure Act, except to the extent authorized under that  
8 Article.

9           (n) Defense budgets and petitions for certification of  
10 compensation and expenses for court appointed trial counsel as  
11 provided under Sections 10 and 15 of the Capital Crimes  
12 Litigation Act. This subsection (n) shall apply until the  
13 conclusion of the trial of the case, even if the prosecution  
14 chooses not to pursue the death penalty prior to trial or  
15 sentencing.

16           (o) Information that is prohibited from being disclosed  
17 under Section 4 of the Illinois Health and Hazardous Substances  
18 Registry Act.

19           (p) Security portions of system safety program plans,  
20 investigation reports, surveys, schedules, lists, data, or  
21 information compiled, collected, or prepared by or for the  
22 Regional Transportation Authority under Section 2.11 of the  
23 Regional Transportation Authority Act or the St. Clair County  
24 Transit District under the Bi-State Transit Safety Act.

25           (q) Information prohibited from being disclosed by the  
26 Personnel Records Review Act.

1           (r) Information prohibited from being disclosed by the  
2 Illinois School Student Records Act.

3           (s) Information the disclosure of which is restricted under  
4 Section 5-108 of the Public Utilities Act.

5           (t) All identified or deidentified health information in  
6 the form of health data or medical records contained in, stored  
7 in, submitted to, transferred by, or released from the Illinois  
8 Health Information Exchange, and identified or deidentified  
9 health information in the form of health data and medical  
10 records of the Illinois Health Information Exchange in the  
11 possession of the Illinois Health Information Exchange  
12 Authority due to its administration of the Illinois Health  
13 Information Exchange. The terms "identified" and  
14 "deidentified" shall be given the same meaning as in the Health  
15 Insurance Accountability and Portability Act of 1996, Public  
16 Law 104-191, or any subsequent amendments thereto, and any  
17 regulations promulgated thereunder.

18           (u) Records and information provided to an independent team  
19 of experts under Brian's Law.

20           (v) Names and information of people who have applied for or  
21 received Firearm Owner's Identification Cards under the  
22 Firearm Owners Identification Card Act or applied for or  
23 received a concealed carry license under the Firearm Concealed  
24 Carry Act, unless otherwise authorized by the Firearm Concealed  
25 Carry Act; and databases under the Firearm Concealed Carry Act,  
26 records of the Concealed Carry Licensing Review Board under the

1 Firearm Concealed Carry Act, and law enforcement agency  
2 objections under the Firearm Concealed Carry Act.

3 (w) Personally identifiable information which is exempted  
4 from disclosure under subsection (g) of Section 19.1 of the  
5 Toll Highway Act.

6 (x) Information which is exempted from disclosure under  
7 Section 5-1014.3 of the Counties Code or Section 8-11-21 of the  
8 Illinois Municipal Code.

9 (y) Confidential information under the Adult Protective  
10 Services Act and its predecessor enabling statute, the Elder  
11 Abuse and Neglect Act, including information about the identity  
12 and administrative finding against any caregiver of a verified  
13 and substantiated decision of significant abuse, neglect, or  
14 financial exploitation of an eligible adult maintained in the  
15 Department of Public Health's Health Care Worker Registry.

16 (z) Records and information provided to an at-risk adult  
17 fatality review team or the Illinois At-Risk Adult Fatality  
18 Review Team Advisory Council under Section 15 of the Adult  
19 Protective Services Act.

20 (Source: P.A. 97-80, eff. 7-5-11; 97-333, eff. 8-12-11; 97-342,  
21 eff. 8-12-11; 97-813, eff. 7-13-12; 97-976, eff. 1-1-13; 98-49,  
22 eff. 7-1-13; 98-63, eff. 7-9-13; revised 7-23-13.)

23 Section 20. The State Employee Indemnification Act is  
24 amended by changing Section 1 as follows:

1 (5 ILCS 350/1) (from Ch. 127, par. 1301)

2 Sec. 1. Definitions. For the purpose of this Act:

3 (a) The term "State" means the State of Illinois, the  
4 General Assembly, the court, or any State office, department,  
5 division, bureau, board, commission, or committee, the  
6 governing boards of the public institutions of higher education  
7 created by the State, the Illinois National Guard, the  
8 Comprehensive Health Insurance Board, any poison control  
9 center designated under the Poison Control System Act that  
10 receives State funding, or any other agency or instrumentality  
11 of the State. It does not mean any local public entity as that  
12 term is defined in Section 1-206 of the Local Governmental and  
13 Governmental Employees Tort Immunity Act or a pension fund.

14 (b) The term "employee" means any present or former elected  
15 or appointed officer, trustee or employee of the State, or of a  
16 pension fund, any present or former commissioner or employee of  
17 the Executive Ethics Commission or of the Legislative Ethics  
18 Commission, any present or former Executive, Legislative, or  
19 Auditor General's Inspector General, any present or former  
20 employee of an Office of an Executive, Legislative, or Auditor  
21 General's Inspector General, any present or former member of  
22 the Illinois National Guard while on active duty, individuals  
23 or organizations who contract with the Department of  
24 Corrections, the Department of Juvenile Justice, the  
25 Comprehensive Health Insurance Board, or the Department of  
26 Veterans' Affairs to provide services, individuals or



1 organizations who contract with the Department of Human  
2 Services (as successor to the Department of Mental Health and  
3 Developmental Disabilities) to provide services including but  
4 not limited to treatment and other services for sexually  
5 violent persons, individuals or organizations who contract  
6 with the Department of Military Affairs for youth programs,  
7 individuals or organizations who contract to perform carnival  
8 and amusement ride safety inspections for the Department of  
9 Labor, individual representatives of or designated  
10 organizations authorized to represent the Office of State  
11 Long-Term Ombudsman for the Department on Aging, individual  
12 representatives of or organizations designated by the  
13 Department on Aging in the performance of their duties as adult  
14 protective services agencies or regional administrative  
15 agencies under the Adult Protective Services Act, individuals  
16 or organizations appointed as members of a review team or the  
17 Advisory Council under the Adult Protective Services Act,  
18 individuals or organizations who perform volunteer services  
19 for the State where such volunteer relationship is reduced to  
20 writing, individuals who serve on any public entity (whether  
21 created by law or administrative action) described in paragraph  
22 (a) of this Section, individuals or not for profit  
23 organizations who, either as volunteers, where such volunteer  
24 relationship is reduced to writing, or pursuant to contract,  
25 furnish professional advice or consultation to any agency or  
26 instrumentality of the State, individuals who serve as foster

1 parents for the Department of Children and Family Services when  
2 caring for a Department ward, individuals who serve as members  
3 of an independent team of experts under Brian's Law, and  
4 individuals who serve as arbitrators pursuant to Part 10A of  
5 Article II of the Code of Civil Procedure and the rules of the  
6 Supreme Court implementing Part 10A, each as now or hereafter  
7 amended, but does not mean an independent contractor except as  
8 provided in this Section. The term includes an individual  
9 appointed as an inspector by the Director of State Police when  
10 performing duties within the scope of the activities of a  
11 Metropolitan Enforcement Group or a law enforcement  
12 organization established under the Intergovernmental  
13 Cooperation Act. An individual who renders professional advice  
14 and consultation to the State through an organization which  
15 qualifies as an "employee" under the Act is also an employee.  
16 The term includes the estate or personal representative of an  
17 employee.

18 (c) The term "pension fund" means a retirement system or  
19 pension fund created under the Illinois Pension Code.

20 (Source: P.A. 98-49, eff. 7-1-13; 98-83, eff. 7-15-13; revised  
21 8-9-13.)

22 Section 25. The State Employees Group Insurance Act of 1971  
23 is amended by setting forth, renumbering, and changing multiple  
24 versions of Section 2.5 as follows:

1 (5 ILCS 375/2.5)

2 Sec. 2.5. Application to Regional Transportation Authority  
3 Board members. Notwithstanding any other provision of this Act  
4 to the contrary, this Act does not apply to any member of the  
5 Regional Transportation Authority Board who first becomes a  
6 member of that Board on or after July 23, 2013 (the effective  
7 date of Public Act 98-108) ~~this amendatory Act of the 98th~~  
8 ~~General Assembly~~ with respect to service of that Board.

9 (Source: P.A. 98-108, eff. 7-23-13; revised 9-6-13.)

10 (5 ILCS 375/2.9)

11 Sec. ~~2.5~~ 2.9. State healthcare purchasing. On and after the  
12 date 6 months after August 16, 2013 (the effective date of  
13 Public Act 98-488) ~~this amendatory Act of the 98th General~~  
14 ~~Assembly~~, as provided in the Executive Order 1 (2012)  
15 Implementation Act, all of the powers, duties, rights, and  
16 responsibilities related to State healthcare purchasing under  
17 this Act that were transferred from the Department of Central  
18 Management Services to the Department of Healthcare and Family  
19 Services by Executive Order 3 (2005) are transferred back to  
20 the Department.

21 (Source: P.A. 98-488, eff. 8-16-13; revised 9-6-13.)

22 Section 30. The State Commemorative Dates Act is amended by  
23 setting forth, renumbering, and changing multiple versions of  
24 Section 175 as follows:

1 (5 ILCS 490/175)

2 Sec. 175. Mother Mary Ann Bickerdyke Day. The second  
3 Wednesday in May of each year is designated as Mother Mary Ann  
4 Bickerdyke Day, to be observed throughout the State as a day  
5 set apart to honor Mother Mary Ann Bickerdyke of Galesburg,  
6 military nurses, and the contribution of nurses to the State of  
7 Illinois and the United States of America.

8 (Source: P.A. 98-141, eff. 8-2-13.)

9 (5 ILCS 490/180)

10 Sec. 180 ~~175~~. Chronic Obstructive Pulmonary Disease (COPD)  
11 Month. The month of November in each year is designated as  
12 Chronic Obstructive Pulmonary Disease (COPD) Month to be  
13 observed throughout the State as a month for the people of  
14 Illinois to support efforts to decrease the prevalence of COPD,  
15 develop better treatments, and work toward an eventual cure  
16 through increased research, treatment, and prevention.

17 (Source: P.A. 98-220, eff. 8-9-13; revised 9-9-13.)

18 (5 ILCS 490/185)

19 Sec. 185 ~~175~~. Eat Local, Buy Illinois Products Day. The  
20 first Saturday of each month is designated as Eat Local, Buy  
21 Illinois Products Day to promote local food initiatives and  
22 Illinois agribusiness~~7~~ and to encourage residents to re-invest  
23 in the local economy. The Department of Agriculture's Illinois

1 Product Logo Program shall assist in increasing awareness and  
2 sales of Illinois food and agribusiness products.

3 (Source: P.A. 98-341, eff. 8-13-13; revised 9-9-13.)

4 Section 35. The Election Code is amended by changing  
5 Sections 1A-16.5, 4-10, 5-9, 10-4, 19-4, 24A-15.1, 24A-16, and  
6 28-3 as follows:

7 (10 ILCS 5/1A-16.5)

8 Sec. 1A-16.5. Online voter registration.

9 (a) The State Board of Elections shall establish and  
10 maintain a system for online voter registration that permits a  
11 person to apply to register to vote or to update his or her  
12 existing voter registration. In accordance with technical  
13 specifications provided by the State Board of Elections, each  
14 election authority shall maintain a voter registration system  
15 capable of receiving and processing voter registration  
16 application information, including electronic signatures, from  
17 the online voter registration system established by the State  
18 Board of Elections.

19 (b) The online voter registration system shall employ  
20 security measures to ensure the accuracy and integrity of voter  
21 registration applications submitted electronically pursuant to  
22 this Section.

23 (c) The Board may receive voter registration information  
24 provided by applicants using the State Board of Elections'

1 website, may cross reference that information with data or  
2 information contained in the Secretary of State's database in  
3 order to match the information submitted by applicants, and may  
4 receive from the Secretary of State the applicant's digitized  
5 signature upon a successful match of that applicant's  
6 information with that contained in the Secretary of State's  
7 database.

8 (d) Notwithstanding any other provision of law, a person  
9 who is qualified to register to vote and who has an authentic  
10 Illinois driver's license or State identification card issued  
11 by the Secretary of State may submit an application to register  
12 to vote electronically on a website maintained by the State  
13 Board of Elections.

14 (e) An online voter registration application shall contain  
15 all of the information that is required for a paper application  
16 as provided in Section 1A-16 of this Code, except that the  
17 applicant shall be required to provide:

18 (1) the applicant's full Illinois driver's license or  
19 State identification card number;

20 (2) the last 4 digits of the applicant's social  
21 security number; and

22 (3) the date the Illinois driver's license or State  
23 identification card was issued.

24 (f) For an applicant's registration or change in  
25 registration to be accepted, the applicant shall mark the box  
26 associated with the following statement included as part of the

1 online voter registration application:

2 "By clicking on the box below, I swear or affirm all of the  
3 following:

4 (1) I am the person whose name and identifying information  
5 is provided on this form, and I desire to register to vote in  
6 the State of Illinois.

7 (2) All the information I have provided on this form is  
8 true and correct as of the date I am submitting this form.

9 (3) I authorize the Secretary of State to transmit to the  
10 State Board of Elections my signature that is on file with the  
11 Secretary of State and understand that such signature will be  
12 used by my local election authority on this online voter  
13 registration application for admission as an elector as if I  
14 had signed this form personally."

15 (g) Immediately upon receiving a completed online voter  
16 registration application, the online voter registration system  
17 shall send, by electronic mail, a confirmation notice that the  
18 application has been received. Within 48 hours of receiving  
19 such an application, the online voter registration system shall  
20 send by electronic mail, a notice informing the applicant of  
21 whether the following information has been matched with the  
22 Secretary of State database:

23 (1) that the applicant has an authentic Illinois  
24 driver's license or State identification card issued by the  
25 Secretary of State and that the driver's license or State  
26 identification number provided by the applicant matches

1 the driver's license or State identification card number  
2 for that person on file with the Secretary of State;

3 (2) that the date of issuance of the Illinois driver's  
4 license or State identification card listed on the  
5 application matches the date of issuance of that card for  
6 that person on file with the Secretary of State;

7 (3) that the date of birth provided by the applicant  
8 matches the date of birth for that person on file with the  
9 Secretary of State; and

10 (4) that the last 4 digits of the applicant's social  
11 security number matches the last 4 ~~four~~ digits for that  
12 person on file with the Secretary of State.

13 (h) If the information provided by the applicant matches  
14 the information on the Secretary of State's databases for any  
15 driver's license and State identification card holder and is  
16 matched as provided in subsection (g) above, the online voter  
17 registration system shall:

18 (1) retrieve from the Secretary of State's database  
19 files an electronic copy of the applicant's signature from  
20 his or her Illinois driver's license or State  
21 identification card and such signature shall be deemed to  
22 be the applicant's signature on his or her online voter  
23 registration application;

24 (2) within 2 days of receiving the application, forward  
25 to the county clerk or board of election commissioners  
26 having jurisdiction over the applicant's voter



1 registration: (i) the application, along with the  
2 applicant's relevant data that can be directly loaded into  
3 the jurisdiction's voter registration system and (ii) a  
4 copy of the applicant's electronic signature and a  
5 certification from the State Board of Elections that the  
6 applicant's driver's license or State identification card  
7 number, driver's license or State identification card date  
8 of issuance, and date of birth and social security  
9 information have been successfully matched.

10 (i) Upon receipt of the online voter registration  
11 application, the county clerk or board of election  
12 commissioners having jurisdiction over the applicant's voter  
13 registration shall promptly search its voter registration  
14 database to determine whether the applicant is already  
15 registered to vote at the address on the application and  
16 whether the new registration would create a duplicate  
17 registration. If the applicant is already registered to vote at  
18 the address on the application, the clerk or board, as the case  
19 may be, shall send the applicant by first class mail, and  
20 electronic mail if the applicant has provided an electronic  
21 mail address on the original voter registration form for that  
22 address, a disposition notice as otherwise required by law  
23 informing the applicant that he or she is already registered to  
24 vote at such address. If the applicant is not already  
25 registered to vote at the address on the application and the  
26 applicant is otherwise eligible to register to vote, the clerk

1 or board, as the case may be, shall:

2 (1) enter the name and address of the applicant on the  
3 list of registered voters in the jurisdiction; and

4 (2) send by mail, and electronic mail if the applicant  
5 has provided an electronic mail address on the voter  
6 registration form, a disposition notice to the applicant as  
7 otherwise provided by law setting forth the applicant's  
8 name and address as it appears on the application and  
9 stating that the person is registered to vote.

10 (j) An electronic signature of the person submitting a  
11 duplicate registration application or a change of address form  
12 that is retrieved and imported from the Secretary of State's  
13 driver's license or State identification card database as  
14 provided herein may, in the discretion of the clerk or board,  
15 be substituted for and replace any existing signature for that  
16 individual in the voter registration database of the county  
17 clerk or board of election commissioners.

18 (k) Any new registration or change of address submitted  
19 electronically as provided in this Section shall become  
20 effective as of the date it is received by the county clerk or  
21 board of election commissioners having jurisdiction over said  
22 registration. Disposition notices prescribed in this Section  
23 shall be sent within 5 business days of receipt of the online  
24 application or change of address by the county clerk or board  
25 of election commissioners.

26 (l) All provisions of this Code governing voter

1 registration and applicable thereto and not inconsistent with  
2 this Section shall apply to online voter registration under  
3 this Section. All applications submitted on a website  
4 maintained by the State Board of Elections shall be deemed  
5 timely filed if they are submitted no later than 11:59 p.m. on  
6 the final day for voter registration prior to an election.  
7 After the registration period for an upcoming election has  
8 ended and until the 2nd day following such election, the web  
9 page containing the online voter registration form on the State  
10 Board of Elections website shall inform users of the procedure  
11 for grace period voting.

12 (m) The State Board of Elections shall maintain a list of  
13 the name, street address, e-mail address, and likely precinct,  
14 ward, township, and district numbers, as the case may be, of  
15 people who apply to vote online through the voter registration  
16 system and those names and that information shall be stored in  
17 an electronic format on its website, arranged by county and  
18 accessible to State and local political committees.

19 (n) The Illinois State Board of Elections shall submit a  
20 report to the General Assembly and the Governor by January 31,  
21 2014 detailing the progress made to implement the online voter  
22 registration system described in this Section.

23 (o) The online voter registration system provided for in  
24 this Section shall be fully operational by July 1, 2014.

25 (Source: P.A. 98-115, eff. 7-29-13; revised 9-4-13.)

1 (10 ILCS 5/4-10) (from Ch. 46, par. 4-10)

2 Sec. 4-10. Except as herein provided, no person shall be  
3 registered, unless he applies in person to a registration  
4 officer, answers such relevant questions as may be asked of him  
5 by the registration officer, and executes the affidavit of  
6 registration. The registration officer shall require the  
7 applicant to furnish two forms of identification, and except in  
8 the case of a homeless individual, one of which must include  
9 his or her residence address. These forms of identification  
10 shall include, but not be limited to, any of the following:  
11 driver's license, social security card, public aid  
12 identification card, utility bill, employee or student  
13 identification card, lease or contract for a residence, credit  
14 card, or a civic, union or professional association membership  
15 card. The registration officer shall require a homeless  
16 individual to furnish evidence of his or her use of the mailing  
17 address stated. This use may be demonstrated by a piece of mail  
18 addressed to that individual and received at that address or by  
19 a statement from a person authorizing use of the mailing  
20 address. The registration officer shall require each applicant  
21 for registration to read or have read to him the affidavit of  
22 registration before permitting him to execute the affidavit.

23 One of the registration officers or a deputy registration  
24 officer, county clerk, or clerk in the office of the county  
25 clerk, shall administer to all persons who shall personally  
26 apply to register the following oath or affirmation:

1            "You do solemnly swear (or affirm) that you will fully and  
2 truly answer all such questions as shall be put to you touching  
3 your name, place of residence, place of birth, your  
4 qualifications as an elector and your right as such to register  
5 and vote under the laws of the State of Illinois."

6            The registration officer shall satisfy himself that each  
7 applicant for registration is qualified to register before  
8 registering him. If the registration officer has reason to  
9 believe that the applicant is a resident of a Soldiers' and  
10 Sailors' Home or any facility which is licensed or certified  
11 pursuant to the Nursing Home Care Act, the Specialized Mental  
12 Health Rehabilitation Act of 2013, or the ID/DD Community Care  
13 Act, the following question shall be put, "When you entered the  
14 home which is your present address, was it your bona fide  
15 intention to become a resident thereof?" Any voter of a  
16 township, city, village or incorporated town in which such  
17 applicant resides, shall be permitted to be present at the  
18 place of any precinct registration and shall have the right to  
19 challenge any applicant who applies to be registered.

20            In case the officer is not satisfied that the applicant is  
21 qualified he shall forthwith notify such applicant in writing  
22 to appear before the county clerk to complete his registration.  
23 Upon the card of such applicant shall be written the word  
24 "incomplete" and no such applicant shall be permitted to vote  
25 unless such registration is satisfactorily completed as  
26 hereinafter provided. No registration shall be taken and marked

1 as incomplete if information to complete it can be furnished on  
2 the date of the original application.

3 Any person claiming to be an elector in any election  
4 precinct and whose registration card is marked "Incomplete" may  
5 make and sign an application in writing, under oath, to the  
6 county clerk in substance in the following form:

7 "I do solemnly swear that I, ....., did on (insert date)  
8 make application to the board of registry of the .... precinct  
9 of the township of .... (or to the county clerk of .... county)  
10 and that said board or clerk refused to complete my  
11 registration as a qualified voter in said precinct. That I  
12 reside in said precinct, that I intend to reside in said  
13 precinct, and am a duly qualified voter of said precinct and am  
14 entitled to be registered to vote in said precinct at the next  
15 election.

16 (Signature of applicant) ....."

17 All such applications shall be presented to the county  
18 clerk or to his duly authorized representative by the  
19 applicant, in person between the hours of 9:00 a.m. and 5:00  
20 p.m. on any day after the days on which the 1969 and 1970  
21 precinct re-registrations are held but not on any day within 27  
22 days preceding the ensuing general election and thereafter for  
23 the registration provided in Section 4-7 all such applications  
24 shall be presented to the county clerk or his duly authorized  
25 representative by the applicant in person between the hours of

1 9:00 a.m. and 5:00 p.m. on any day prior to 27 days preceding  
2 the ensuing general election. Such application shall be heard  
3 by the county clerk or his duly authorized representative at  
4 the time the application is presented. If the applicant for  
5 registration has registered with the county clerk, such  
6 application may be presented to and heard by the county clerk  
7 or by his duly authorized representative upon the dates  
8 specified above or at any time prior thereto designated by the  
9 county clerk.

10 Any otherwise qualified person who is absent from his  
11 county of residence either due to business of the United States  
12 or because he is temporarily outside the territorial limits of  
13 the United States may become registered by mailing an  
14 application to the county clerk within the periods of  
15 registration provided for in this Article, or by simultaneous  
16 application for absentee registration and absentee ballot as  
17 provided in Article 20 of this Code.

18 Upon receipt of such application the county clerk shall  
19 immediately mail an affidavit of registration in duplicate,  
20 which affidavit shall contain the following and such other  
21 information as the State Board of Elections may think it proper  
22 to require for the identification of the applicant:

23 Name. The name of the applicant, giving surname and first  
24 or Christian name in full, and the middle name or the initial  
25 for such middle name, if any.

26 Sex.

1 Residence. The name and number of the street, avenue or  
 2 other location of the dwelling, and such additional clear and  
 3 definite description as may be necessary to determine the exact  
 4 location of the dwelling of the applicant. Where the location  
 5 cannot be determined by street and number, then the Section,  
 6 congressional township and range number may be used, or such  
 7 other information as may be necessary, including post office  
 8 mailing address.

9 Electronic mail address, if the registrant has provided  
 10 this information.

11 Term of residence in the State of Illinois and the  
 12 precinct.

13 Nativity. The State or country in which the applicant was  
 14 born.

15 Citizenship. Whether the applicant is native born or  
 16 naturalized. If naturalized, the court, place and date of  
 17 naturalization.

18 Age. Date of birth, by month, day and year.

19 Out of State address of .....

20 AFFIDAVIT OF REGISTRATION

21 State of .....)

22 )ss

23 County of .....)

24 I hereby swear (or affirm) that I am a citizen of the  
 25 United States; that on the day of the next election I shall  
 26 have resided in the State of Illinois and in the election



1 precinct 30 days; that I am fully qualified to vote, that I am  
 2 not registered to vote anywhere else in the United States, that  
 3 I intend to remain a resident of the State of Illinois and of  
 4 the election precinct, that I intend to return to the State of  
 5 Illinois, and that the above statements are true.

6 .....

7 (His or her signature or mark)

8 Subscribed and sworn to before me, an officer qualified to  
 9 administer oaths, on (insert date).

10 .....

11 Signature of officer administering oath.

12 Upon receipt of the executed duplicate affidavit of  
 13 Registration, the county clerk shall transfer the information  
 14 contained thereon to duplicate Registration Cards provided for  
 15 in Section 4-8 of this Article and shall attach thereto a copy  
 16 of each of the duplicate affidavit of registration and  
 17 thereafter such registration card and affidavit shall  
 18 constitute the registration of such person the same as if he  
 19 had applied for registration in person.

20 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,  
 21 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 10-1-13;  
 22 revised 8-9-13.)

23 (10 ILCS 5/5-9) (from Ch. 46, par. 5-9)

24 Sec. 5-9. Except as herein provided, no person shall be  
 25 registered unless he applies in person to registration officer,

1 answers such relevant questions as may be asked of him by the  
2 registration officer, and executes the affidavit of  
3 registration. The registration officer shall require the  
4 applicant to furnish two forms of identification, and except in  
5 the case of a homeless individual, one of which must include  
6 his or her residence address. These forms of identification  
7 shall include, but not be limited to, any of the following:  
8 driver's license, social security card, public aid  
9 identification card, utility bill, employee or student  
10 identification card, lease or contract for a residence, credit  
11 card, or a civic, union or professional association membership  
12 card. The registration officer shall require a homeless  
13 individual to furnish evidence of his or her use of the mailing  
14 address stated. This use may be demonstrated by a piece of mail  
15 addressed to that individual and received at that address or by  
16 a statement from a person authorizing use of the mailing  
17 address. The registration officer shall require each applicant  
18 for registration to read or have read to him the affidavit of  
19 registration before permitting him to execute the affidavit.

20 One of the Deputy Registrars, the Judge of Registration, or  
21 an Officer of Registration, County Clerk, or clerk in the  
22 office of the County Clerk, shall administer to all persons who  
23 shall personally apply to register the following oath or  
24 affirmation:

25 "You do solemnly swear (or affirm) that you will fully and  
26 truly answer all such questions as shall be put to you touching

1 your place of residence, name, place of birth, your  
2 qualifications as an elector and your right as such to register  
3 and vote under the laws of the State of Illinois."

4 The Registration Officer shall satisfy himself that each  
5 applicant for registration is qualified to register before  
6 registering him. If the registration officer has reason to  
7 believe that the applicant is a resident of a Soldiers' and  
8 Sailors' Home or any facility which is licensed or certified  
9 pursuant to the Nursing Home Care Act, the Specialized Mental  
10 Health Rehabilitation Act of 2013, or the ID/DD Community Care  
11 Act, the following question shall be put, "When you entered the  
12 home which is your present address, was it your bona fide  
13 intention to become a resident thereof?" Any voter of a  
14 township, city, village or incorporated town in which such  
15 applicant resides, shall be permitted to be present at the  
16 place of precinct registration, and shall have the right to  
17 challenge any applicant who applies to be registered.

18 In case the officer is not satisfied that the applicant is  
19 qualified, he shall forthwith in writing notify such applicant  
20 to appear before the County Clerk to furnish further proof of  
21 his qualifications. Upon the card of such applicant shall be  
22 written the word "Incomplete" and no such applicant shall be  
23 permitted to vote unless such registration is satisfactorily  
24 completed as hereinafter provided. No registration shall be  
25 taken and marked as "incomplete" if information to complete it  
26 can be furnished on the date of the original application.

1 Any person claiming to be an elector in any election  
 2 precinct in such township, city, village or incorporated town  
 3 and whose registration is marked "Incomplete" may make and sign  
 4 an application in writing, under oath, to the County Clerk in  
 5 substance in the following form:

6 "I do solemnly swear that I, ....., did on (insert  
 7 date) make application to the Board of Registry of the .....  
 8 precinct of ..... ward of the City of .... or of the  
 9 ..... District ..... Town of ..... (or to the  
 10 County Clerk of ..... ) and ..... County; that  
 11 said Board or Clerk refused to complete my registration as a  
 12 qualified voter in said precinct, that I reside in said  
 13 precinct (or that I intend to reside in said precinct), am a  
 14 duly qualified voter and entitled to vote in said precinct at  
 15 the next election.

16 .....  
 17 (Signature of Applicant)"

18 All such applications shall be presented to the County  
 19 Clerk by the applicant, in person between the hours of nine  
 20 o'clock a.m. and five o'clock p.m., on Monday and Tuesday of  
 21 the third week subsequent to the weeks in which the 1961 and  
 22 1962 precinct re-registrations are to be held, and thereafter  
 23 for the registration provided in Section 5-17 of this Article,  
 24 all such applications shall be presented to the County Clerk by  
 25 the applicant in person between the hours of nine o'clock a.m.  
 26 and nine o'clock p.m. on Monday and Tuesday of the third week

1 prior to the date on which such election is to be held.

2 Any otherwise qualified person who is absent from his  
3 county of residence either due to business of the United States  
4 or because he is temporarily outside the territorial limits of  
5 the United States may become registered by mailing an  
6 application to the county clerk within the periods of  
7 registration provided for in this Article or by simultaneous  
8 application for absentee registration and absentee ballot as  
9 provided in Article 20 of this Code.

10 Upon receipt of such application the county clerk shall  
11 immediately mail an affidavit of registration in duplicate,  
12 which affidavit shall contain the following and such other  
13 information as the State Board of Elections may think it proper  
14 to require for the identification of the applicant:

15 Name. The name of the applicant, giving surname and first  
16 or Christian name in full, and the middle name or the initial  
17 for such middle name, if any.

18 Sex.

19 Residence. The name and number of the street, avenue or  
20 other location of the dwelling, and such additional clear and  
21 definite description as may be necessary to determine the exact  
22 location of the dwelling of the applicant. Where the location  
23 cannot be determined by street and number, then the Section,  
24 congressional township and range number may be used, or such  
25 other information as may be necessary, including post office  
26 mailing address.

1 Electronic mail address, if the registrant has provided  
2 this information.

3 Term of residence in the State of Illinois and the  
4 precinct.

5 Nativity. The State or country in which the applicant was  
6 born.

7 Citizenship. Whether the applicant is native born or  
8 naturalized. If naturalized, the court, place and date of  
9 naturalization.

10 Age. Date of birth, by month, day and year.

11 Out of State address of .....

12 AFFIDAVIT OF REGISTRATION

13 State of .....

14 )ss

15 County of .....

16 I hereby swear (or affirm) that I am a citizen of the  
17 United States; that on the day of the next election I shall  
18 have resided in the State of Illinois for 6 months and in the  
19 election precinct 30 days; that I am fully qualified to vote,  
20 that I am not registered to vote anywhere else in the United  
21 States, that I intend to remain a resident of the State of  
22 Illinois and of the election precinct, that I intend to return  
23 to the State of Illinois, and that the above statements are  
24 true.

25 .....

26 (His or her signature or mark)

1 Subscribed and sworn to before me, an officer qualified to  
2 administer oaths, on (insert date).

3 .....  
4 Signature of officer administering oath.

5 Upon receipt of the executed duplicate affidavit of  
6 Registration, the county clerk shall transfer the information  
7 contained thereon to duplicate Registration Cards provided for  
8 in Section 5-7 of this Article and shall attach thereto a copy  
9 of each of the duplicate affidavit of registration and  
10 thereafter such registration card and affidavit shall  
11 constitute the registration of such person the same as if he  
12 had applied for registration in person.

13 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,  
14 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 10-1-13;  
15 revised 8-9-13.)

16 (10 ILCS 5/10-4) (from Ch. 46, par. 10-4)

17 Sec. 10-4. Form of petition for nomination. All petitions  
18 for nomination under this Article 10 for candidates for public  
19 office in this State, shall in addition to other requirements  
20 provided by law, be as follows: Such petitions shall consist of  
21 sheets of uniform size and each sheet shall contain, above the  
22 space for signature, an appropriate heading, giving the  
23 information as to name of candidate or candidates in whose  
24 behalf such petition is signed; the office; the party; place of

1 residence; and such other information or wording as required to  
2 make same valid, and the heading of each sheet shall be the  
3 same. Such petition shall be signed by the qualified voters in  
4 their own proper persons only, and opposite the signature of  
5 each signer his residence address shall be written or printed.  
6 The residence address required to be written or printed  
7 opposite each qualified primary elector's name shall include  
8 the street address or rural route number of the signer, as the  
9 case may be, as well as the signer's county, and city, village  
10 or town, and state. However, the county or city, village or  
11 town, and state of residence of such electors may be printed on  
12 the petition forms where all of the ~~such~~ electors signing the  
13 petition reside in the same county or city, village or town,  
14 and state. Standard abbreviations may be used in writing the  
15 residence address, including street number, if any. No  
16 signature shall be valid or be counted in considering the  
17 validity or sufficiency of such petition unless the  
18 requirements of this Section are complied with. At the bottom  
19 of each sheet of such petition shall be added a circulator's  
20 statement, signed by a person 18 years of age or older who is a  
21 citizen of the United States; stating the street address or  
22 rural route number, as the case may be, as well as the county,  
23 city, village or town, and state; certifying that the  
24 signatures on that sheet of the petition were signed in his or  
25 her presence; certifying that the signatures are genuine; and  
26 either (1) indicating the dates on which that sheet was



1 circulated, or (2) indicating the first and last dates on which  
2 the sheet was circulated, or (3) certifying that none of the  
3 signatures on the sheet were signed more than 90 days preceding  
4 the last day for the filing of the petition; and certifying  
5 that to the best of his knowledge and belief the persons so  
6 signing were at the time of signing the petition duly  
7 registered voters under Articles 4, 5 or 6 of the Code of the  
8 political subdivision or district for which the candidate or  
9 candidates shall be nominated, and certifying that their  
10 respective residences are correctly stated therein. Such  
11 statement shall be sworn to before some officer authorized to  
12 administer oaths in this State. No petition sheet shall be  
13 circulated more than 90 days preceding the last day provided in  
14 Section 10-6 for the filing of such petition. Such sheets,  
15 before being presented to the electoral board or filed with the  
16 proper officer of the electoral district or division of the  
17 state or municipality, as the case may be, shall be neatly  
18 fastened together in book form, by placing the sheets in a pile  
19 and fastening them together at one edge in a secure and  
20 suitable manner, and the sheets shall then be numbered  
21 consecutively. The sheets shall not be fastened by pasting them  
22 together end to end, so as to form a continuous strip or roll.  
23 All petition sheets which are filed with the proper local  
24 election officials, election authorities or the State Board of  
25 Elections shall be the original sheets which have been signed  
26 by the voters and by the circulator, and not photocopies or

1 duplicates of such sheets. A petition, when presented or filed,  
2 shall not be withdrawn, altered, or added to, and no signature  
3 shall be revoked except by revocation in writing presented or  
4 filed with the officers or officer with whom the petition is  
5 required to be presented or filed, and before the presentment  
6 or filing of such petition. Whoever forges any name of a signer  
7 upon any petition shall be deemed guilty of a forgery, and on  
8 conviction thereof, shall be punished accordingly. The word  
9 "petition" or "petition for nomination", as used herein, shall  
10 mean what is sometimes known as nomination papers, in  
11 distinction to what is known as a certificate of nomination.  
12 The words "political division for which the candidate is  
13 nominated", or its equivalent, shall mean the largest political  
14 division in which all qualified voters may vote upon such  
15 candidate or candidates, as the state in the case of state  
16 officers; the township in the case of township officers et  
17 cetera. Provided, further, that no person shall circulate or  
18 certify petitions for candidates of more than one political  
19 party, or for an independent candidate or candidates in  
20 addition to one political party, to be voted upon at the next  
21 primary or general election, or for such candidates and parties  
22 with respect to the same political subdivision at the next  
23 consolidated election.

24 (Source: P.A. 91-57, eff. 6-30-99; 92-129, eff. 7-20-01;  
25 revised 9-4-13.)

1 (10 ILCS 5/19-4) (from Ch. 46, par. 19-4)

2 Sec. 19-4. Mailing or delivery of ballots; time. ~~ballots~~

3 ~~Time.~~ Immediately upon the receipt of such application either

4 by mail or electronic means, not more than 40 days nor less

5 than 5 days prior to such election, or by personal delivery not

6 more than 40 days nor less than one day prior to such election,

7 at the office of such election authority, it shall be the duty

8 of such election authority to examine the records to ascertain

9 whether or not such applicant is lawfully entitled to vote as

10 requested, including a verification of the applicant's

11 signature by comparison with the signature on the official

12 registration record card, and if found so to be entitled to

13 vote, to post within one business day thereafter the name,

14 street address, ward and precinct number or township and

15 district number, as the case may be, of such applicant given on

16 a list, the pages of which are to be numbered consecutively to

17 be kept by such election authority for such purpose in a

18 conspicuous, open and public place accessible to the public at

19 the entrance of the office of such election authority, and in

20 such a manner that such list may be viewed without necessity of

21 requesting permission therefor. Within one day after posting

22 the name and other information of an applicant for an absentee

23 ballot, the election authority shall transmit by electronic

24 means pursuant to a process established by the State Board of

25 Elections that name and other posted information to the State

26 Board of Elections, which shall maintain those names and other

1 information in an electronic format on its website, arranged by  
2 county and accessible to State and local political committees.  
3 Within 2 business days after posting a name and other  
4 information on the list within its office, the election  
5 authority shall mail, postage prepaid, or deliver in person in  
6 such office an official ballot or ballots if more than one are  
7 to be voted at said election. Mail delivery of Temporarily  
8 Absent Student ballot applications pursuant to Section 19-12.3  
9 shall be by nonforwardable mail. However, for the consolidated  
10 election, absentee ballots for certain precincts may be  
11 delivered to applicants not less than 25 days before the  
12 election if so much time is required to have prepared and  
13 printed the ballots containing the names of persons nominated  
14 for offices at the consolidated primary. The election authority  
15 shall enclose with each absentee ballot or application written  
16 instructions on how voting assistance shall be provided  
17 pursuant to Section 17-14 and a document, written and approved  
18 by the State Board of Elections, enumerating the circumstances  
19 under which a person is authorized to vote by absentee ballot  
20 pursuant to this Article; such document shall also include a  
21 statement informing the applicant that if he or she falsifies  
22 or is solicited by another to falsify his or her eligibility to  
23 cast an absentee ballot, such applicant or other is subject to  
24 penalties pursuant to Section 29-10 and Section 29-20 of the  
25 Election Code. Each election authority shall maintain a list of  
26 the name, street address, ward and precinct, or township and

1 district number, as the case may be, of all applicants who have  
2 returned absentee ballots to such authority, and the name of  
3 such absent voter shall be added to such list within one  
4 business day from receipt of such ballot. If the absentee  
5 ballot envelope indicates that the voter was assisted in  
6 casting the ballot, the name of the person so assisting shall  
7 be included on the list. The list, the pages of which are to be  
8 numbered consecutively, shall be kept by each election  
9 authority in a conspicuous, open, and public place accessible  
10 to the public at the entrance of the office of the election  
11 authority and in a manner that the list may be viewed without  
12 necessity of requesting permission for viewing.

13 Each election authority shall maintain a list for each  
14 election of the voters to whom it has issued absentee ballots.  
15 The list shall be maintained for each precinct within the  
16 jurisdiction of the election authority. Prior to the opening of  
17 the polls on election day, the election authority shall deliver  
18 to the judges of election in each precinct the list of  
19 registered voters in that precinct to whom absentee ballots  
20 have been issued by mail.

21 Each election authority shall maintain a list for each  
22 election of voters to whom it has issued temporarily absent  
23 student ballots. The list shall be maintained for each election  
24 jurisdiction within which such voters temporarily abide.  
25 Immediately after the close of the period during which  
26 application may be made by mail or electronic means for

1 absentee ballots, each election authority shall mail to each  
2 other election authority within the State a certified list of  
3 all such voters temporarily abiding within the jurisdiction of  
4 the other election authority.

5 In the event that the return address of an application for  
6 ballot by a physically incapacitated elector is that of a  
7 facility licensed or certified under the Nursing Home Care Act,  
8 the Specialized Mental Health Rehabilitation Act of 2013, or  
9 the ID/DD Community Care Act, within the jurisdiction of the  
10 election authority, and the applicant is a registered voter in  
11 the precinct in which such facility is located, the ballots  
12 shall be prepared and transmitted to a responsible judge of  
13 election no later than 9 a.m. on the Saturday, Sunday or Monday  
14 immediately preceding the election as designated by the  
15 election authority under Section 19-12.2. Such judge shall  
16 deliver in person on the designated day the ballot to the  
17 applicant on the premises of the facility from which  
18 application was made. The election authority shall by mail  
19 notify the applicant in such facility that the ballot will be  
20 delivered by a judge of election on the designated day.

21 All applications for absentee ballots shall be available at  
22 the office of the election authority for public inspection upon  
23 request from the time of receipt thereof by the election  
24 authority until 30 days after the election, except during the  
25 time such applications are kept in the office of the election  
26 authority pursuant to Section 19-7, and except during the time

1 such applications are in the possession of the judges of  
2 election.

3 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,  
4 eff. 7-13-12; 98-104, eff. 7-22-13; 98-115, eff. 7-29-13;  
5 revised 8-9-13.)

6 (10 ILCS 5/24A-15.1) (from Ch. 46, par. 24A-15.1)

7 Sec. 24A-15.1. Except as herein provided, discovery  
8 recounts and election contests shall be conducted as otherwise  
9 provided for in "The Election Code", as amended. The automatic  
10 tabulating equipment shall be tested prior to the discovery  
11 recount or election contest as provided in Section 24A-9, and  
12 then the official ballots or ballot cards shall be recounted on  
13 the automatic tabulating equipment. In addition, (1) the ballot  
14 or ballot cards shall be checked for the presence or absence of  
15 judges' initials and other distinguishing marks, and (2) the  
16 ballots marked "Rejected", "Defective", "Objected to",  
17 "Absentee Ballot", and "Early Ballot" shall be examined to  
18 determine the propriety of the ~~such~~ labels, and (3) the  
19 "Duplicate Absentee Ballots", "Duplicate Early Ballots",  
20 "Duplicate Overvoted Ballots" and "Duplicate Damaged Ballots"  
21 shall be compared with their respective originals to determine  
22 the correctness of the duplicates.

23 Any person who has filed a petition for discovery recount  
24 may request that a redundant count be conducted in those  
25 precincts in which the discovery recount is being conducted.

1 The additional costs of such a redundant count shall be borne  
2 by the requesting party.

3 The log of the computer operator and all materials retained  
4 by the election authority in relation to vote tabulation and  
5 canvass shall be made available for any discovery recount or  
6 election contest.

7 (Source: P.A. 94-645, eff. 8-22-05; revised 9-4-13.)

8 (10 ILCS 5/24A-16) (from Ch. 46, par. 24A-16)

9 Sec. 24A-16. The State Board of Elections shall approve all  
10 voting systems provided by this Article.

11 No voting system shall be approved unless it fulfills the  
12 following requirements:

13 (1) It enables a voter to vote in absolute secrecy;

14 (2) (Blank);

15 (3) It enables a voter to vote a ticket selected in  
16 part from the nominees of one party, and in part from the  
17 nominees of any or all parties, and in part from  
18 independent candidates and in part of candidates whose  
19 names are written in by the voter;

20 (4) It enables a voter to vote a written or printed  
21 ticket of his own selection for any person for any office  
22 for whom he may desire to vote;

23 (5) It will reject all votes for an office or upon a  
24 proposition when the voter has cast more votes for such  
25 office or upon such proposition than he is entitled to



1 cast;

2 (5.5) It will identify when a voter has not voted for  
3 all statewide constitutional offices;

4 (6) It will accommodate all propositions to be  
5 submitted to the voters in the form provided by law or,  
6 where no such form is provided, then in brief form, not to  
7 exceed 75 words;~~;~~

8 (7) It will accommodate the tabulation programming  
9 requirements of Sections 24A-6.2, 24B-6.2, and 24C-6.2.

10 The State Board of Elections shall not approve any voting  
11 equipment or system that includes an external Infrared Data  
12 Association (IrDA) communications port.

13 The State Board of Elections is authorized to withdraw its  
14 approval of a voting system if the system fails to fulfill the  
15 above requirements.

16 The vendor, person, or other private entity shall be solely  
17 responsible for the production and cost of: all application  
18 fees; all ballots; additional temporary workers; and other  
19 equipment or facilities needed and used in the testing of the  
20 vendor's, person's, or other private entity's respective  
21 equipment and software.

22 Any voting system vendor, person, or other private entity  
23 seeking the State Board of Elections' approval of a voting  
24 system shall, as part of the approval application, submit to  
25 the State Board a non-refundable fee. The State Board of  
26 Elections by rule shall establish an appropriate fee structure,

1 taking into account the type of voting system approval that is  
2 requested (such as approval of a new system, a modification of  
3 an existing system, the size of the modification, etc.). No  
4 voting system or modification of a voting system shall be  
5 approved unless the fee is paid.

6 No vendor, person, or other entity may sell, lease, or  
7 loan, or have a written contract, including a contract  
8 contingent upon State Board approval of the voting system or  
9 voting system component, to sell, lease, or loan, a voting  
10 system or voting system component to any election jurisdiction  
11 unless the voting system or voting system component is first  
12 approved by the State Board of Elections pursuant to this  
13 Section.

14 (Source: P.A. 98-115, eff. 7-29-13; revised 9-4-13.)

15 (10 ILCS 5/28-3) (from Ch. 46, par. 28-3)

16 Sec. 28-3. Form of petition for public question. Petitions  
17 for the submission of public questions shall consist of sheets  
18 of uniform size and each sheet shall contain, above the space  
19 for signature, an appropriate heading, giving the information  
20 as to the question of public policy to be submitted, and  
21 specifying the state at large or the political subdivision or  
22 district or precinct or combination of precincts or other  
23 territory in which it is to be submitted and, where by law the  
24 public question must be submitted at a particular election, the  
25 election at which it is to be submitted. In the case of a

1 petition for the submission of a public question described in  
2 subsection (b) of Section 28-6, the heading shall also specify  
3 the regular election at which the question is to be submitted  
4 and include the precincts included in the territory concerning  
5 which the public question is to be submitted, as well as a  
6 common description of such territory in plain and nonlegal  
7 language, such description to describe the territory by  
8 reference to streets, natural or artificial landmarks,  
9 addresses or any other method which would enable a voter  
10 signing the petition to be informed of the territory concerning  
11 which the question is to be submitted. The heading of each  
12 sheet shall be the same. Such petition shall be signed by the  
13 registered voters of the political subdivision or district or  
14 precinct or combination of precincts in which the question of  
15 public policy is to be submitted in their own proper persons  
16 only, and opposite the signature of each signer his residence  
17 address shall be written or printed, which residence address  
18 shall include the street address or rural route number of the  
19 signer, as the case may be, as well as the signer's county, and  
20 city, village or town, and state; provided that the county or  
21 city, village or town, and state of residence of such electors  
22 may be printed on the petition forms where all of the ~~such~~  
23 electors signing the petition reside in the same county or  
24 city, village or town, and state. Standard abbreviations may be  
25 used in writing the residence address, including street number,  
26 if any. No signature shall be valid or be counted in

1 considering the validity or sufficiency of such petition unless  
2 the requirements of this Section are complied with.

3 At the bottom of each sheet of such petition shall be added  
4 a circulator's statement, signed by a person 18 years of age or  
5 older who is a citizen of the United States, stating the street  
6 address or rural route number, as the case may be, as well as  
7 the county, city, village or town, and state; certifying that  
8 the signatures on that sheet of the petition were signed in his  
9 or her presence and are genuine, and that to the best of his or  
10 her knowledge and belief the persons so signing were at the  
11 time of signing the petition registered voters of the political  
12 subdivision or district or precinct or combination of precincts  
13 in which the question of public policy is to be submitted and  
14 that their respective residences are correctly stated therein.  
15 Such statement shall be sworn to before some officer authorized  
16 to administer oaths in this State.

17 Such sheets, before being filed with the proper officer or  
18 board shall be bound securely and numbered consecutively. The  
19 sheets shall not be fastened by pasting them together end to  
20 end, so as to form a continuous strip or roll. All petition  
21 sheets which are filed with the proper local election  
22 officials, election authorities or the State Board of Elections  
23 shall be the original sheets which have been signed by the  
24 voters and by the circulator, and not photocopies or duplicates  
25 of such sheets. A petition, when presented or filed, shall not  
26 be withdrawn, altered, or added to, and no signature shall be

1     revoked except by revocation in writing presented or filed with  
2     the board or officer with whom the petition is required to be  
3     presented or filed, and before the presentment or filing of  
4     such petition, except as may otherwise be provided in another  
5     statute which authorize the public question. Whoever forges any  
6     name of a signer upon any petition shall be deemed guilty of a  
7     forgery, and on conviction thereof, shall be punished  
8     accordingly.

9             In addition to the foregoing requirements, a petition  
10     proposing an amendment to Article IV of the Constitution  
11     pursuant to Section 3 of Article XIV of the Constitution or a  
12     petition proposing a question of public policy to be submitted  
13     to the voters of the entire State shall be in conformity with  
14     the requirements of Section 28-9 of this Article.

15             If multiple sets of petitions for submission of the same  
16     public questions are filed, the State Board of Elections,  
17     appropriate election authority or local election official  
18     where the petitions are filed shall within 2 business days  
19     notify the proponent of his or her multiple petition filings  
20     and that proponent has 3 business days after receipt of the  
21     notice to notify the State Board of Elections, appropriate  
22     election authority or local election official that he or she  
23     may cancel prior sets of petitions. If the proponent notifies  
24     the State Board of Elections, appropriate election authority or  
25     local election official, the last set of petitions filed shall  
26     be the only petitions to be considered valid by the State Board

1 of Elections, appropriate election authority or local election  
2 official. If the proponent fails to notify the State Board of  
3 Elections, appropriate election authority or local election  
4 official then only the first set of petitions filed shall be  
5 valid and all subsequent petitions shall be void.

6 (Source: P.A. 91-57, eff. 6-30-99; 92-129, eff. 7-20-01;  
7 revised 9-12-13.)

8 Section 40. The Executive Reorganization Implementation  
9 Act is amended by changing Section 5 as follows:

10 (15 ILCS 15/5) (from Ch. 127, par. 1805)

11 Sec. 5. An executive order of the Governor proposing  
12 reorganization may not provide for, and a reorganization under  
13 this Act may not have the effect of:

14 (a) continuing ~~Continuing~~ any function beyond the period  
15 authorized by law for its exercise, or beyond the time when it  
16 would have terminated if the reorganization had not been made;

17 (b) authorizing ~~Authorizing~~ any agency to exercise any  
18 function which is not expressly authorized by law to be  
19 exercised by an agency in the executive branch when the  
20 executive order is transmitted to the General Assembly;

21 (c) increasing ~~Increasing~~ the term of any office beyond  
22 that provided by law for the office; ~~or~~

23 (d) eliminating any qualifications of or procedures for  
24 selecting or appointing any agency or department head or

1 commission or board member; or

2 (e) abolishing ~~Abolishing~~ any agency created by the  
3 Illinois Constitution, or transferring to any other agency any  
4 function conferred by the Illinois Constitution on an agency  
5 created by that Constitution.

6 (Source: P.A. 81-984; revised 9-4-13.)

7 Section 45. The Illinois Identification Card Act is amended  
8 by changing Section 4 as follows:

9 (15 ILCS 335/4) (from Ch. 124, par. 24)

10 Sec. 4. Identification Card.

11 (a) The Secretary of State shall issue a standard Illinois  
12 Identification Card to any natural person who is a resident of  
13 the State of Illinois who applies for such card, or renewal  
14 thereof, or who applies for a standard Illinois Identification  
15 Card upon release as a committed person on parole, mandatory  
16 supervised release, aftercare release, final discharge, or  
17 pardon from the Department of Corrections or Department of  
18 Juvenile Justice by submitting an identification card issued by  
19 the Department of Corrections or Department of Juvenile Justice  
20 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of  
21 Corrections, together with the prescribed fees. No  
22 identification card shall be issued to any person who holds a  
23 valid foreign state identification card, license, or permit  
24 unless the person first surrenders to the Secretary of State

1 the valid foreign state identification card, license, or  
2 permit. The card shall be prepared and supplied by the  
3 Secretary of State and shall include a photograph and signature  
4 or mark of the applicant. However, the Secretary of State may  
5 provide by rule for the issuance of Illinois Identification  
6 Cards without photographs if the applicant has a bona fide  
7 religious objection to being photographed or to the display of  
8 his or her photograph. The Illinois Identification Card may be  
9 used for identification purposes in any lawful situation only  
10 by the person to whom it was issued. As used in this Act,  
11 "photograph" means any color photograph or digitally produced  
12 and captured image of an applicant for an identification card.  
13 As used in this Act, "signature" means the name of a person as  
14 written by that person and captured in a manner acceptable to  
15 the Secretary of State.

16 (a-5) If an applicant for an identification card has a  
17 current driver's license or instruction permit issued by the  
18 Secretary of State, the Secretary may require the applicant to  
19 utilize the same residence address and name on the  
20 identification card, driver's license, and instruction permit  
21 records maintained by the Secretary. The Secretary may  
22 promulgate rules to implement this provision.

23 (a-10) If the applicant is a judicial officer as defined in  
24 Section 1-10 of the Judicial Privacy Act or a peace officer,  
25 the applicant may elect to have his or her office or work  
26 address listed on the card instead of the applicant's residence



1 or mailing address. The Secretary may promulgate rules to  
2 implement this provision. For the purposes of this subsection  
3 (a-10), "peace officer" means any person who by virtue of his  
4 or her office or public employment is vested by law with a duty  
5 to maintain public order or to make arrests for a violation of  
6 any penal statute of this State, whether that duty extends to  
7 all violations or is limited to specific violations.

8 (b) The Secretary of State shall issue a special Illinois  
9 Identification Card, which shall be known as an Illinois Person  
10 with a Disability Identification Card, to any natural person  
11 who is a resident of the State of Illinois, who is a person  
12 with a disability as defined in Section 4A of this Act, who  
13 applies for such card, or renewal thereof. No Illinois Person  
14 with a Disability Identification Card shall be issued to any  
15 person who holds a valid foreign state identification card,  
16 license, or permit unless the person first surrenders to the  
17 Secretary of State the valid foreign state identification card,  
18 license, or permit. The Secretary of State shall charge no fee  
19 to issue such card. The card shall be prepared and supplied by  
20 the Secretary of State, and shall include a photograph and  
21 signature or mark of the applicant, a designation indicating  
22 that the card is an Illinois Person with a Disability  
23 Identification Card, and shall include a comprehensible  
24 designation of the type and classification of the applicant's  
25 disability as set out in Section 4A of this Act. However, the  
26 Secretary of State may provide by rule for the issuance of

1 Illinois Person with a Disability Identification Cards without  
2 photographs if the applicant has a bona fide religious  
3 objection to being photographed or to the display of his or her  
4 photograph. If the applicant so requests, the card shall  
5 include a description of the applicant's disability and any  
6 information about the applicant's disability or medical  
7 history which the Secretary determines would be helpful to the  
8 applicant in securing emergency medical care. If a mark is used  
9 in lieu of a signature, such mark shall be affixed to the card  
10 in the presence of two witnesses who attest to the authenticity  
11 of the mark. The Illinois Person with a Disability  
12 Identification Card may be used for identification purposes in  
13 any lawful situation by the person to whom it was issued.

14 The Illinois Person with a Disability Identification Card  
15 may be used as adequate documentation of disability in lieu of  
16 a physician's determination of disability, a determination of  
17 disability from a physician assistant who has been delegated  
18 the authority to make this determination by his or her  
19 supervising physician, a determination of disability from an  
20 advanced practice nurse who has a written collaborative  
21 agreement with a collaborating physician that authorizes the  
22 advanced practice nurse to make this determination, or any  
23 other documentation of disability whenever any State law  
24 requires that a disabled person provide such documentation of  
25 disability, however an Illinois Person with a Disability  
26 Identification Card shall not qualify the cardholder to

1 participate in any program or to receive any benefit which is  
2 not available to all persons with like disabilities.  
3 Notwithstanding any other provisions of law, an Illinois Person  
4 with a Disability Identification Card, or evidence that the  
5 Secretary of State has issued an Illinois Person with a  
6 Disability Identification Card, shall not be used by any person  
7 other than the person named on such card to prove that the  
8 person named on such card is a disabled person or for any other  
9 purpose unless the card is used for the benefit of the person  
10 named on such card, and the person named on such card consents  
11 to such use at the time the card is so used.

12 An optometrist's determination of a visual disability  
13 under Section 4A of this Act is acceptable as documentation for  
14 the purpose of issuing an Illinois Person with a Disability  
15 Identification Card.

16 When medical information is contained on an Illinois Person  
17 with a Disability Identification Card, the Office of the  
18 Secretary of State shall not be liable for any actions taken  
19 based upon that medical information.

20 (c) The Secretary of State shall provide that each original  
21 or renewal Illinois Identification Card or Illinois Person with  
22 a Disability Identification Card issued to a person under the  
23 age of 21 shall be of a distinct nature from those Illinois  
24 Identification Cards or Illinois Person with a Disability  
25 Identification Cards issued to individuals 21 years of age or  
26 older. The color designated for Illinois Identification Cards

1 or Illinois Person with a Disability Identification Cards for  
2 persons under the age of 21 shall be at the discretion of the  
3 Secretary of State.

4 (c-1) Each original or renewal Illinois Identification  
5 Card or Illinois Person with a Disability Identification Card  
6 issued to a person under the age of 21 shall display the date  
7 upon which the person becomes 18 years of age and the date upon  
8 which the person becomes 21 years of age.

9 (c-3) The General Assembly recognizes the need to identify  
10 military veterans living in this State for the purpose of  
11 ensuring that they receive all of the services and benefits to  
12 which they are legally entitled, including healthcare,  
13 education assistance, and job placement. To assist the State in  
14 identifying these veterans and delivering these vital services  
15 and benefits, the Secretary of State is authorized to issue  
16 Illinois Identification Cards and Illinois Person with a  
17 Disability Identification Cards with the word "veteran"  
18 appearing on the face of the cards. This authorization is  
19 predicated on the unique status of veterans. The Secretary may  
20 not issue any other identification card which identifies an  
21 occupation, status, affiliation, hobby, or other unique  
22 characteristics of the identification card holder which is  
23 unrelated to the purpose of the identification card.

24 (c-5) Beginning on or before July 1, 2015, the Secretary of  
25 State shall designate a space on each original or renewal  
26 identification card where, at the request of the applicant, the

1 word "veteran" shall be placed. The veteran designation shall  
2 be available to a person identified as a veteran under  
3 subsection (b) of Section 5 of this Act who was discharged or  
4 separated under honorable conditions.

5 (d) The Secretary of State may issue a Senior Citizen  
6 discount card, to any natural person who is a resident of the  
7 State of Illinois who is 60 years of age or older and who  
8 applies for such a card or renewal thereof. The Secretary of  
9 State shall charge no fee to issue such card. The card shall be  
10 issued in every county and applications shall be made available  
11 at, but not limited to, nutrition sites, senior citizen centers  
12 and Area Agencies on Aging. The applicant, upon receipt of such  
13 card and prior to its use for any purpose, shall have affixed  
14 thereon in the space provided therefor his signature or mark.

15 (e) The Secretary of State, in his or her discretion, may  
16 designate on each Illinois Identification Card or Illinois  
17 Person with a Disability Identification Card a space where the  
18 card holder may place a sticker or decal, issued by the  
19 Secretary of State, of uniform size as the Secretary may  
20 specify, that shall indicate in appropriate language that the  
21 card holder has renewed his or her Illinois Identification Card  
22 or Illinois Person with a Disability Identification Card.

23 (Source: P.A. 97-371, eff. 1-1-12; 97-739, eff. 1-1-13; 97-847,  
24 eff. 1-1-13; 97-1064, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463,  
25 eff. 8-16-13; 98-558, eff. 1-1-14; revised 9-4-13.)

1           Section 50. The State Comptroller Act is amended by  
2 changing Sections 10 and 10.10 as follows:

3           (15 ILCS 405/10) (from Ch. 15, par. 210)

4           Sec. 10. Warrants; procedure ~~Warrants—Procedure~~. The  
5 powers and duties of the Comptroller ~~comptroller~~ as respects  
6 warrants are set out in the Sections following this Section and  
7 preceding Section 11 ~~Sections 10.01 through 10.15~~.

8           (Source: P.A. 77-2807; revised 9-4-13.)

9           (15 ILCS 405/10.10) (from Ch. 15, par. 210.10)

10          Sec. 10.10. (a) If any Comptroller's warrant is lost,  
11 mislaid or destroyed, or becomes void after issuance, so that  
12 it cannot be presented for payment by the person entitled  
13 thereto, the Comptroller, at any time before that warrant is  
14 paid by the State Treasurer, but within 5 years of the date of  
15 issuance, may issue a replacement warrant to the person  
16 entitled thereto. If the original warrant was not cancelled or  
17 did not become void, the Comptroller, before issuing the  
18 replacement warrant, shall issue a stop payment order on the  
19 State Treasurer and receive a confirmation of the stop payment  
20 order on the original warrant from the State Treasurer.

21          (b) Only the person entitled to the original warrant, or  
22 his heirs or legal representatives, or a third party to whom it  
23 was properly negotiated or the heirs or legal representatives  
24 of such party, may request a replacement warrant. In the case

1 of a warrant issued to a payee who dies before the warrant is  
2 paid by the State Treasurer and whose estate has been probated  
3 pursuant to law, the Comptroller, upon receipt of a certified  
4 copy of a judicial order establishing the person or entity  
5 entitled to payment, may issue a replacement warrant to such  
6 person or entity.

7 (c) Within 12 months from the date of issuance of the  
8 original warrant, if the original warrant has not been canceled  
9 for redeposit, the Comptroller may issue a replacement warrant  
10 on the original voucher drawing upon the same fund and charging  
11 the same appropriation or other expenditure authorization as  
12 the original warrant.

13 (d) Within 12 months from the date of issuance of the  
14 original warrant, if the original warrant has been canceled for  
15 redeposit, and if the issuance of the replacement warrant would  
16 not over-obligate the appropriation or other expenditure  
17 authority against which it is drawn, the Comptroller may issue  
18 the replacement warrant. If the original warrant was issued  
19 against an appropriation or other expenditure authority which  
20 has lapsed, the replacement warrant shall be drawn on the  
21 Warrant Escheat Fund. If the appropriation or other  
22 obligational authority against which the replacement warrant  
23 is drawn has not lapsed, the Comptroller shall notify the  
24 originating agency of the request for a replacement warrant and  
25 shall receive a replacement voucher from that agency before  
26 drawing the replacement warrant, which shall be drawn on the

1 same fund and charged to the same appropriation or other  
2 expenditure authority as the original warrant.

3 (e) Within 12 months from the date of issuance of the  
4 original warrant, if the original warrant has been canceled for  
5 redeposit, the Comptroller may not issue a replacement warrant  
6 where such issuance would over-obligate the appropriation or  
7 other expenditure authority against which the original warrant  
8 was drawn. Whenever the Comptroller is presented with a request  
9 for a replacement warrant which may not be issued under the  
10 limitation of this subsection, if the appropriation or other  
11 expenditure authority against which the original warrant was  
12 drawn has not lapsed, the Comptroller shall immediately inform  
13 the originating agency of the request and that the request may  
14 not be honored because of the resulting over-obligation, and  
15 shall request the agency to determine whether or not that  
16 agency will take some corrective action before the applicable  
17 expenditure authorization lapses. The originating agency shall  
18 respond to the Comptroller's inquiry within 5 business days.

19 (f) After 12 months from the date of issuance of the  
20 original warrant, if the original warrant has not been  
21 cancelled for redeposit, the Comptroller shall issue the  
22 replacement warrant on the Warrant Escheat Fund.

23 (f-5) After 5 years from the date of issuance of the  
24 original warrant but no later than 10 years after that date,  
25 the Comptroller may issue a replacement warrant on the Warrant  
26 Escheat Fund to a person or entity entitled thereto, as those



1 persons and entities are described in subsection (b) of this  
2 Section, if the following requirements are met:

3 (1) the person or entity verifies that the person or  
4 entity is ~~they are~~ entitled to the original warrant;

5 (2) in the case of a warrant that is not presented by  
6 the requestor, the paying agency certifies that the  
7 original payee is still entitled to the payment; and

8 (3) the Comptroller's records are available and  
9 confirm that the warrant was not replaced.

10 (g) Except as provided in this Section, requests for  
11 replacement warrants for more than \$500 shall show entitlement  
12 to such warrant by including an affidavit, in writing, sworn  
13 before a person authorized to administer oaths and  
14 affirmations, stating the loss or destruction of the warrant,  
15 or the fact that the warrant is void. However, when the written  
16 request for a replacement warrant submitted by the person to  
17 whom the original warrant was issued is accompanied by the  
18 original warrant, no affidavit is required. Requests for  
19 replacement warrants for \$500 or less shall show entitlement to  
20 such warrant by submitting a written statement of the loss or  
21 destruction of the warrant, or the fact that the warrant is  
22 void on an application form prescribed by the Comptroller. If  
23 the person requesting the replacement is in possession of the  
24 original warrant, or any part thereof, the original warrant or  
25 the part thereof must accompany the request for replacement.  
26 The Comptroller shall then draw such replacement warrant, and

1 the treasurer shall pay the replacement warrant. If at the time  
2 of a loss or destruction a warrant was negotiated to a third  
3 party, however (which fact shall be ascertained by the oath of  
4 the party making the application, or otherwise), before the  
5 replacement warrant is drawn by the Comptroller, the person  
6 requesting the replacement warrant must give the Comptroller a  
7 bond or bonds with sufficient sureties, to be approved by the  
8 Comptroller, when required by regulation of the Comptroller,  
9 payable to the People of the State of Illinois, for the  
10 refunding of the amount, together with all costs and charges,  
11 should the State afterwards be compelled to pay the original  
12 warrant.

13 (Source: P.A. 98-411, eff. 8-16-13; revised 11-14-13.)

14 Section 55. The Illinois Act on the Aging is amended by  
15 changing Section 4.01 as follows:

16 (20 ILCS 105/4.01) (from Ch. 23, par. 6104.01)

17 Sec. 4.01. Additional powers and duties of the Department.  
18 In addition to powers and duties otherwise provided by law, the  
19 Department shall have the following powers and duties:

20 (1) To evaluate all programs, services, and facilities for  
21 the aged and for minority senior citizens within the State and  
22 determine the extent to which present public or private  
23 programs, services and facilities meet the needs of the aged.

24 (2) To coordinate and evaluate all programs, services, and

1 facilities for the Aging and for minority senior citizens  
2 presently furnished by State agencies and make appropriate  
3 recommendations regarding such services, programs and  
4 facilities to the Governor and/or the General Assembly.

5 (2-a) To request, receive, and share information  
6 electronically through the use of data-sharing agreements for  
7 the purpose of (i) establishing and verifying the initial and  
8 continuing eligibility of older adults to participate in  
9 programs administered by the Department; (ii) maximizing  
10 federal financial participation in State assistance  
11 expenditures; and (iii) investigating allegations of fraud or  
12 other abuse of publicly funded benefits. Notwithstanding any  
13 other law to the contrary, but only for the limited purposes  
14 identified in the preceding sentence, this paragraph (2-a)  
15 expressly authorizes the exchanges of income, identification,  
16 and other pertinent eligibility information by and among the  
17 Department and the Social Security Administration, the  
18 Department of Employment Security, the Department of  
19 Healthcare and Family Services, the Department of Human  
20 Services, the Department of Revenue, the Secretary of State,  
21 the U.S. Department of Veterans Affairs, and any other  
22 governmental entity. The confidentiality of information  
23 otherwise shall be maintained as required by law. In addition,  
24 the Department on Aging shall verify employment information at  
25 the request of a community care provider for the purpose of  
26 ensuring program integrity under the Community Care Program.

1           (3) To function as the sole State agency to develop a  
2 comprehensive plan to meet the needs of the State's senior  
3 citizens and the State's minority senior citizens.

4           (4) To receive and disburse State and federal funds made  
5 available directly to the Department including those funds made  
6 available under the Older Americans Act and the Senior  
7 Community Service Employment Program for providing services  
8 for senior citizens and minority senior citizens or for  
9 purposes related thereto, and shall develop and administer any  
10 State Plan for the Aging required by federal law.

11           (5) To solicit, accept, hold, and administer in behalf of  
12 the State any grants or legacies of money, securities, or  
13 property to the State of Illinois for services to senior  
14 citizens and minority senior citizens or purposes related  
15 thereto.

16           (6) To provide consultation and assistance to communities,  
17 area agencies on aging, and groups developing local services  
18 for senior citizens and minority senior citizens.

19           (7) To promote community education regarding the problems  
20 of senior citizens and minority senior citizens through  
21 institutes, publications, radio, television and the local  
22 press.

23           (8) To cooperate with agencies of the federal government in  
24 studies and conferences designed to examine the needs of senior  
25 citizens and minority senior citizens and to prepare programs  
26 and facilities to meet those needs.

1           (9) To establish and maintain information and referral  
2 sources throughout the State when not provided by other  
3 agencies.

4           (10) To provide the staff support that may reasonably be  
5 required by the Council.

6           (11) To make and enforce rules and regulations necessary  
7 and proper to the performance of its duties.

8           (12) To establish and fund programs or projects or  
9 experimental facilities that are specially designed as  
10 alternatives to institutional care.

11           (13) To develop a training program to train the counselors  
12 presently employed by the Department's aging network to provide  
13 Medicare beneficiaries with counseling and advocacy in  
14 Medicare, private health insurance, and related health care  
15 coverage plans. The Department shall report to the General  
16 Assembly on the implementation of the training program on or  
17 before December 1, 1986.

18           (14) To make a grant to an institution of higher learning  
19 to study the feasibility of establishing and implementing an  
20 affirmative action employment plan for the recruitment,  
21 hiring, training and retraining of persons 60 or more years old  
22 for jobs for which their employment would not be precluded by  
23 law.

24           (15) To present one award annually in each of the  
25 categories of community service, education, the performance  
26 and graphic arts, and the labor force to outstanding Illinois

1 senior citizens and minority senior citizens in recognition of  
2 their individual contributions to either community service,  
3 education, the performance and graphic arts, or the labor  
4 force. The awards shall be presented to 4 senior citizens and  
5 minority senior citizens selected from a list of 44 nominees  
6 compiled annually by the Department. Nominations shall be  
7 solicited from senior citizens' service providers, area  
8 agencies on aging, senior citizens' centers, and senior  
9 citizens' organizations. The Department shall establish a  
10 central location within the State to be designated as the  
11 Senior Illinoisans Hall of Fame for the public display of all  
12 the annual awards, or replicas thereof.

13 (16) To establish multipurpose senior centers through area  
14 agencies on aging and to fund those new and existing  
15 multipurpose senior centers through area agencies on aging, the  
16 establishment and funding to begin in such areas of the State  
17 as the Department shall designate by rule and as specifically  
18 appropriated funds become available.

19 (17) To develop the content and format of the  
20 acknowledgment regarding non-recourse reverse mortgage loans  
21 under Section 6.1 of the Illinois Banking Act; to provide  
22 independent consumer information on reverse mortgages and  
23 alternatives; and to refer consumers to independent counseling  
24 services with expertise in reverse mortgages.

25 (18) To develop a pamphlet in English and Spanish which may  
26 be used by physicians licensed to practice medicine in all of

1 its branches pursuant to the Medical Practice Act of 1987,  
2 pharmacists licensed pursuant to the Pharmacy Practice Act, and  
3 Illinois residents 65 years of age or older for the purpose of  
4 assisting physicians, pharmacists, and patients in monitoring  
5 prescriptions provided by various physicians and to aid persons  
6 65 years of age or older in complying with directions for  
7 proper use of pharmaceutical prescriptions. The pamphlet may  
8 provide space for recording information including but not  
9 limited to the following:

10 (a) name and telephone number of the patient;

11 (b) name and telephone number of the prescribing  
12 physician;

13 (c) date of prescription;

14 (d) name of drug prescribed;

15 (e) directions for patient compliance; and

16 (f) name and telephone number of dispensing pharmacy.

17 In developing the pamphlet, the Department shall consult  
18 with the Illinois State Medical Society, the Center for  
19 Minority Health Services, the Illinois Pharmacists Association  
20 and senior citizens organizations. The Department shall  
21 distribute the pamphlets to physicians, pharmacists and  
22 persons 65 years of age or older or various senior citizen  
23 organizations throughout the State.

24 (19) To conduct a study of the feasibility of implementing  
25 the Senior Companion Program throughout the State.

26 (20) The reimbursement rates paid through the community

1 care program for chore housekeeping services and home care  
2 aides shall be the same.

3 (21) From funds appropriated to the Department from the  
4 Meals on Wheels Fund, a special fund in the State treasury that  
5 is hereby created, and in accordance with State and federal  
6 guidelines and the intrastate funding formula, to make grants  
7 to area agencies on aging, designated by the Department, for  
8 the sole purpose of delivering meals to homebound persons 60  
9 years of age and older.

10 (22) To distribute, through its area agencies on aging,  
11 information alerting seniors on safety issues regarding  
12 emergency weather conditions, including extreme heat and cold,  
13 flooding, tornadoes, electrical storms, and other severe storm  
14 weather. The information shall include all necessary  
15 instructions for safety and all emergency telephone numbers of  
16 organizations that will provide additional information and  
17 assistance.

18 (23) To develop guidelines for the organization and  
19 implementation of Volunteer Services Credit Programs to be  
20 administered by Area Agencies on Aging or community based  
21 senior service organizations. The Department shall hold public  
22 hearings on the proposed guidelines for public comment,  
23 suggestion, and determination of public interest. The  
24 guidelines shall be based on the findings of other states and  
25 of community organizations in Illinois that are currently  
26 operating volunteer services credit programs or demonstration



1 volunteer services credit programs. The Department shall offer  
2 guidelines for all aspects of the programs including, but not  
3 limited to, the following:

4 (a) types of services to be offered by volunteers;

5 (b) types of services to be received upon the  
6 redemption of service credits;

7 (c) issues of liability for the volunteers and the  
8 administering organizations;

9 (d) methods of tracking service credits earned and  
10 service credits redeemed;

11 (e) issues of time limits for redemption of service  
12 credits;

13 (f) methods of recruitment of volunteers;

14 (g) utilization of community volunteers, community  
15 service groups, and other resources for delivering  
16 services to be received by service credit program clients;

17 (h) accountability and assurance that services will be  
18 available to individuals who have earned service credits;  
19 and

20 (i) volunteer screening and qualifications.

21 The Department shall submit a written copy of the guidelines to  
22 the General Assembly by July 1, 1998.

23 (24) To function as the sole State agency to receive and  
24 disburse State and federal funds for providing adult protective  
25 services in a domestic living situation in accordance with the  
26 Adult Protective Services Act.

1        (25) ~~(24)~~ To hold conferences, trainings, and other  
2 programs for which the Department shall determine by rule a  
3 reasonable fee to cover related administrative costs. Rules to  
4 implement the fee authority granted by this paragraph (25) ~~(24)~~  
5 must be adopted in accordance with all provisions of the  
6 Illinois Administrative Procedure Act and all rules and  
7 procedures of the Joint Committee on Administrative Rules; any  
8 purported rule not so adopted, for whatever reason, is  
9 unauthorized.

10        (Source: P.A. 98-8, eff. 5-3-13; 98-49, eff. 7-1-13; 98-380,  
11 eff. 8-16-13; revised 9-4-13.)

12        Section 60. The Department of Central Management Services  
13 Law of the Civil Administrative Code of Illinois is amended by  
14 changing Sections 405-120 and 405-335 as follows:

15            (20 ILCS 405/405-120) (was 20 ILCS 405/67.29)

16        Sec. 405-120. Hispanic, Asian-American, and bilingual  
17 employees. The Department shall develop and implement plans to  
18 increase the number of Hispanics employed by State government  
19 and the number of bilingual persons employed in State  
20 government at supervisory, technical, professional, and  
21 managerial levels.

22        The Department shall prepare and revise annually a State  
23 Hispanic Employment Plan and a State Asian-American Employment  
24 Plan in consultation with individuals and organizations

1 informed on these subjects, including the Hispanic Employment  
2 Plan Advisory Council and the Asian-American Employment Plan  
3 Advisory Council. The Department shall report to the General  
4 Assembly by February 1 of each year each State agency's  
5 activities in implementing the State Hispanic Employment Plan  
6 and the State Asian-American Employment Plan.

7 (Source: P.A. 97-856, eff. 7-27-12; 98-329, eff. 1-1-14;  
8 revised 10-8-13.)

9 (20 ILCS 405/405-335)

10 Sec. 405-335. Illinois Transparency and Accountability  
11 Portal (ITAP).

12 (a) The Department, within 12 months after the effective  
13 date of this amendatory Act of the 96th General Assembly, shall  
14 establish and maintain a website, known as the Illinois  
15 Transparency and Accountability Portal (ITAP), with a  
16 full-time webmaster tasked with compiling and updating the ITAP  
17 database with information received from all State agencies as  
18 defined in this Section. Subject to appropriation, the  
19 full-time webmaster must also compile and update the ITAP  
20 database with information received from all counties,  
21 townships, library districts, and municipalities.

22 (b) For purposes of this Section:

23 "State agency" means the offices of the constitutional  
24 officers identified in Article V of the Illinois Constitution,  
25 executive agencies, and departments, boards, commissions, and

1 Authorities under the Governor.

2 "Contracts" means payment obligations with vendors on file  
3 with the Office of the Comptroller to purchase goods and  
4 services exceeding \$10,000 in value (or, in the case of  
5 professional or artistic services, exceeding \$5,000 in value).

6 "Appropriation" means line-item detail of spending  
7 approved by the General Assembly and Governor, categorized by  
8 object of expenditure.

9 "Individual consultants" means temporary workers eligible  
10 to receive State benefits paid on a State payroll.

11 "Recipients" means State agencies receiving  
12 appropriations.

13 (c) The ITAP shall provide direct access to each of the  
14 following:

15 (1) A database of all current State employees and  
16 individual consultants, except sworn law enforcement  
17 officers, sorted separately by:

18 (i) Name.

19 (ii) Employing State agency.

20 (iii) Employing State division.

21 (iv) Employment position title.

22 (v) Current pay rate and year-to-date pay.

23 (2) A database of all current State expenditures,  
24 sorted separately by agency, category, recipient, and  
25 Representative District.

26 (3) A database of all development assistance

1 reportable pursuant to the Corporate Accountability for  
2 Tax Expenditures Act, sorted separately by tax credit  
3 category, taxpayer, and Representative District.

4 (4) A database of all revocations and suspensions of  
5 State occupation and use tax certificates of registration  
6 and all revocations and suspensions of State professional  
7 licenses, sorted separately by name, geographic location,  
8 and certificate of registration number or license number,  
9 as applicable. Professional license revocations and  
10 suspensions shall be posted only if resulting from a  
11 failure to pay taxes, license fees, or child support.

12 (5) A database of all current State contracts, sorted  
13 separately by contractor name, awarding officer or agency,  
14 contract value, and goods or services provided.

15 (6) A database of all employees hired after the  
16 effective date of this amendatory Act of 2010, sorted  
17 searchably by each of the following at the time of  
18 employment:

19 (i) Name.

20 (ii) Employing State agency.

21 (iii) Employing State division.

22 (iv) Employment position title.

23 (v) Current pay rate and year-to-date pay.

24 (vi) County of employment location.

25 (vii) Rutan status.

26 (viii) Status of position as subject to collective

1 bargaining, subject to merit compensation, or exempt  
2 under Section 4d of the Personnel Code.

3 (ix) Employment status as probationary, trainee,  
4 intern, certified, or exempt from certification.

5 (x) Status as a military veteran.

6 (7) A searchable database of all current county,  
7 township, library district, and municipal employees sorted  
8 separately by:

9 (i) Employing unit of local government.

10 (ii) Employment position title.

11 (iii) Current pay rate and year-to-date pay.

12 (8) A searchable database of all county, township, and  
13 municipal employees hired on or after the effective date of  
14 this amendatory Act of the 97th General Assembly, sorted  
15 separately by each of the following at the time of  
16 employment:

17 (i) Employing unit of local government.

18 (ii) Employment position title.

19 (iii) Current pay rate and year-to-date pay.

20 (9) A searchable database of all library district  
21 employees hired on or after August 9, 2013 (the effective  
22 date of Public Act 98-246) ~~this amendatory Act of the 98th~~  
23 ~~General Assembly~~, sorted separately by each of the  
24 following at the time of employment:

25 (i) Employing unit of local government.

26 (ii) Employment position title.

1 (iii) Current pay rate and year-to-date pay.

2 (d) The ITAP shall include all information required to be  
3 published by subsection (c) of this Section that is available  
4 to the Department in a format the Department can compile and  
5 publish on the ITAP. The Department shall update the ITAP as  
6 additional information becomes available in a format that can  
7 be compiled and published on the ITAP by the Department.

8 (e) Each State agency, county, township, library district,  
9 and municipality shall cooperate with the Department in  
10 furnishing the information necessary for the implementation of  
11 this Section within a timeframe specified by the Department.

12 (f) Each county, township, library district, or  
13 municipality submitting information to be displayed on the  
14 Illinois Transparency and Accountability Portal (ITAP) is  
15 responsible for the accuracy of the information provided.

16 (g) The Department, within 6 months after January 1, 2014  
17 ~~(the effective date of Public Act 98-283) this amendatory Act~~  
18 ~~of the 98th General Assembly~~, shall distribute a spreadsheet or  
19 otherwise make data entry available to each State agency to  
20 facilitate the collection of data on the State's annual  
21 workforce characteristics, workforce compensation, and  
22 employee mobility. The Department shall determine the data to  
23 be collected by each State agency. Each State agency shall  
24 cooperate with the Department in furnishing the data necessary  
25 for the implementation of this subsection within the timeframe  
26 specified by the Department. The Department shall publish the

1 data received from each State agency on the ITAP or another  
2 open data site annually.

3 (Source: P.A. 97-744, eff. 1-1-13; 98-246, eff. 8-9-13; 98-283,  
4 eff. 1-1-14; revised 9-4-13.)

5 Section 65. The Children and Family Services Act is amended  
6 by changing Section 5 as follows:

7 (20 ILCS 505/5) (from Ch. 23, par. 5005)

8 Sec. 5. Direct child welfare services; Department of  
9 Children and Family Services. To provide direct child welfare  
10 services when not available through other public or private  
11 child care or program facilities.

12 (a) For purposes of this Section:

13 (1) "Children" means persons found within the State who  
14 are under the age of 18 years. The term also includes  
15 persons under age 21 who:

16 (A) were committed to the Department pursuant to  
17 the Juvenile Court Act or the Juvenile Court Act of  
18 1987, as amended, prior to the age of 18 and who  
19 continue under the jurisdiction of the court; or

20 (B) were accepted for care, service and training by  
21 the Department prior to the age of 18 and whose best  
22 interest in the discretion of the Department would be  
23 served by continuing that care, service and training  
24 because of severe emotional disturbances, physical



1           disability, social adjustment or any combination  
2           thereof, or because of the need to complete an  
3           educational or vocational training program.

4           (2) "Homeless youth" means persons found within the  
5           State who are under the age of 19, are not in a safe and  
6           stable living situation and cannot be reunited with their  
7           families.

8           (3) "Child welfare services" means public social  
9           services which are directed toward the accomplishment of  
10          the following purposes:

11           (A) protecting and promoting the health, safety  
12           and welfare of children, including homeless, dependent  
13           or neglected children;

14           (B) remedying, or assisting in the solution of  
15           problems which may result in, the neglect, abuse,  
16           exploitation or delinquency of children;

17           (C) preventing the unnecessary separation of  
18           children from their families by identifying family  
19           problems, assisting families in resolving their  
20           problems, and preventing the breakup of the family  
21           where the prevention of child removal is desirable and  
22           possible when the child can be cared for at home  
23           without endangering the child's health and safety;

24           (D) restoring to their families children who have  
25           been removed, by the provision of services to the child  
26           and the families when the child can be cared for at

1 home without endangering the child's health and  
2 safety;

3 (E) placing children in suitable adoptive homes,  
4 in cases where restoration to the biological family is  
5 not safe, possible or appropriate;

6 (F) assuring safe and adequate care of children  
7 away from their homes, in cases where the child cannot  
8 be returned home or cannot be placed for adoption. At  
9 the time of placement, the Department shall consider  
10 concurrent planning, as described in subsection (1-1)  
11 of this Section so that permanency may occur at the  
12 earliest opportunity. Consideration should be given so  
13 that if reunification fails or is delayed, the  
14 placement made is the best available placement to  
15 provide permanency for the child;

16 (G) (blank);

17 (H) (blank); and

18 (I) placing and maintaining children in facilities  
19 that provide separate living quarters for children  
20 under the age of 18 and for children 18 years of age  
21 and older, unless a child 18 years of age is in the  
22 last year of high school education or vocational  
23 training, in an approved individual or group treatment  
24 program, in a licensed shelter facility, or secure  
25 child care facility. The Department is not required to  
26 place or maintain children:

- 1 (i) who are in a foster home, or  
2 (ii) who are persons with a developmental  
3 disability, as defined in the Mental Health and  
4 Developmental Disabilities Code, or  
5 (iii) who are female children who are  
6 pregnant, pregnant and parenting or parenting, or  
7 (iv) who are siblings, in facilities that  
8 provide separate living quarters for children 18  
9 years of age and older and for children under 18  
10 years of age.

11 (b) Nothing in this Section shall be construed to authorize  
12 the expenditure of public funds for the purpose of performing  
13 abortions.

14 (c) The Department shall establish and maintain  
15 tax-supported child welfare services and extend and seek to  
16 improve voluntary services throughout the State, to the end  
17 that services and care shall be available on an equal basis  
18 throughout the State to children requiring such services.

19 (d) The Director may authorize advance disbursements for  
20 any new program initiative to any agency contracting with the  
21 Department. As a prerequisite for an advance disbursement, the  
22 contractor must post a surety bond in the amount of the advance  
23 disbursement and have a purchase of service contract approved  
24 by the Department. The Department may pay up to 2 months  
25 operational expenses in advance. The amount of the advance  
26 disbursement shall be prorated over the life of the contract or

1 the remaining months of the fiscal year, whichever is less, and  
2 the installment amount shall then be deducted from future  
3 bills. Advance disbursement authorizations for new initiatives  
4 shall not be made to any agency after that agency has operated  
5 during 2 consecutive fiscal years. The requirements of this  
6 Section concerning advance disbursements shall not apply with  
7 respect to the following: payments to local public agencies for  
8 child day care services as authorized by Section 5a of this  
9 Act; and youth service programs receiving grant funds under  
10 Section 17a-4.

11 (e) (Blank).

12 (f) (Blank).

13 (g) The Department shall establish rules and regulations  
14 concerning its operation of programs designed to meet the goals  
15 of child safety and protection, family preservation, family  
16 reunification, and adoption, including but not limited to:

17 (1) adoption;

18 (2) foster care;

19 (3) family counseling;

20 (4) protective services;

21 (5) (blank);

22 (6) homemaker service;

23 (7) return of runaway children;

24 (8) (blank);

25 (9) placement under Section 5-7 of the Juvenile Court  
26 Act or Section 2-27, 3-28, 4-25 or 5-740 of the Juvenile

1 Court Act of 1987 in accordance with the federal Adoption  
2 Assistance and Child Welfare Act of 1980; and

3 (10) interstate services.

4 Rules and regulations established by the Department shall  
5 include provisions for training Department staff and the staff  
6 of Department grantees, through contracts with other agencies  
7 or resources, in alcohol and drug abuse screening techniques  
8 approved by the Department of Human Services, as a successor to  
9 the Department of Alcoholism and Substance Abuse, for the  
10 purpose of identifying children and adults who should be  
11 referred to an alcohol and drug abuse treatment program for  
12 professional evaluation.

13 (h) If the Department finds that there is no appropriate  
14 program or facility within or available to the Department for a  
15 ward and that no licensed private facility has an adequate and  
16 appropriate program or none agrees to accept the ward, the  
17 Department shall create an appropriate individualized,  
18 program-oriented plan for such ward. The plan may be developed  
19 within the Department or through purchase of services by the  
20 Department to the extent that it is within its statutory  
21 authority to do.

22 (i) Service programs shall be available throughout the  
23 State and shall include but not be limited to the following  
24 services:

25 (1) case management;

26 (2) homemakers;

- 1 (3) counseling;
- 2 (4) parent education;
- 3 (5) day care; and
- 4 (6) emergency assistance and advocacy.

5 In addition, the following services may be made available  
6 to assess and meet the needs of children and families:

- 7 (1) comprehensive family-based services;
- 8 (2) assessments;
- 9 (3) respite care; and
- 10 (4) in-home health services.

11 The Department shall provide transportation for any of the  
12 services it makes available to children or families or for  
13 which it refers children or families.

14 (j) The Department may provide categories of financial  
15 assistance and education assistance grants, and shall  
16 establish rules and regulations concerning the assistance and  
17 grants, to persons who adopt physically or mentally  
18 handicapped, older and other hard-to-place children who (i)  
19 immediately prior to their adoption were legal wards of the  
20 Department or (ii) were determined eligible for financial  
21 assistance with respect to a prior adoption and who become  
22 available for adoption because the prior adoption has been  
23 dissolved and the parental rights of the adoptive parents have  
24 been terminated or because the child's adoptive parents have  
25 died. The Department may continue to provide financial  
26 assistance and education assistance grants for a child who was

1 determined eligible for financial assistance under this  
2 subsection (j) in the interim period beginning when the child's  
3 adoptive parents died and ending with the finalization of the  
4 new adoption of the child by another adoptive parent or  
5 parents. The Department may also provide categories of  
6 financial assistance and education assistance grants, and  
7 shall establish rules and regulations for the assistance and  
8 grants, to persons appointed guardian of the person under  
9 Section 5-7 of the Juvenile Court Act or Section 2-27, 3-28,  
10 4-25 or 5-740 of the Juvenile Court Act of 1987 for children  
11 who were wards of the Department for 12 months immediately  
12 prior to the appointment of the guardian.

13 The amount of assistance may vary, depending upon the needs  
14 of the child and the adoptive parents, as set forth in the  
15 annual assistance agreement. Special purpose grants are  
16 allowed where the child requires special service but such costs  
17 may not exceed the amounts which similar services would cost  
18 the Department if it were to provide or secure them as guardian  
19 of the child.

20 Any financial assistance provided under this subsection is  
21 inalienable by assignment, sale, execution, attachment,  
22 garnishment, or any other remedy for recovery or collection of  
23 a judgment or debt.

24 (j-5) The Department shall not deny or delay the placement  
25 of a child for adoption if an approved family is available  
26 either outside of the Department region handling the case, or

1 outside of the State of Illinois.

2 (k) The Department shall accept for care and training any  
3 child who has been adjudicated neglected or abused, or  
4 dependent committed to it pursuant to the Juvenile Court Act or  
5 the Juvenile Court Act of 1987.

6 (l) The Department shall offer family preservation  
7 services, as defined in Section 8.2 of the Abused and Neglected  
8 Child Reporting Act, to help families, including adoptive and  
9 extended families. Family preservation services shall be  
10 offered (i) to prevent the placement of children in substitute  
11 care when the children can be cared for at home or in the  
12 custody of the person responsible for the children's welfare,  
13 (ii) to reunite children with their families, or (iii) to  
14 maintain an adoptive placement. Family preservation services  
15 shall only be offered when doing so will not endanger the  
16 children's health or safety. With respect to children who are  
17 in substitute care pursuant to the Juvenile Court Act of 1987,  
18 family preservation services shall not be offered if a goal  
19 other than those of subdivisions (A), (B), or (B-1) of  
20 subsection (2) of Section 2-28 of that Act has been set.  
21 Nothing in this paragraph shall be construed to create a  
22 private right of action or claim on the part of any individual  
23 or child welfare agency, except that when a child is the  
24 subject of an action under Article II of the Juvenile Court Act  
25 of 1987 and the child's service plan calls for services to  
26 facilitate achievement of the permanency goal, the court



1 hearing the action under Article II of the Juvenile Court Act  
2 of 1987 may order the Department to provide the services set  
3 out in the plan, if those services are not provided with  
4 reasonable promptness and if those services are available.

5 The Department shall notify the child and his family of the  
6 Department's responsibility to offer and provide family  
7 preservation services as identified in the service plan. The  
8 child and his family shall be eligible for services as soon as  
9 the report is determined to be "indicated". The Department may  
10 offer services to any child or family with respect to whom a  
11 report of suspected child abuse or neglect has been filed,  
12 prior to concluding its investigation under Section 7.12 of the  
13 Abused and Neglected Child Reporting Act. However, the child's  
14 or family's willingness to accept services shall not be  
15 considered in the investigation. The Department may also  
16 provide services to any child or family who is the subject of  
17 any report of suspected child abuse or neglect or may refer  
18 such child or family to services available from other agencies  
19 in the community, even if the report is determined to be  
20 unfounded, if the conditions in the child's or family's home  
21 are reasonably likely to subject the child or family to future  
22 reports of suspected child abuse or neglect. Acceptance of such  
23 services shall be voluntary. The Department may also provide  
24 services to any child or family after completion of a family  
25 assessment, as an alternative to an investigation, as provided  
26 under the "differential response program" provided for in

1 subsection (a-5) of Section 7.4 of the Abused and Neglected  
2 Child Reporting Act.

3 The Department may, at its discretion except for those  
4 children also adjudicated neglected or dependent, accept for  
5 care and training any child who has been adjudicated addicted,  
6 as a truant minor in need of supervision or as a minor  
7 requiring authoritative intervention, under the Juvenile Court  
8 Act or the Juvenile Court Act of 1987, but no such child shall  
9 be committed to the Department by any court without the  
10 approval of the Department. A minor charged with a criminal  
11 offense under the Criminal Code of 1961 or the Criminal Code of  
12 2012 or adjudicated delinquent shall not be placed in the  
13 custody of or committed to the Department by any court, except  
14 (i) a minor less than 15 years of age committed to the  
15 Department under Section 5-710 of the Juvenile Court Act of  
16 1987, (ii) a minor for whom an independent basis of abuse,  
17 neglect, or dependency exists, which must be defined by  
18 departmental rule, or (iii) a minor for whom the court has  
19 granted a supplemental petition to reinstate wardship pursuant  
20 to subsection (2) of Section 2-33 of the Juvenile Court Act of  
21 1987. An independent basis exists when the allegations or  
22 adjudication of abuse, neglect, or dependency do not arise from  
23 the same facts, incident, or circumstances which give rise to a  
24 charge or adjudication of delinquency.

25 As soon as is possible after August 7, 2009 (the effective  
26 date of Public Act 96-134), the Department shall develop and

1 implement a special program of family preservation services to  
2 support intact, foster, and adoptive families who are  
3 experiencing extreme hardships due to the difficulty and stress  
4 of caring for a child who has been diagnosed with a pervasive  
5 developmental disorder if the Department determines that those  
6 services are necessary to ensure the health and safety of the  
7 child. The Department may offer services to any family whether  
8 or not a report has been filed under the Abused and Neglected  
9 Child Reporting Act. The Department may refer the child or  
10 family to services available from other agencies in the  
11 community if the conditions in the child's or family's home are  
12 reasonably likely to subject the child or family to future  
13 reports of suspected child abuse or neglect. Acceptance of  
14 these services shall be voluntary. The Department shall develop  
15 and implement a public information campaign to alert health and  
16 social service providers and the general public about these  
17 special family preservation services. The nature and scope of  
18 the services offered and the number of families served under  
19 the special program implemented under this paragraph shall be  
20 determined by the level of funding that the Department annually  
21 allocates for this purpose. The term "pervasive developmental  
22 disorder" under this paragraph means a neurological condition,  
23 including but not limited to, Asperger's Syndrome and autism,  
24 as defined in the most recent edition of the Diagnostic and  
25 Statistical Manual of Mental Disorders of the American  
26 Psychiatric Association.

1           (1-1) The legislature recognizes that the best interests of  
2 the child require that the child be placed in the most  
3 permanent living arrangement as soon as is practically  
4 possible. To achieve this goal, the legislature directs the  
5 Department of Children and Family Services to conduct  
6 concurrent planning so that permanency may occur at the  
7 earliest opportunity. Permanent living arrangements may  
8 include prevention of placement of a child outside the home of  
9 the family when the child can be cared for at home without  
10 endangering the child's health or safety; reunification with  
11 the family, when safe and appropriate, if temporary placement  
12 is necessary; or movement of the child toward the most  
13 permanent living arrangement and permanent legal status.

14           When determining reasonable efforts to be made with respect  
15 to a child, as described in this subsection, and in making such  
16 reasonable efforts, the child's health and safety shall be the  
17 paramount concern.

18           When a child is placed in foster care, the Department shall  
19 ensure and document that reasonable efforts were made to  
20 prevent or eliminate the need to remove the child from the  
21 child's home. The Department must make reasonable efforts to  
22 reunify the family when temporary placement of the child occurs  
23 unless otherwise required, pursuant to the Juvenile Court Act  
24 of 1987. At any time after the dispositional hearing where the  
25 Department believes that further reunification services would  
26 be ineffective, it may request a finding from the court that

1 reasonable efforts are no longer appropriate. The Department is  
2 not required to provide further reunification services after  
3 such a finding.

4 A decision to place a child in substitute care shall be  
5 made with considerations of the child's health, safety, and  
6 best interests. At the time of placement, consideration should  
7 also be given so that if reunification fails or is delayed, the  
8 placement made is the best available placement to provide  
9 permanency for the child.

10 The Department shall adopt rules addressing concurrent  
11 planning for reunification and permanency. The Department  
12 shall consider the following factors when determining  
13 appropriateness of concurrent planning:

- 14 (1) the likelihood of prompt reunification;
- 15 (2) the past history of the family;
- 16 (3) the barriers to reunification being addressed by  
17 the family;
- 18 (4) the level of cooperation of the family;
- 19 (5) the foster parents' willingness to work with the  
20 family to reunite;
- 21 (6) the willingness and ability of the foster family to  
22 provide an adoptive home or long-term placement;
- 23 (7) the age of the child;
- 24 (8) placement of siblings.

25 (m) The Department may assume temporary custody of any  
26 child if:

1           (1) it has received a written consent to such temporary  
2           custody signed by the parents of the child or by the parent  
3           having custody of the child if the parents are not living  
4           together or by the guardian or custodian of the child if  
5           the child is not in the custody of either parent, or

6           (2) the child is found in the State and neither a  
7           parent, guardian nor custodian of the child can be located.

8           If the child is found in his or her residence without a parent,  
9           guardian, custodian or responsible caretaker, the Department  
10          may, instead of removing the child and assuming temporary  
11          custody, place an authorized representative of the Department  
12          in that residence until such time as a parent, guardian or  
13          custodian enters the home and expresses a willingness and  
14          apparent ability to ensure the child's health and safety and  
15          resume permanent charge of the child, or until a relative  
16          enters the home and is willing and able to ensure the child's  
17          health and safety and assume charge of the child until a  
18          parent, guardian or custodian enters the home and expresses  
19          such willingness and ability to ensure the child's safety and  
20          resume permanent charge. After a caretaker has remained in the  
21          home for a period not to exceed 12 hours, the Department must  
22          follow those procedures outlined in Section 2-9, 3-11, 4-8, or  
23          5-415 of the Juvenile Court Act of 1987.

24          The Department shall have the authority, responsibilities  
25          and duties that a legal custodian of the child would have  
26          pursuant to subsection (9) of Section 1-3 of the Juvenile Court

1 Act of 1987. Whenever a child is taken into temporary custody  
2 pursuant to an investigation under the Abused and Neglected  
3 Child Reporting Act, or pursuant to a referral and acceptance  
4 under the Juvenile Court Act of 1987 of a minor in limited  
5 custody, the Department, during the period of temporary custody  
6 and before the child is brought before a judicial officer as  
7 required by Section 2-9, 3-11, 4-8, or 5-415 of the Juvenile  
8 Court Act of 1987, shall have the authority, responsibilities  
9 and duties that a legal custodian of the child would have under  
10 subsection (9) of Section 1-3 of the Juvenile Court Act of  
11 1987.

12 The Department shall ensure that any child taken into  
13 custody is scheduled for an appointment for a medical  
14 examination.

15 A parent, guardian or custodian of a child in the temporary  
16 custody of the Department who would have custody of the child  
17 if he were not in the temporary custody of the Department may  
18 deliver to the Department a signed request that the Department  
19 surrender the temporary custody of the child. The Department  
20 may retain temporary custody of the child for 10 days after the  
21 receipt of the request, during which period the Department may  
22 cause to be filed a petition pursuant to the Juvenile Court Act  
23 of 1987. If a petition is so filed, the Department shall retain  
24 temporary custody of the child until the court orders  
25 otherwise. If a petition is not filed within the 10 day period,  
26 the child shall be surrendered to the custody of the requesting

1 parent, guardian or custodian not later than the expiration of  
2 the 10 day period, at which time the authority and duties of  
3 the Department with respect to the temporary custody of the  
4 child shall terminate.

5 (m-1) The Department may place children under 18 years of  
6 age in a secure child care facility licensed by the Department  
7 that cares for children who are in need of secure living  
8 arrangements for their health, safety, and well-being after a  
9 determination is made by the facility director and the Director  
10 or the Director's designate prior to admission to the facility  
11 subject to Section 2-27.1 of the Juvenile Court Act of 1987.  
12 This subsection (m-1) does not apply to a child who is subject  
13 to placement in a correctional facility operated pursuant to  
14 Section 3-15-2 of the Unified Code of Corrections, unless the  
15 child is a ward who was placed under the care of the Department  
16 before being subject to placement in a correctional facility  
17 and a court of competent jurisdiction has ordered placement of  
18 the child in a secure care facility.

19 (n) The Department may place children under 18 years of age  
20 in licensed child care facilities when in the opinion of the  
21 Department, appropriate services aimed at family preservation  
22 have been unsuccessful and cannot ensure the child's health and  
23 safety or are unavailable and such placement would be for their  
24 best interest. Payment for board, clothing, care, training and  
25 supervision of any child placed in a licensed child care  
26 facility may be made by the Department, by the parents or



1 guardians of the estates of those children, or by both the  
2 Department and the parents or guardians, except that no  
3 payments shall be made by the Department for any child placed  
4 in a licensed child care facility for board, clothing, care,  
5 training and supervision of such a child that exceed the  
6 average per capita cost of maintaining and of caring for a  
7 child in institutions for dependent or neglected children  
8 operated by the Department. However, such restriction on  
9 payments does not apply in cases where children require  
10 specialized care and treatment for problems of severe emotional  
11 disturbance, physical disability, social adjustment, or any  
12 combination thereof and suitable facilities for the placement  
13 of such children are not available at payment rates within the  
14 limitations set forth in this Section. All reimbursements for  
15 services delivered shall be absolutely inalienable by  
16 assignment, sale, attachment, garnishment or otherwise.

17 (n-1) The Department shall provide or authorize child  
18 welfare services, aimed at assisting minors to achieve  
19 sustainable self-sufficiency as independent adults, for any  
20 minor eligible for the reinstatement of wardship pursuant to  
21 subsection (2) of Section 2-33 of the Juvenile Court Act of  
22 1987, whether or not such reinstatement is sought or allowed,  
23 provided that the minor consents to such services and has not  
24 yet attained the age of 21. The Department shall have  
25 responsibility for the development and delivery of services  
26 under this Section. An eligible youth may access services under

1 this Section through the Department of Children and Family  
2 Services or by referral from the Department of Human Services.  
3 Youth participating in services under this Section shall  
4 cooperate with the assigned case manager in developing an  
5 agreement identifying the services to be provided and how the  
6 youth will increase skills to achieve self-sufficiency. A  
7 homeless shelter is not considered appropriate housing for any  
8 youth receiving child welfare services under this Section. The  
9 Department shall continue child welfare services under this  
10 Section to any eligible minor until the minor becomes 21 years  
11 of age, no longer consents to participate, or achieves  
12 self-sufficiency as identified in the minor's service plan. The  
13 Department of Children and Family Services shall create clear,  
14 readable notice of the rights of former foster youth to child  
15 welfare services under this Section and how such services may  
16 be obtained. The Department of Children and Family Services and  
17 the Department of Human Services shall disseminate this  
18 information statewide. The Department shall adopt regulations  
19 describing services intended to assist minors in achieving  
20 sustainable self-sufficiency as independent adults.

21 (o) The Department shall establish an administrative  
22 review and appeal process for children and families who request  
23 or receive child welfare services from the Department. Children  
24 who are wards of the Department and are placed by private child  
25 welfare agencies, and foster families with whom those children  
26 are placed, shall be afforded the same procedural and appeal

1 rights as children and families in the case of placement by the  
2 Department, including the right to an initial review of a  
3 private agency decision by that agency. The Department shall  
4 insure that any private child welfare agency, which accepts  
5 wards of the Department for placement, affords those rights to  
6 children and foster families. The Department shall accept for  
7 administrative review and an appeal hearing a complaint made by  
8 (i) a child or foster family concerning a decision following an  
9 initial review by a private child welfare agency or (ii) a  
10 prospective adoptive parent who alleges a violation of  
11 subsection (j-5) of this Section. An appeal of a decision  
12 concerning a change in the placement of a child shall be  
13 conducted in an expedited manner. A court determination that a  
14 current foster home placement is necessary and appropriate  
15 under Section 2-28 of the Juvenile Court Act of 1987 does not  
16 constitute a judicial determination on the merits of an  
17 administrative appeal, filed by a former foster parent,  
18 involving a change of placement decision.

19 (p) There is hereby created the Department of Children and  
20 Family Services Emergency Assistance Fund from which the  
21 Department may provide special financial assistance to  
22 families which are in economic crisis when such assistance is  
23 not available through other public or private sources and the  
24 assistance is deemed necessary to prevent dissolution of the  
25 family unit or to reunite families which have been separated  
26 due to child abuse and neglect. The Department shall establish

1 administrative rules specifying the criteria for determining  
2 eligibility for and the amount and nature of assistance to be  
3 provided. The Department may also enter into written agreements  
4 with private and public social service agencies to provide  
5 emergency financial services to families referred by the  
6 Department. Special financial assistance payments shall be  
7 available to a family no more than once during each fiscal year  
8 and the total payments to a family may not exceed \$500 during a  
9 fiscal year.

10 (q) The Department may receive and use, in their entirety,  
11 for the benefit of children any gift, donation or bequest of  
12 money or other property which is received on behalf of such  
13 children, or any financial benefits to which such children are  
14 or may become entitled while under the jurisdiction or care of  
15 the Department.

16 The Department shall set up and administer no-cost,  
17 interest-bearing accounts in appropriate financial  
18 institutions for children for whom the Department is legally  
19 responsible and who have been determined eligible for Veterans'  
20 Benefits, Social Security benefits, assistance allotments from  
21 the armed forces, court ordered payments, parental voluntary  
22 payments, Supplemental Security Income, Railroad Retirement  
23 payments, Black Lung benefits, or other miscellaneous  
24 payments. Interest earned by each account shall be credited to  
25 the account, unless disbursed in accordance with this  
26 subsection.

1           In disbursing funds from children's accounts, the  
2 Department shall:

3           (1) Establish standards in accordance with State and  
4 federal laws for disbursing money from children's  
5 accounts. In all circumstances, the Department's  
6 "Guardianship Administrator" or his or her designee must  
7 approve disbursements from children's accounts. The  
8 Department shall be responsible for keeping complete  
9 records of all disbursements for each account for any  
10 purpose.

11           (2) Calculate on a monthly basis the amounts paid from  
12 State funds for the child's board and care, medical care  
13 not covered under Medicaid, and social services; and  
14 utilize funds from the child's account, as covered by  
15 regulation, to reimburse those costs. Monthly,  
16 disbursements from all children's accounts, up to 1/12 of  
17 \$13,000,000, shall be deposited by the Department into the  
18 General Revenue Fund and the balance over 1/12 of  
19 \$13,000,000 into the DCFS Children's Services Fund.

20           (3) Maintain any balance remaining after reimbursing  
21 for the child's costs of care, as specified in item (2).  
22 The balance shall accumulate in accordance with relevant  
23 State and federal laws and shall be disbursed to the child  
24 or his or her guardian, or to the issuing agency.

25           (r) The Department shall promulgate regulations  
26 encouraging all adoption agencies to voluntarily forward to the

1 Department or its agent names and addresses of all persons who  
2 have applied for and have been approved for adoption of a  
3 hard-to-place or handicapped child and the names of such  
4 children who have not been placed for adoption. A list of such  
5 names and addresses shall be maintained by the Department or  
6 its agent, and coded lists which maintain the confidentiality  
7 of the person seeking to adopt the child and of the child shall  
8 be made available, without charge, to every adoption agency in  
9 the State to assist the agencies in placing such children for  
10 adoption. The Department may delegate to an agent its duty to  
11 maintain and make available such lists. The Department shall  
12 ensure that such agent maintains the confidentiality of the  
13 person seeking to adopt the child and of the child.

14 (s) The Department of Children and Family Services may  
15 establish and implement a program to reimburse Department and  
16 private child welfare agency foster parents licensed by the  
17 Department of Children and Family Services for damages  
18 sustained by the foster parents as a result of the malicious or  
19 negligent acts of foster children, as well as providing third  
20 party coverage for such foster parents with regard to actions  
21 of foster children to other individuals. Such coverage will be  
22 secondary to the foster parent liability insurance policy, if  
23 applicable. The program shall be funded through appropriations  
24 from the General Revenue Fund, specifically designated for such  
25 purposes.

26 (t) The Department shall perform home studies and

1 investigations and shall exercise supervision over visitation  
2 as ordered by a court pursuant to the Illinois Marriage and  
3 Dissolution of Marriage Act or the Adoption Act only if:

4 (1) an order entered by an Illinois court specifically  
5 directs the Department to perform such services; and

6 (2) the court has ordered one or both of the parties to  
7 the proceeding to reimburse the Department for its  
8 reasonable costs for providing such services in accordance  
9 with Department rules, or has determined that neither party  
10 is financially able to pay.

11 The Department shall provide written notification to the  
12 court of the specific arrangements for supervised visitation  
13 and projected monthly costs within 60 days of the court order.  
14 The Department shall send to the court information related to  
15 the costs incurred except in cases where the court has  
16 determined the parties are financially unable to pay. The court  
17 may order additional periodic reports as appropriate.

18 (u) In addition to other information that must be provided,  
19 whenever the Department places a child with a prospective  
20 adoptive parent or parents or in a licensed foster home, group  
21 home, child care institution, or in a relative home, the  
22 Department shall provide to the prospective adoptive parent or  
23 parents or other caretaker:

24 (1) available detailed information concerning the  
25 child's educational and health history, copies of  
26 immunization records (including insurance and medical card

1 information), a history of the child's previous  
2 placements, if any, and reasons for placement changes  
3 excluding any information that identifies or reveals the  
4 location of any previous caretaker;

5 (2) a copy of the child's portion of the client service  
6 plan, including any visitation arrangement, and all  
7 amendments or revisions to it as related to the child; and

8 (3) information containing details of the child's  
9 individualized educational plan when the child is  
10 receiving special education services.

11 The caretaker shall be informed of any known social or  
12 behavioral information (including, but not limited to,  
13 criminal background, fire setting, perpetuation of sexual  
14 abuse, destructive behavior, and substance abuse) necessary to  
15 care for and safeguard the children to be placed or currently  
16 in the home. The Department may prepare a written summary of  
17 the information required by this paragraph, which may be  
18 provided to the foster or prospective adoptive parent in  
19 advance of a placement. The foster or prospective adoptive  
20 parent may review the supporting documents in the child's file  
21 in the presence of casework staff. In the case of an emergency  
22 placement, casework staff shall at least provide known  
23 information verbally, if necessary, and must subsequently  
24 provide the information in writing as required by this  
25 subsection.

26 The information described in this subsection shall be



1 provided in writing. In the case of emergency placements when  
2 time does not allow prior review, preparation, and collection  
3 of written information, the Department shall provide such  
4 information as it becomes available. Within 10 business days  
5 after placement, the Department shall obtain from the  
6 prospective adoptive parent or parents or other caretaker a  
7 signed verification of receipt of the information provided.  
8 Within 10 business days after placement, the Department shall  
9 provide to the child's guardian ad litem a copy of the  
10 information provided to the prospective adoptive parent or  
11 parents or other caretaker. The information provided to the  
12 prospective adoptive parent or parents or other caretaker shall  
13 be reviewed and approved regarding accuracy at the supervisory  
14 level.

15 (u-5) Effective July 1, 1995, only foster care placements  
16 licensed as foster family homes pursuant to the Child Care Act  
17 of 1969 shall be eligible to receive foster care payments from  
18 the Department. Relative caregivers who, as of July 1, 1995,  
19 were approved pursuant to approved relative placement rules  
20 previously promulgated by the Department at 89 Ill. Adm. Code  
21 335 and had submitted an application for licensure as a foster  
22 family home may continue to receive foster care payments only  
23 until the Department determines that they may be licensed as a  
24 foster family home or that their application for licensure is  
25 denied or until September 30, 1995, whichever occurs first.

26 (v) The Department shall access criminal history record

1 information as defined in the Illinois Uniform Conviction  
2 Information Act and information maintained in the adjudicatory  
3 and dispositional record system as defined in Section 2605-355  
4 of the Department of State Police Law (20 ILCS 2605/2605-355)  
5 if the Department determines the information is necessary to  
6 perform its duties under the Abused and Neglected Child  
7 Reporting Act, the Child Care Act of 1969, and the Children and  
8 Family Services Act. The Department shall provide for  
9 interactive computerized communication and processing  
10 equipment that permits direct on-line communication with the  
11 Department of State Police's central criminal history data  
12 repository. The Department shall comply with all certification  
13 requirements and provide certified operators who have been  
14 trained by personnel from the Department of State Police. In  
15 addition, one Office of the Inspector General investigator  
16 shall have training in the use of the criminal history  
17 information access system and have access to the terminal. The  
18 Department of Children and Family Services and its employees  
19 shall abide by rules and regulations established by the  
20 Department of State Police relating to the access and  
21 dissemination of this information.

22 (v-1) Prior to final approval for placement of a child, the  
23 Department shall conduct a criminal records background check of  
24 the prospective foster or adoptive parent, including  
25 fingerprint-based checks of national crime information  
26 databases. Final approval for placement shall not be granted if

1 the record check reveals a felony conviction for child abuse or  
2 neglect, for spousal abuse, for a crime against children, or  
3 for a crime involving violence, including rape, sexual assault,  
4 or homicide, but not including other physical assault or  
5 battery, or if there is a felony conviction for physical  
6 assault, battery, or a drug-related offense committed within  
7 the past 5 years.

8 (v-2) Prior to final approval for placement of a child, the  
9 Department shall check its child abuse and neglect registry for  
10 information concerning prospective foster and adoptive  
11 parents, and any adult living in the home. If any prospective  
12 foster or adoptive parent or other adult living in the home has  
13 resided in another state in the preceding 5 years, the  
14 Department shall request a check of that other state's child  
15 abuse and neglect registry.

16 (w) Within 120 days of August 20, 1995 (the effective date  
17 of Public Act 89-392), the Department shall prepare and submit  
18 to the Governor and the General Assembly, a written plan for  
19 the development of in-state licensed secure child care  
20 facilities that care for children who are in need of secure  
21 living arrangements for their health, safety, and well-being.  
22 For purposes of this subsection, secure care facility shall  
23 mean a facility that is designed and operated to ensure that  
24 all entrances and exits from the facility, a building or a  
25 distinct part of the building, are under the exclusive control  
26 of the staff of the facility, whether or not the child has the

1 freedom of movement within the perimeter of the facility,  
2 building, or distinct part of the building. The plan shall  
3 include descriptions of the types of facilities that are needed  
4 in Illinois; the cost of developing these secure care  
5 facilities; the estimated number of placements; the potential  
6 cost savings resulting from the movement of children currently  
7 out-of-state who are projected to be returned to Illinois; the  
8 necessary geographic distribution of these facilities in  
9 Illinois; and a proposed timetable for development of such  
10 facilities.

11 (x) The Department shall conduct annual credit history  
12 checks to determine the financial history of children placed  
13 under its guardianship pursuant to the Juvenile Court Act of  
14 1987. The Department shall conduct such credit checks starting  
15 when a ward turns 12 years old and each year thereafter for the  
16 duration of the guardianship as terminated pursuant to the  
17 Juvenile Court Act of 1987. The Department shall determine if  
18 financial exploitation of the child's personal information has  
19 occurred. If financial exploitation appears to have taken place  
20 or is presently ongoing, the Department shall notify the proper  
21 law enforcement agency, the proper State's Attorney, or the  
22 Attorney General.

23 (y) Beginning on the effective date of this amendatory Act  
24 of the 96th General Assembly, a child with a disability who  
25 receives residential and educational services from the  
26 Department shall be eligible to receive transition services in

1 accordance with Article 14 of the School Code from the age of  
2 14.5 through age 21, inclusive, notwithstanding the child's  
3 residential services arrangement. For purposes of this  
4 subsection, "child with a disability" means a child with a  
5 disability as defined by the federal Individuals with  
6 Disabilities Education Improvement Act of 2004.

7 (z) The Department shall access criminal history record  
8 information as defined as "background information" in this  
9 subsection and criminal history record information as defined  
10 in the Illinois Uniform Conviction Information Act for each  
11 Department employee or Department applicant. Each Department  
12 employee or Department applicant shall submit his or her  
13 fingerprints to the Department of State Police in the form and  
14 manner prescribed by the Department of State Police. These  
15 fingerprints shall be checked against the fingerprint records  
16 now and hereafter filed in the Department of State Police and  
17 the Federal Bureau of Investigation criminal history records  
18 databases. The Department of State Police shall charge a fee  
19 for conducting the criminal history record check, which shall  
20 be deposited into the State Police Services Fund and shall not  
21 exceed the actual cost of the record check. The Department of  
22 State Police shall furnish, pursuant to positive  
23 identification, all Illinois conviction information to the  
24 Department of Children and Family Services.

25 For purposes of this subsection:

26 "Background information" means all of the following:

1           (i) Upon the request of the Department of Children and  
2           Family Services, conviction information obtained from the  
3           Department of State Police as a result of a  
4           fingerprint-based criminal history records check of the  
5           Illinois criminal history records database and the Federal  
6           Bureau of Investigation criminal history records database  
7           concerning a Department employee or Department applicant.

8           (ii) Information obtained by the Department of  
9           Children and Family Services after performing a check of  
10          the Department of State Police's Sex Offender Database, as  
11          authorized by Section 120 of the Sex Offender Community  
12          Notification Law, concerning a Department employee or  
13          Department applicant.

14          (iii) Information obtained by the Department of  
15          Children and Family Services after performing a check of  
16          the Child Abuse and Neglect Tracking System (CANTS)  
17          operated and maintained by the Department.

18          "Department employee" means a full-time or temporary  
19          employee coded or certified within the State of Illinois  
20          Personnel System.

21          "Department applicant" means an individual who has  
22          conditional Department full-time or part-time work, a  
23          contractor, an individual used to replace or supplement staff,  
24          an academic intern, a volunteer in Department offices or on  
25          Department contracts, a work-study student, an individual or  
26          entity licensed by the Department, or an unlicensed service

1 provider who works as a condition of a contract or an agreement  
2 and whose work may bring the unlicensed service provider into  
3 contact with Department clients or client records.

4 (Source: P.A. 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14;  
5 98-570, eff. 8-27-13; revised 9-4-13.)

6 Section 70. The Department of Commerce and Economic  
7 Opportunity Law of the Civil Administrative Code of Illinois is  
8 amended by changing Sections 605-300 and 605-320 as follows:

9 (20 ILCS 605/605-300) (was 20 ILCS 605/46.2)

10 Sec. 605-300. Economic and business development plans;  
11 Illinois Business Development Council.

12 (a) Economic development plans. The Department shall  
13 develop a strategic economic development plan for the State by  
14 July 1, 2014. By no later than July 1, 2015, and by July 1  
15 annually thereafter, the Department shall make modifications  
16 to the plan as modifications are warranted by changes in  
17 economic conditions or by other factors, including changes in  
18 policy. In addition to the annual modification, the plan shall  
19 be reviewed and redeveloped in full every 5 years. In the  
20 development of the annual economic development plan, the  
21 Department shall consult with representatives of the private  
22 sector, other State agencies, academic institutions, local  
23 economic development organizations, local governments, and  
24 not-for-profit organizations. The annual economic development

1 plan shall set specific, measurable, attainable, relevant, and  
2 time-sensitive goals and shall include a focus on areas of high  
3 unemployment or poverty.

4 The term "economic development" shall be construed broadly  
5 by the Department and may include, but is not limited to, job  
6 creation, job retention, tax base enhancements, development of  
7 human capital, workforce productivity, critical  
8 infrastructure, regional competitiveness, social inclusion,  
9 standard of living, environmental sustainability, energy  
10 independence, quality of life, the effective use of financial  
11 incentives, the utilization of public private partnerships  
12 where appropriate, and other metrics determined by the  
13 Department.

14 The plan shall be based on relevant economic data, focus on  
15 economic development as prescribed by this Section, and  
16 emphasize strategies to retain and create jobs.

17 The plan shall identify and develop specific strategies for  
18 utilizing the assets of regions within the State defined as  
19 counties and municipalities or other political subdivisions in  
20 close geographical proximity that share common economic traits  
21 such as commuting zones, labor market areas, or other  
22 economically integrated characteristics.

23 If the plan includes strategies that have a fiscal impact  
24 on the Department or any other agency, the plan shall include a  
25 detailed description of the estimated fiscal impact of such  
26 strategies.



1 Prior to publishing the plan in its final form, the  
2 Department shall allow for a reasonable time for public input.

3 The Department shall transmit copies of the economic  
4 development plan to the Governor and the General Assembly no  
5 later than July 1, 2014, and by July 1 annually thereafter. The  
6 plan and its corresponding modifications shall be published and  
7 made available to the public in both paper and electronic  
8 media, on the Department's website, and by any other method  
9 that the Department deems appropriate.

10 The Department shall annually submit legislation to  
11 implement the strategic economic development plan or  
12 modifications to the strategic economic development plan to the  
13 Governor, the President and Minority Leader of the Senate, and  
14 the Speaker and the Minority Leader of the House of  
15 Representatives. The legislation shall be in the form of one or  
16 more substantive bills drafted by the Legislative Reference  
17 Bureau.

18 (b) Business development plans; Illinois Business  
19 Development Council.

20 (1) There is created the Illinois Business Development  
21 Council, hereinafter referred to as the Council. The  
22 Council shall consist of the Director, who shall serve as  
23 co-chairperson, and 12 voting members who shall be  
24 appointed by the Governor with the advice and consent of  
25 the Senate.

26 (A) The voting members of the Council shall include

1           one representative from each of the following  
2           businesses and groups: small business, coal,  
3           healthcare, large manufacturing, small or specialized  
4           manufacturing, agriculture, high technology or applied  
5           science, local economic development entities, private  
6           sector organized labor, a local or state business  
7           association or chamber of commerce.

8           (B) There shall be 2 at-large voting members who  
9           reside within areas of high unemployment within  
10          counties or municipalities that have had an annual  
11          average unemployment rate of at least 120% of the  
12          State's annual average unemployment rate as reported  
13          by the Department of Employment Security for the 5  
14          years preceding the date of appointment.

15          (2) All appointments shall be made in a geographically  
16          diverse manner.

17          (3) For the initial appointments to the Council, 6  
18          voting members shall be appointed to serve a 2-year term  
19          and 6 voting members shall be appointed to serve a 4-year  
20          term. Thereafter, all appointments shall be for terms of 4  
21          years. The initial term of voting members shall commence on  
22          the first Wednesday in February 2014. Thereafter, the terms  
23          of voting members shall commence on the first Wednesday in  
24          February, except in the case of an appointment to fill a  
25          vacancy. Vacancies occurring among the members shall be  
26          filled in the same manner as the original appointment for

1 the remainder of the unexpired term. For a vacancy  
2 occurring when the Senate is not in session, the Governor  
3 may make a temporary appointment until the next meeting of  
4 the Senate when a person shall be nominated to fill the  
5 office, and, upon confirmation by the Senate, he or she  
6 shall hold office during the remainder of the term. A  
7 vacancy in membership does not impair the ability of a  
8 quorum to exercise all rights and perform all duties of the  
9 Council. A member is eligible for reappointment.

10 (4) Members shall serve without compensation, but may  
11 be reimbursed for necessary expenses incurred in the  
12 performance of their duties from funds appropriated for  
13 that purpose.

14 (5) In addition, the following shall serve as ex  
15 officio, non-voting members of the Council in order to  
16 provide specialized advice and support to the Council: the  
17 Secretary of Transportation, or his or her designee; the  
18 Director of Employment Security, or his or her designee;  
19 the Executive Director of the Illinois Finance Authority,  
20 or his or her designee; the Director of Agriculture, or his  
21 or her designee; the Director of Revenue, or his or her  
22 designee; the Director of Labor, or his or her designee;  
23 and the Director of the Environmental Protection Agency, or  
24 his or her designee. Ex officio ~~Ex-officio~~ members shall  
25 provide staff and technical assistance to the Council when  
26 appropriate.

1           (6) In addition to the Director, the voting members  
2 shall elect a co-chairperson.

3           (7) The Council shall meet at least twice annually and  
4 at such other times as the co-chairpersons or any 5 voting  
5 members consider necessary. Seven voting members shall  
6 constitute a quorum of the Council.

7           (8) The Department shall provide staff assistance to  
8 the Council.

9           (9) The Council shall provide the Department relevant  
10 information in a timely manner pursuant to its duties as  
11 enumerated in this Section that can be used by the  
12 Department to enhance the State's strategic economic  
13 development plan.

14           (10) The Council shall:

15               (A) Develop an overall strategic business  
16 development plan for the State of Illinois and update  
17 the plan at least annually.

18               (B) Develop business marketing plans for the State  
19 of Illinois to effectively solicit new company  
20 investment and existing business expansion. Insofar as  
21 allowed under the Illinois Procurement Code, and  
22 subject to appropriations made by the General Assembly  
23 for such purposes, the Council may assist the  
24 Department in the procurement of outside vendors to  
25 carry out such marketing plans.

26               (C) Seek input from local economic development

1 officials to develop specific strategies to  
2 effectively link State and local business development  
3 and marketing efforts focusing on areas of high  
4 unemployment or poverty.

5 (D) Provide the Department with advice on  
6 strategic business development and business marketing  
7 for the State of Illinois.

8 (E) Provide the Department research and recommend  
9 best practices for developing investment tools for  
10 business attraction and retention.

11 (Source: P.A. 98-397, eff. 8-16-13; revised 10-8-13.)

12 (20 ILCS 605/605-320) (was 20 ILCS 605/46.5)

13 Sec. 605-320. Encouragement of existing industries. To  
14 encourage the growth and expansion of industries now existing  
15 within the State by providing comprehensive business services  
16 and promoting interdepartmental cooperation for assistance to  
17 industries.

18 As a condition of any financial incentives provided by the  
19 Department in the form of (1) tax credits and tax exemptions  
20 (other than given under tax increment financing) given as an  
21 incentive to a recipient business organization pursuant to an  
22 initial certification or an initial designation made by the  
23 Department under the Economic Development for a Growing Economy  
24 Tax Credit Act, the River Edge Redevelopment Zone Act, and the  
25 Illinois Enterprise Zone Act, including the High Impact

1 Business program, (2) grants or loans given to a recipient as  
2 an incentive to a business organization pursuant to the River  
3 Edge Redevelopment Zone Act, the Large Business Development  
4 Program, the Business Development Public Infrastructure  
5 Program, or the Industrial Training Program, the Department  
6 shall require the recipient of such financial incentives to  
7 report at least quarterly the number of jobs to be created or  
8 retained, or both created and retained, by the recipient as a  
9 result of the financial incentives, including the number of  
10 full-time, permanent jobs, the number of part-time jobs, and  
11 the number of temporary jobs. Further, the recipient of such  
12 financial incentives shall provide the Department at least  
13 annually a detailed list of the occupation or job  
14 classifications and number of new employees or retained  
15 employees to be hired in full-time, permanent jobs, a schedule  
16 of anticipated starting dates of the new hires and the actual  
17 average wage by occupation or job classification and total  
18 payroll to be created as a result of the financial incentives.

19 (Source: P.A. 98-397, eff. 8-16-13; revised 10-8-13.)

20 Section 75. The Lake Michigan Wind Energy Act is amended by  
21 changing Section 20 as follows:

22 (20 ILCS 896/20)

23 Sec. 20. Offshore Wind Energy Economic Development Policy  
24 Task Force.

1           (a) The Governor shall convene an Offshore Wind Energy  
2 Economic Development Policy Task Force, to be chaired by the  
3 Director of Commerce and Economic Opportunity, or his or her  
4 designee, to analyze and evaluate policy and economic options  
5 to facilitate the development of offshore wind energy, and to  
6 propose an appropriate Illinois mechanism for purchasing and  
7 selling power from possible offshore wind energy projects. The  
8 Task Force shall examine mechanisms used in other states and  
9 jurisdictions, including, without limitation, feed-in tariffs  
10 ~~feed-in tariffs~~, renewable energy certificates, renewable  
11 energy certificate carve-outs, power purchase agreements, and  
12 pilot projects. The Task Force shall report its findings and  
13 recommendations to the Governor and General Assembly by  
14 December 31, 2013.

15           (b) The Director of the Illinois Power Agency (or his or  
16 her designee), the Executive Director of the Illinois Commerce  
17 Commission (or his or her designee), the Director of Natural  
18 Resources (or his or her designee), and the Attorney General  
19 (or his or her designee) shall serve as ex officio members of  
20 the Task Force.

21           (c) The Governor shall appoint the following public members  
22 to serve on the Task Force:

23               (1) one individual from an institution of higher  
24 education in Illinois representing the discipline of  
25 economics with experience in the study of renewable energy;

26               (2) one individual representing an energy industry

1 with experience in renewable energy markets;

2 (3) one individual representing a Statewide consumer  
3 or electric ratepayer organization;

4 (4) one individual representing the offshore wind  
5 energy industry;

6 (5) one individual representing the wind energy supply  
7 chain industry;

8 (6) one individual representing an Illinois electrical  
9 cooperative, municipal electrical utility, or association  
10 of such cooperatives or utilities;

11 (7) one individual representing an Illinois industrial  
12 union involved in the construction, maintenance, or  
13 transportation of electrical generation, distribution, or  
14 transmission equipment or components;

15 (8) one individual representing an Illinois commercial  
16 or industrial electrical consumer;

17 (9) one individual representing an Illinois public  
18 education electrical consumer;

19 (10) one individual representing an independent  
20 transmission company;

21 (11) one individual from the Illinois legal community  
22 with experience in contracts, utility law, municipal law,  
23 and constitutional law;

24 (12) one individual representing a Great Lakes  
25 regional organization with experience assessing or  
26 studying wind energy;



1           (13) one individual representing a Statewide  
2 environmental organization;

3           (14) one resident of the State representing an  
4 organization advocating for persons of low or limited  
5 incomes;

6           (15) one individual representing Argonne National  
7 Laboratory; and

8           (16) one individual representing a local community  
9 that has aggregated the purchase of electricity.

10          (d) The Governor may appoint additional public members to  
11 the Task Force.

12          (e) The Speaker of the House of Representatives, Minority  
13 Leader of the House of Representatives, Senate President, and  
14 Minority Leader of the Senate shall each appoint one member of  
15 the General Assembly to serve on the Task Force.

16          (f) Members of the Task Force shall serve without  
17 compensation.

18          (Source: P.A. 98-447, eff. 8-16-13; revised 10-7-13.)

19          Section 80. The Mental Health and Developmental  
20 Disabilities Administrative Act is amended by changing Section  
21 14 as follows:

22           (20 ILCS 1705/14) (from Ch. 91 1/2, par. 100-14)

23          Sec. 14. Chester Mental Health Center. To maintain and  
24 operate a facility for the care, custody, and treatment of

1 persons with mental illness or habilitation of persons with  
2 developmental disabilities hereinafter designated, to be known  
3 as the Chester Mental Health Center.

4 Within the Chester Mental Health Center there shall be  
5 confined the following classes of persons, whose history, in  
6 the opinion of the Department, discloses dangerous or violent  
7 tendencies and who, upon examination under the direction of the  
8 Department, have been found a fit subject for confinement in  
9 that facility:

10 (a) Any male person who is charged with the commission  
11 of a crime but has been acquitted by reason of insanity as  
12 provided in Section 5-2-4 of the Unified Code of  
13 Corrections.

14 (b) Any male person who is charged with the commission  
15 of a crime but has been found unfit under Article 104 of  
16 the Code of Criminal Procedure of 1963.

17 (c) Any male person with mental illness or  
18 developmental disabilities or person in need of mental  
19 treatment now confined under the supervision of the  
20 Department or hereafter admitted to any facility thereof or  
21 committed thereto by any court of competent jurisdiction.

22 If and when it shall appear to the facility director of the  
23 Chester Mental Health Center that it is necessary to confine  
24 persons in order to maintain security or provide for the  
25 protection and safety of recipients and staff, the Chester  
26 Mental Health Center may confine all persons on a unit to their

1 rooms. This period of confinement shall not exceed 10 hours in  
2 a 24 hour period, including the recipient's scheduled hours of  
3 sleep, unless approved by the Secretary of the Department.  
4 During the period of confinement, the persons confined shall be  
5 observed at least every 15 minutes. A record shall be kept of  
6 the observations. This confinement shall not be considered  
7 seclusion as defined in the Mental Health and Developmental  
8 Disabilities Code.

9 The facility director of the Chester Mental Health Center  
10 may authorize the temporary use of handcuffs on a recipient for  
11 a period not to exceed 10 minutes when necessary in the course  
12 of transport of the recipient within the facility to maintain  
13 custody or security. Use of handcuffs is subject to the  
14 provisions of Section 2-108 of the Mental Health and  
15 Developmental Disabilities Code. The facility shall keep a  
16 monthly record listing each instance in which handcuffs are  
17 used, circumstances indicating the need for use of handcuffs,  
18 and time of application of handcuffs and time of release  
19 therefrom. The facility director shall allow the Illinois  
20 Guardianship and Advocacy Commission, the agency designated by  
21 the Governor under Section 1 of the Protection and Advocacy for  
22 Developmentally Disabled Persons Act, and the Department to  
23 examine and copy such record upon request.

24 The facility director of the Chester Mental Health Center  
25 may authorize the temporary use of transport devices on a civil  
26 recipient when necessary in the course of transport of the

1 civil recipient outside the facility to maintain custody or  
2 security. The decision whether to use any transport devices  
3 shall be reviewed and approved on an individualized basis by a  
4 physician based upon a determination of the civil recipient's:  
5 (1) history of violence, (2) history of violence during  
6 transports, (3) history of escapes and escape attempts, (4)  
7 history of trauma, (5) history of incidents of restraint or  
8 seclusion and use of involuntary medication, (6) current  
9 functioning level and medical status, and (7) prior experience  
10 during similar transports, and ~~(8)~~ the length, duration, and  
11 purpose of the transport. The least restrictive transport  
12 device consistent with the individual's need shall be used.  
13 Staff transporting the individual shall be trained in the use  
14 of the transport devices, recognizing and responding to a  
15 person in distress, and shall observe and monitor the  
16 individual while being transported. The facility shall keep a  
17 monthly record listing all transports, including those  
18 transports for which use of transport devices was ~~were~~ not  
19 sought, those for which use of transport devices was ~~were~~  
20 sought but denied, and each instance in which transport devices  
21 are used, circumstances indicating the need for use of  
22 transport devices, time of application of transport devices,  
23 time of release from those devices, and any adverse events. The  
24 facility director shall allow the Illinois Guardianship and  
25 Advocacy Commission, the agency designated by the Governor  
26 under Section 1 of the Protection and Advocacy for

1 Developmentally Disabled Persons Act, and the Department to  
2 examine and copy the record upon request. This use of transport  
3 devices shall not be considered restraint as defined in the  
4 Mental Health and Developmental Disabilities Code. For the  
5 purpose of this Section "transport device" means ankle cuffs,  
6 handcuffs, waist chains or wrist-waist devices designed to  
7 restrict an individual's range of motion while being  
8 transported. These devices must be approved by the Division of  
9 Mental Health, used in accordance with the manufacturer's  
10 instructions, and used only by qualified staff members who have  
11 completed all training required to be eligible to transport  
12 patients and all other required training relating to the safe  
13 use and application of transport devices, including  
14 recognizing and responding to signs of distress in an  
15 individual whose movement is being restricted by a transport  
16 device.

17 If and when it shall appear to the satisfaction of the  
18 Department that any person confined in the Chester Mental  
19 Health Center is not or has ceased to be such a source of  
20 danger to the public as to require his subjection to the  
21 regimen of the center, the Department is hereby authorized to  
22 transfer such person to any State facility for treatment of  
23 persons with mental illness or habilitation of persons with  
24 developmental disabilities, as the nature of the individual  
25 case may require.

26 Subject to the provisions of this Section, the Department,

1     except where otherwise provided by law, shall, with respect to  
2     the management, conduct and control of the Chester Mental  
3     Health Center and the discipline, custody and treatment of the  
4     persons confined therein, have and exercise the same rights and  
5     powers as are vested by law in the Department with respect to  
6     any and all of the State facilities for treatment of persons  
7     with mental illness or habilitation of persons with  
8     developmental disabilities, and the recipients thereof, and  
9     shall be subject to the same duties as are imposed by law upon  
10    the Department with respect to such facilities and the  
11    recipients thereof.

12         The Department may elect to place persons who have been  
13    ordered by the court to be detained under the Sexually Violent  
14    Persons Commitment Act in a distinct portion of the Chester  
15    Mental Health Center. The persons so placed shall be separated  
16    and shall not comingle with the recipients of the Chester  
17    Mental Health Center. The portion of Chester Mental Health  
18    Center that is used for the persons detained under the Sexually  
19    Violent Persons Commitment Act shall not be a part of the  
20    mental health facility for the enforcement and implementation  
21    of the Mental Health and Developmental Disabilities Code nor  
22    shall their care and treatment be subject to the provisions of  
23    the Mental Health and Developmental Disabilities Code. The  
24    changes added to this Section by this amendatory Act of the  
25    98th General Assembly are inoperative on and after June 30,  
26    2015.

1 (Source: P.A. 98-79, eff. 7-15-13; 98-356, eff. 8-16-13;  
2 revised 9-4-13.)

3 Section 85. The Department of Professional Regulation Law  
4 of the Civil Administrative Code of Illinois is amended by  
5 changing Section 2105-15 as follows:

6 (20 ILCS 2105/2105-15)

7 Sec. 2105-15. General powers and duties.

8 (a) The Department has, subject to the provisions of the  
9 Civil Administrative Code of Illinois, the following powers and  
10 duties:

11 (1) To authorize examinations in English to ascertain  
12 the qualifications and fitness of applicants to exercise  
13 the profession, trade, or occupation for which the  
14 examination is held.

15 (2) To prescribe rules and regulations for a fair and  
16 wholly impartial method of examination of candidates to  
17 exercise the respective professions, trades, or  
18 occupations.

19 (3) To pass upon the qualifications of applicants for  
20 licenses, certificates, and authorities, whether by  
21 examination, by reciprocity, or by endorsement.

22 (4) To prescribe rules and regulations defining, for  
23 the respective professions, trades, and occupations, what  
24 shall constitute a school, college, or university, or

1 department of a university, or other institution,  
2 reputable and in good standing, and to determine the  
3 reputability and good standing of a school, college, or  
4 university, or department of a university, or other  
5 institution, reputable and in good standing, by reference  
6 to a compliance with those rules and regulations; provided,  
7 that no school, college, or university, or department of a  
8 university, or other institution that refuses admittance  
9 to applicants solely on account of race, color, creed, sex,  
10 or national origin shall be considered reputable and in  
11 good standing.

12 (5) To conduct hearings on proceedings to revoke,  
13 suspend, refuse to renew, place on probationary status, or  
14 take other disciplinary action as authorized in any  
15 licensing Act administered by the Department with regard to  
16 licenses, certificates, or authorities of persons  
17 exercising the respective professions, trades, or  
18 occupations and to revoke, suspend, refuse to renew, place  
19 on probationary status, or take other disciplinary action  
20 as authorized in any licensing Act administered by the  
21 Department with regard to those licenses, certificates, or  
22 authorities. The Department shall issue a monthly  
23 disciplinary report. The Department shall deny any license  
24 or renewal authorized by the Civil Administrative Code of  
25 Illinois to any person who has defaulted on an educational  
26 loan or scholarship provided by or guaranteed by the



1 Illinois Student Assistance Commission or any governmental  
2 agency of this State; however, the Department may issue a  
3 license or renewal if the aforementioned persons have  
4 established a satisfactory repayment record as determined  
5 by the Illinois Student Assistance Commission or other  
6 appropriate governmental agency of this State.  
7 Additionally, beginning June 1, 1996, any license issued by  
8 the Department may be suspended or revoked if the  
9 Department, after the opportunity for a hearing under the  
10 appropriate licensing Act, finds that the licensee has  
11 failed to make satisfactory repayment to the Illinois  
12 Student Assistance Commission for a delinquent or  
13 defaulted loan. For the purposes of this Section,  
14 "satisfactory repayment record" shall be defined by rule.  
15 The Department shall refuse to issue or renew a license to,  
16 or shall suspend or revoke a license of, any person who,  
17 after receiving notice, fails to comply with a subpoena or  
18 warrant relating to a paternity or child support  
19 proceeding. However, the Department may issue a license or  
20 renewal upon compliance with the subpoena or warrant.

21 The Department, without further process or hearings,  
22 shall revoke, suspend, or deny any license or renewal  
23 authorized by the Civil Administrative Code of Illinois to  
24 a person who is certified by the Department of Healthcare  
25 and Family Services (formerly Illinois Department of  
26 Public Aid) as being more than 30 days delinquent in

1 complying with a child support order or who is certified by  
2 a court as being in violation of the Non-Support Punishment  
3 Act for more than 60 days. The Department may, however,  
4 issue a license or renewal if the person has established a  
5 satisfactory repayment record as determined by the  
6 Department of Healthcare and Family Services (formerly  
7 Illinois Department of Public Aid) or if the person is  
8 determined by the court to be in compliance with the  
9 Non-Support Punishment Act. The Department may implement  
10 this paragraph as added by Public Act 89-6 through the use  
11 of emergency rules in accordance with Section 5-45 of the  
12 Illinois Administrative Procedure Act. For purposes of the  
13 Illinois Administrative Procedure Act, the adoption of  
14 rules to implement this paragraph shall be considered an  
15 emergency and necessary for the public interest, safety,  
16 and welfare.

17 (6) To transfer jurisdiction of any realty under the  
18 control of the Department to any other department of the  
19 State Government or to acquire or accept federal lands when  
20 the transfer, acquisition, or acceptance is advantageous  
21 to the State and is approved in writing by the Governor.

22 (7) To formulate rules and regulations necessary for  
23 the enforcement of any Act administered by the Department.

24 (8) To exchange with the Department of Healthcare and  
25 Family Services information that may be necessary for the  
26 enforcement of child support orders entered pursuant to the

1 Illinois Public Aid Code, the Illinois Marriage and  
2 Dissolution of Marriage Act, the Non-Support of Spouse and  
3 Children Act, the Non-Support Punishment Act, the Revised  
4 Uniform Reciprocal Enforcement of Support Act, the Uniform  
5 Interstate Family Support Act, or the Illinois Parentage  
6 Act of 1984. Notwithstanding any provisions in this Code to  
7 the contrary, the Department of Professional Regulation  
8 shall not be liable under any federal or State law to any  
9 person for any disclosure of information to the Department  
10 of Healthcare and Family Services (formerly Illinois  
11 Department of Public Aid) under this paragraph (8) or for  
12 any other action taken in good faith to comply with the  
13 requirements of this paragraph (8).

14 (9) To perform other duties prescribed by law.

15 (a-5) Except in cases involving default on an educational  
16 loan or scholarship provided by or guaranteed by the Illinois  
17 Student Assistance Commission or any governmental agency of  
18 this State or in cases involving delinquency in complying with  
19 a child support order or violation of the Non-Support  
20 Punishment Act, no person or entity whose license, certificate,  
21 or authority has been revoked as authorized in any licensing  
22 Act administered by the Department may apply for restoration of  
23 that license, certification, or authority until 3 years after  
24 the effective date of the revocation.

25 (b) The Department may, when a fee is payable to the  
26 Department for a wall certificate of registration provided by

1 the Department of Central Management Services, require that  
2 portion of the payment for printing and distribution costs be  
3 made directly or through the Department to the Department of  
4 Central Management Services for deposit into the Paper and  
5 Printing Revolving Fund. The remainder shall be deposited into  
6 the General Revenue Fund.

7 (c) For the purpose of securing and preparing evidence, and  
8 for the purchase of controlled substances, professional  
9 services, and equipment necessary for enforcement activities,  
10 recoupment of investigative costs, and other activities  
11 directed at suppressing the misuse and abuse of controlled  
12 substances, including those activities set forth in Sections  
13 504 and 508 of the Illinois Controlled Substances Act, the  
14 Director and agents appointed and authorized by the Director  
15 may expend sums from the Professional Regulation Evidence Fund  
16 that the Director deems necessary from the amounts appropriated  
17 for that purpose. Those sums may be advanced to the agent when  
18 the Director deems that procedure to be in the public interest.  
19 Sums for the purchase of controlled substances, professional  
20 services, and equipment necessary for enforcement activities  
21 and other activities as set forth in this Section shall be  
22 advanced to the agent who is to make the purchase from the  
23 Professional Regulation Evidence Fund on vouchers signed by the  
24 Director. The Director and those agents are authorized to  
25 maintain one or more commercial checking accounts with any  
26 State banking corporation or corporations organized under or

1 subject to the Illinois Banking Act for the deposit and  
2 withdrawal of moneys to be used for the purposes set forth in  
3 this Section; provided, that no check may be written nor any  
4 withdrawal made from any such account except upon the written  
5 signatures of 2 persons designated by the Director to write  
6 those checks and make those withdrawals. Vouchers for those  
7 expenditures must be signed by the Director. All such  
8 expenditures shall be audited by the Director, and the audit  
9 shall be submitted to the Department of Central Management  
10 Services for approval.

11 (d) Whenever the Department is authorized or required by  
12 law to consider some aspect of criminal history record  
13 information for the purpose of carrying out its statutory  
14 powers and responsibilities, then, upon request and payment of  
15 fees in conformance with the requirements of Section 2605-400  
16 of the Department of State Police Law (20 ILCS 2605/2605-400),  
17 the Department of State Police is authorized to furnish,  
18 pursuant to positive identification, the information contained  
19 in State files that is necessary to fulfill the request.

20 (e) The provisions of this Section do not apply to private  
21 business and vocational schools as defined by Section 15 of the  
22 Private Business and Vocational Schools Act of 2012.

23 (f) Beginning July 1, 1995, this Section does not apply to  
24 those professions, trades, and occupations licensed under the  
25 Real Estate License Act of 2000, nor does it apply to any  
26 permits, certificates, or other authorizations to do business

1 provided for in the Land Sales Registration Act of 1989 or the  
2 Illinois Real Estate Time-Share Act.

3 (g) Notwithstanding anything that may appear in any  
4 individual licensing statute or administrative rule, the  
5 Department shall deny any license application or renewal  
6 authorized under any licensing Act administered by the  
7 Department to any person who has failed to file a return, or to  
8 pay the tax, penalty, or interest shown in a filed return, or  
9 to pay any final assessment of tax, penalty, or interest, as  
10 required by any tax Act administered by the Illinois Department  
11 of Revenue, until such time as the requirement of any such tax  
12 Act are satisfied; however, the Department may issue a license  
13 or renewal if the person has established a satisfactory  
14 repayment record as determined by the Illinois Department of  
15 Revenue. For the purpose of this Section, "satisfactory  
16 repayment record" shall be defined by rule.

17 In addition, a complaint filed with the Department by the  
18 Illinois Department of Revenue that includes a certification,  
19 signed by its Director or designee, attesting to the amount of  
20 the unpaid tax liability or the years for which a return was  
21 not filed, or both, is prima facie ~~facie~~ evidence of the  
22 licensee's failure to comply with the tax laws administered by  
23 the Illinois Department of Revenue. Upon receipt of that  
24 certification, the Department shall, without a hearing,  
25 immediately suspend all licenses held by the licensee.  
26 Enforcement of the Department's order shall be stayed for 60

1 days. The Department shall provide notice of the suspension to  
2 the licensee by mailing a copy of the Department's order by  
3 certified and regular mail to the licensee's last known address  
4 as registered with the Department. The notice shall advise the  
5 licensee that the suspension shall be effective 60 days after  
6 the issuance of the Department's order unless the Department  
7 receives, from the licensee, a request for a hearing before the  
8 Department to dispute the matters contained in the order.

9 Any suspension imposed under this subsection (g) shall be  
10 terminated by the Department upon notification from the  
11 Illinois Department of Revenue that the licensee is in  
12 compliance with all tax laws administered by the Illinois  
13 Department of Revenue.

14 The Department shall promulgate rules for the  
15 administration of this subsection (g).

16 (h) The Department may grant the title "Retired", to be  
17 used immediately adjacent to the title of a profession  
18 regulated by the Department, to eligible retirees. The use of  
19 the title "Retired" shall not constitute representation of  
20 current licensure, registration, or certification. Any person  
21 without an active license, registration, or certificate in a  
22 profession that requires licensure, registration, or  
23 certification shall not be permitted to practice that  
24 profession.

25 (i) Within 180 days after December 23, 2009 (the effective  
26 date of Public Act 96-852), the Department shall promulgate

1 rules which permit a person with a criminal record, who seeks a  
2 license or certificate in an occupation for which a criminal  
3 record is not expressly a per se bar, to apply to the  
4 Department for a non-binding, advisory opinion to be provided  
5 by the Board or body with the authority to issue the license or  
6 certificate as to whether his or her criminal record would bar  
7 the individual from the licensure or certification sought,  
8 should the individual meet all other licensure requirements  
9 including, but not limited to, the successful completion of the  
10 relevant examinations.

11 (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;  
12 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12; revised 9-9-13.)

13 Section 90. The Department of Public Health Powers and  
14 Duties Law of the Civil Administrative Code of Illinois is  
15 amended by setting forth, renumbering, and changing multiple  
16 versions of Section 2310-665 as follows:

17 (20 ILCS 2310/2310-665)

18 Sec. 2310-665. Educational materials on streptococcal  
19 infection. The Department, in conjunction with the Illinois  
20 State Board of Education, shall develop educational material on  
21 streptococcal infection for distribution in elementary and  
22 secondary schools. The material shall include, but not be  
23 limited to:

24 (1) a process to notify parents or guardians of an



1 outbreak in the school;

2 (2) a process to provide information on all of the  
3 symptoms of streptococcal infection to teachers, parents,  
4 and students; and

5 (3) guidelines for schools to control the spread of  
6 streptococcal infections.

7 (Source: P.A. 98-236, eff. 8-9-13; revised 9-12-13.)

8 (20 ILCS 2310/2310-670)

9 Sec. 2310-670 ~~2310-665~~. Breast cancer patient education.

10 (a) The General Assembly makes the following findings:

11 (1) Annually, about 207,090 new cases of breast cancer  
12 are diagnosed, according to the American Cancer Society.

13 (2) Breast cancer has a disproportionate and  
14 detrimental impact on African-American women and is the  
15 most common cancer among Hispanic and Latina women.

16 (3) African-American women under the age of 40 have a  
17 greater incidence of breast cancer than Caucasian women of  
18 the same age.

19 (4) Individuals undergoing surgery for breast cancer  
20 should give due consideration to the option of breast  
21 reconstructive surgery, either at the same time as the  
22 breast cancer surgery or at a later date.

23 (5) According to the American Cancer Society,  
24 immediate breast reconstruction offers the advantage of  
25 combining the breast cancer surgery with the

1 reconstructive surgery and is cost effective.

2 (6) According to the American Cancer Society, delayed  
3 breast reconstruction may be advantageous in women who  
4 require post-surgical radiation or other treatments.

5 (7) A woman suffering from the loss of her breast may  
6 not be a candidate for surgical breast reconstruction or  
7 may choose not to undergo additional surgery and instead  
8 choose breast prostheses.

9 (8) The federal Women's Health and Cancer Rights Act of  
10 1998 requires health plans that offer breast cancer  
11 coverage to also provide for breast reconstruction.

12 (9) Required coverage for breast reconstruction  
13 includes all the necessary stages of reconstruction.  
14 Surgery of the opposite breast for symmetry may be  
15 required. Breast prostheses may be necessary. Other  
16 sequelae of breast cancer treatment, such as lymphedema,  
17 must be covered.

18 (10) Several states have enacted laws to require that  
19 women receive information on their breast cancer treatment  
20 and reconstruction options.

21 (b) In this Section:

22 "Hispanic" has the same meaning as in Section 1707 of  
23 the federal Public Health Services Act.

24 "Racial and ethnic minority group" has the same meaning  
25 as in Section 1707 of the federal Public Health Services  
26 Act.

1           (c) The Director shall provide for the planning and  
2 implementation of an education campaign to inform breast cancer  
3 patients, especially those in racial and ethnic minority  
4 groups, anticipating surgery regarding the availability and  
5 coverage of breast reconstruction, prostheses, and other  
6 options. The campaign shall include the dissemination, at a  
7 minimum, on relevant State health Internet websites, including  
8 the Department of Public Health's Internet website, of the  
9 following information:

10           (1) Breast reconstruction is possible at the time of  
11 breast cancer surgery or in a delayed fashion.

12           (2) Prostheses or breast forms may be available.

13           (3) Federal law mandates both public and private health  
14 plans to include coverage of breast reconstruction and  
15 prostheses.

16           (4) The patient has a right to choose the provider of  
17 reconstructive care, including the potential transfer of  
18 care to a surgeon that provides breast reconstructive care.

19           (5) The patient may opt to undergo breast  
20 reconstruction in a delayed fashion for personal reasons or  
21 after completion of all other breast cancer treatments.

22           The campaign may include dissemination of such other  
23 information, whether developed by the Director or by other  
24 entities, as the Director determines relevant. The campaign  
25 shall not specify, or be designed to serve as a tool to limit,  
26 the health care providers available to patients.

1 (d) In developing the information to be disseminated under  
2 this Section, the Director shall consult with appropriate  
3 medical societies and patient advocates related to breast  
4 cancer, patient advocates representing racial and ethnic  
5 minority groups, with a special emphasis on African-American  
6 and Hispanic populations' ~~population's~~ breast reconstructive  
7 surgery, and breast prostheses and breast forms.

8 (e) Beginning no later than January 1, 2016 (2 years after  
9 the effective date of Public Act 98-479) ~~this amendatory Act of~~  
10 ~~the 98th General Assembly~~ and continuing each second year  
11 thereafter, the Director shall submit to the General Assembly a  
12 report describing the activities carried out under this Section  
13 during the preceding 2 fiscal years, including evaluating the  
14 extent to which the activities have been effective in improving  
15 the health of racial and ethnic minority groups.

16 (Source: P.A. 98-479, eff. 1-1-14; revised 9-12-13.)

17 (20 ILCS 2310/2310-675)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 2310-675 ~~2310-665~~. Hepatitis C Task Force.

20 (a) The General Assembly finds and declares the following:

21 (1) Viral hepatitis is a contagious and  
22 life-threatening disease that has a substantial and  
23 increasing effect upon the lifespans and quality of life of  
24 at least 5,000,000 persons living in the United States and  
25 as many as 180,000,000 worldwide. According to the U.S.

1 Department of Health and Human Services (HHS), the chronic  
2 form of the hepatitis C virus (HCV) and hepatitis B virus  
3 (HBV) account for the vast majority of hepatitis-related  
4 mortalities in the U.S., yet as many as 65% to 75% of  
5 infected Americans remain unaware that they are infected  
6 with the virus, prompting the U.S. Centers for Disease  
7 Control and Prevention (CDC) to label these viruses as the  
8 silent epidemic. HCV and HBV are major public health  
9 problems that cause chronic liver diseases, such as  
10 cirrhosis, liver failure, and liver cancer. The 5-year  
11 survival rate for primary liver cancer is less than 5%.  
12 These viruses are also the leading cause of liver  
13 transplantation in the United States. While there is a  
14 vaccine for HBV, no vaccine exists for HCV. However, there  
15 are anti-viral treatments for HCV that can improve the  
16 prognosis or actually clear the virus from the patient's  
17 system. Unfortunately, the vast majority of infected  
18 patients remain unaware that they have the virus since  
19 there are generally no symptoms. Therefore, there is a dire  
20 need to aid the public in identifying certain risk factors  
21 that would warrant testing for these viruses. Millions of  
22 infected patients remain undiagnosed and continue to be at  
23 elevated risks for developing more serious complications.  
24 More needs to be done to educate the public about this  
25 disease and the risk factors that warrant testing. In some  
26 cases, infected patients play an unknowing role in further

1 spreading this infectious disease.

2 (2) The existence of HCV was definitively published and  
3 discovered by medical researchers in 1989. Prior to this  
4 date, HCV is believed to have spread unchecked. The  
5 American Association for the Study of Liver Diseases  
6 (AASLD) recommends that primary care physicians screen all  
7 patients for a history of any viral hepatitis risk factor  
8 and test those individuals with at least one identifiable  
9 risk factor for the virus. Some of the most common risk  
10 factors have been identified by AASLD, HHS, and the U.S.  
11 Department of Veterans Affairs, as well as other public  
12 health and medical research organizations, and include the  
13 following:

14 (A) anyone who has received a blood transfusion  
15 prior to 1992;

16 (B) anyone who is a Vietnam-era veteran;

17 (C) anyone who has abnormal liver function tests;

18 (D) anyone infected with the HIV virus;

19 (E) anyone who has used a needle to inject drugs;

20 (F) any health care, emergency medical, or public  
21 safety worker who has been stuck by a needle or exposed  
22 to any mucosal fluids of an HCV-infected person; and

23 (G) any children born to HCV-infected mothers.

24 A 1994 study determined that Caucasian Americans  
25 statistically accounted for the most number of infected  
26 persons in the United States, while the highest incidence

1 rates were among African and Hispanic Americans.

2 (3) In January of 2010, the Institute of Medicine  
3 (IOM), commissioned by the CDC, issued a comprehensive  
4 report entitled *Hepatitis and Liver Cancer: A National*  
5 *Strategy for Prevention and Control of Hepatitis B and C.*  
6 The key findings and recommendations from the IOM's report  
7 are (A) there is a lack of knowledge and awareness about  
8 chronic viral hepatitis on the part of health care and  
9 social service providers, (B) there is a lack of knowledge  
10 and awareness about chronic viral hepatitis among at-risk  
11 populations, members of the public, and policy makers, and  
12 (C) there is insufficient understanding about the extent  
13 and seriousness of the public health problem, so inadequate  
14 public resources are being allocated to prevention,  
15 control, and surveillance programs.

16 (4) In this same 2010 IOM report, researchers compared  
17 the prevalence and incidences of HCV, HBV, and HIV and  
18 found that, although there are only 1,100,000 HIV/AIDS  
19 infected persons in the United States and over 4,000,000  
20 Americans infected with viral hepatitis, the percentage of  
21 those with HIV that are unaware they have HIV is only 21%  
22 as opposed to approximately 70% of those with viral  
23 hepatitis being unaware that they have viral hepatitis. It  
24 appears that public awareness of risk factors associated  
25 with each of these diseases could be a major factor in the  
26 alarming disparity between the percentage of the

1 population that is infected with one of these blood  
2 viruses, but unaware that they are infected.

3 (5) In light of the widely varied nature of the risk  
4 factors mentioned in this subsection (a), the previous  
5 findings by the Institute of Medicine, and the clear  
6 evidence of the disproportional public awareness between  
7 HIV and viral hepatitis, it is clearly in the public  
8 interest for this State to establish a task force to gather  
9 testimony and develop an action plan to (A) increase public  
10 awareness of the risk factors for these viruses, (B)  
11 improve access to screening for these viruses, and (C)  
12 provide those infected with information about the  
13 prognosis, treatment options, and elevated risk of  
14 developing cirrhosis and liver cancer. There is clear and  
15 increasing evidence that many adults in Illinois and in the  
16 United States have at least one of the risk factors  
17 mentioned in this subsection (a).

18 (6) The General Assembly also finds that it is in the  
19 public interest to bring communities of Illinois-based  
20 veterans of American military service into familiarity  
21 with the issues created by this disease, because many  
22 veterans, especially Vietnam-era veterans, have at least  
23 one of the previously enumerated risk factors and are  
24 especially prone to being affected by this disease; and  
25 because veterans of American military service should enjoy  
26 in all cases, and do enjoy in most cases, adequate access



1 to health care services that include medical management and  
2 care for preexisting and long-term medical conditions,  
3 such as infection with the hepatitis virus.

4 (b) There is established the Hepatitis C Task Force within  
5 the Department of Public Health. The purpose of the Task Force  
6 shall be to:

7 (1) develop strategies to identify and address the  
8 unmet needs of persons with hepatitis C in order to enhance  
9 the quality of life of persons with hepatitis C by  
10 maximizing productivity and independence and addressing  
11 emotional, social, financial, and vocational challenges of  
12 persons with hepatitis C;

13 (2) develop strategies to provide persons with  
14 hepatitis C greater access to various treatments and other  
15 therapeutic options that may be available; and

16 (3) develop strategies to improve hepatitis C  
17 education and awareness.

18 (c) The Task Force shall consist of 17 members as follows:

19 (1) the Director of Public Health, the Director of  
20 Veterans' Affairs, and the Director of Human Services, or  
21 their designees, who shall serve ex officio;

22 (2) ten public members who shall be appointed by the  
23 Director of Public Health from the medical, patient, and  
24 service provider communities, including, but not limited  
25 to, HCV Support, Inc.; and

26 (3) four members of the General Assembly, appointed one

1           each by the President of the Senate, the Minority Leader of  
2           the Senate, the Speaker of the House of Representatives,  
3           and the Minority Leader of the House of Representatives.

4           Vacancies in the membership of the Task Force shall be  
5           filled in the same manner provided for in the original  
6           appointments.

7           (d) The Task Force shall organize within 120 days following  
8           the appointment of a majority of its members and shall select a  
9           chairperson and vice-chairperson from among the members. The  
10          chairperson shall appoint a secretary, who need not be a member  
11          of the Task Force.

12          (e) The public members shall serve without compensation and  
13          shall not be reimbursed for necessary expenses incurred in the  
14          performance of their duties, unless funds become available to  
15          the Task Force.

16          (f) The Task Force shall be entitled to call to its  
17          assistance and avail itself of the services of the employees of  
18          any State, county, or municipal department, board, bureau,  
19          commission, or agency as it may require and as may be available  
20          to it for its purposes.

21          (g) The Task Force may meet and hold hearings as it deems  
22          appropriate.

23          (h) The Department of Public Health shall provide staff  
24          support to the Task Force.

25          (i) The Task Force shall report its findings and  
26          recommendations to the Governor and to the General Assembly,

1 along with any legislative bills that it desires to recommend  
2 for adoption by the General Assembly, no later than December  
3 31, 2015.

4 (j) The Task Force is abolished and this Section is  
5 repealed on January 1, 2016.

6 (Source: P.A. 98-493, eff. 8-16-13; revised 9-12-13.)

7 (20 ILCS 2310/2310-680)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 2310-680 ~~2310-665~~. Multiple Sclerosis Task Force.

10 (a) The General Assembly finds and declares the following:

11 (1) Multiple sclerosis (MS) is a chronic, often  
12 disabling, disease that attacks the central nervous  
13 system, which is comprised of the brain, spinal cord, and  
14 optic nerves. MS is the number one disabling disease among  
15 young adults, striking in the prime of life. It is a  
16 disease in which the body, through its immune system,  
17 launches a defensive and damaging attack against its own  
18 tissues. MS damages the nerve-insulating myelin sheath  
19 that surrounds and protects the brain. The damage to the  
20 myelin sheath slows down or blocks messages between the  
21 brain and the body.

22 (2) Most people experience their first symptoms of MS  
23 between the ages of 20 and 40, but MS can appear in young  
24 children and teens as well as much older adults. MS  
25 symptoms can include visual disturbances, muscle weakness,

1 trouble with coordination and balance, sensations such as  
2 numbness, prickling or pins and needles, and thought and  
3 memory problems. MS patients can also experience partial or  
4 complete paralysis, speech impediments, tremors,  
5 dizziness, stiffness and spasms, fatigue, paresthesias,  
6 pain, and loss of sensation.

7 (3) The cause of MS remains unknown; however, having a  
8 first-degree relative, such as a parent or sibling, with MS  
9 significantly increases a person's risk of developing the  
10 disease. According to the National Institute of  
11 Neurological Disorders and Stroke, it is estimated that  
12 there are approximately 250,000 to 350,000 persons in the  
13 United States who are diagnosed with MS. This estimate  
14 suggests that approximately 200 new cases are diagnosed  
15 each week. Other sources report a population of at least  
16 400,000 in the United States. The estimate of persons with  
17 MS in Illinois is 20,000, with at least 2 areas of MS  
18 clusters identified in Illinois.

19 (4) Presently, there is no cure for MS. The complex and  
20 variable nature of the disease makes it very difficult to  
21 diagnose, treat, and research. The cost to the family,  
22 often with young children, can be overwhelming. Among  
23 common diagnoses, non-stroke neurologic illnesses, such as  
24 multiple sclerosis, were associated with the highest  
25 out-of-pocket expenditures (a mean of \$34,167), followed  
26 by diabetes (\$26,971), injuries (\$25,096), stroke

1 (\$23,380), mental illnesses (\$23,178), and heart disease  
2 (\$21,955). Median out-of-pocket costs for health care  
3 among people with MS, excluding insurance premiums, were  
4 almost twice as much as the general population. The costs  
5 associated with MS increase with greater disability. Costs  
6 for severely disabled individuals are more than twice those  
7 for persons with a relatively mild form of the disease. A  
8 recent study of medical bankruptcy found that 62.1% of all  
9 personal bankruptcies in the United States were related to  
10 medical costs.

11 (5) Therefore, it is in the public interest for the  
12 State to establish a Multiple Sclerosis Task Force in order  
13 to identify and address the unmet needs of persons with MS  
14 and develop ways to enhance their quality of life.

15 (b) There is established the Multiple Sclerosis Task Force  
16 in the Department of Public Health. The purpose of the Task  
17 Force shall be to:

18 (1) develop strategies to identify and address the  
19 unmet needs of persons with MS in order to enhance the  
20 quality of life of persons with MS by maximizing  
21 productivity and independence and addressing emotional,  
22 social, financial, and vocational challenges of persons  
23 with MS;

24 (2) develop strategies to provide persons with MS  
25 greater access to various treatments and other therapeutic  
26 options that may be available; and

1           (3) develop strategies to improve multiple sclerosis  
2 education and awareness.

3           (c) The Task Force shall consist of 16 members as follows:

4           (1) the Director of Public Health and the Director of  
5 Human Services, or their designees, who shall serve ex  
6 officio; and

7           (2) fourteen public members, who shall be appointed by  
8 the Director of Public Health as follows: 2 neurologists  
9 licensed to practice medicine in this State; 3 registered  
10 nurses or other health professionals with MS certification  
11 and extensive expertise with progressed MS; one person upon  
12 the recommendation of the National Multiple Sclerosis  
13 Society; 3 persons who represent agencies that provide  
14 services or support to individuals with MS in this State; 3  
15 persons who have MS, at least one of whom having progressed  
16 MS; and 2 members of the public with a demonstrated  
17 expertise in issues relating to the work of the Task Force.

18           Vacancies in the membership of the Task Force shall be  
19 filled in the same manner provided for in the original  
20 appointments.

21           (d) The Task Force shall organize within 120 days following  
22 the appointment of a majority of its members and shall select a  
23 chairperson and vice-chairperson from among the members. The  
24 chairperson shall appoint a secretary who need not be a member  
25 of the Task Force.

26           (e) The public members shall serve without compensation and

1 shall not be reimbursed for necessary expenses incurred in the  
2 performance of their duties unless funds become available to  
3 the Task Force.

4 (f) The Task Force may meet and hold hearings as it deems  
5 appropriate.

6 (g) The Department of Public Health shall provide staff  
7 support to the Task Force.

8 (h) The Task Force shall report its findings and  
9 recommendations to the Governor and to the General Assembly,  
10 along with any legislative bills that it desires to recommend  
11 for adoption by the General Assembly, no later than December  
12 31, 2015.

13 (i) The Task Force is abolished and this Section is  
14 repealed on January 1, 2016.

15 (Source: P.A. 98-530, eff. 8-23-13; revised 9-12-13.)

16 Section 95. The Disabilities Services Act of 2003 is  
17 amended by changing Section 10 as follows:

18 (20 ILCS 2407/10)

19 Sec. 10. Application of Act; definitions.

20 (a) This Act applies to persons with disabilities. The  
21 disabilities included are defined for purposes of this Act as  
22 follows:

23 "Disability" means a disability as defined by the Americans  
24 with Disabilities Act of 1990 that is attributable to a

1 developmental disability, a mental illness, or a physical  
2 disability, or combination of those.

3 "Developmental disability" means a disability that is  
4 attributable to an intellectual disability or a related  
5 condition. A related condition must meet all of the following  
6 conditions:

7 (1) It must be attributable to cerebral palsy,  
8 epilepsy, or any other condition (other than mental  
9 illness) found to be closely related to an intellectual  
10 disability because that condition results in impairment of  
11 general intellectual functioning or adaptive behavior  
12 similar to that of individuals with an intellectual  
13 disability, and requires treatment or services similar to  
14 those required for those individuals. For purposes of this  
15 Section, autism is considered a related condition.

16 (2) It must be manifested before the individual reaches  
17 age 22.

18 (3) It must be likely to continue indefinitely.

19 (4) It must result in substantial functional  
20 limitations in 3 or more of the following areas of major  
21 life activity: self-care, language, learning, mobility,  
22 self-direction, and capacity for independent living.

23 "Mental Illness" means a mental or emotional disorder  
24 verified by a diagnosis contained in the Diagnostic and  
25 Statistical Manual of Mental Disorders-Fourth Edition,  
26 published by the American Psychiatric Association (DSM-IV), or



1 its successor, or International Classification of Diseases,  
2 9th Revision, Clinical Modification (ICD-9-CM), or its  
3 successor, that substantially impairs a person's cognitive,  
4 emotional, or behavioral functioning, or any combination of  
5 those, excluding (i) conditions that may be the focus of  
6 clinical attention but are not of sufficient duration or  
7 severity to be categorized as a mental illness, such as  
8 parent-child relational problems, partner-relational problems,  
9 sexual abuse of a child, bereavement, academic problems,  
10 phase-of-life problems, and occupational problems  
11 (collectively, "V codes"), (ii) organic disorders such as  
12 substance intoxication dementia, substance withdrawal  
13 dementia, Alzheimer's disease, vascular dementia, dementia due  
14 to HIV infection, and dementia due to Creutzfeldt-Jakob  
15 ~~Creutzfeld-Jakob~~ disease and disorders associated with known  
16 or unknown physical conditions such as hallucinosis, amnestic  
17 disorders and delirium, and psychoactive substance-induced  
18 organic disorders, and (iii) an intellectual disability or  
19 psychoactive substance use disorders.

20 "Intellectual disability" means significantly sub-average  
21 general intellectual functioning existing concurrently with  
22 deficits in adaptive behavior and manifested before the age of  
23 22 years.

24 "Physical disability" means a disability as defined by the  
25 Americans with Disabilities Act of 1990 that meets the  
26 following criteria:

1           (1) It is attributable to a physical impairment.

2           (2) It results in a substantial functional limitation  
3 in any of the following areas of major life activity: (i)  
4 self-care, (ii) receptive and expressive language, (iii)  
5 learning, (iv) mobility, (v) self-direction, (vi) capacity  
6 for independent living, and (vii) economic sufficiency.

7           (3) It reflects the person's need for a combination and  
8 sequence of special, interdisciplinary, or general care,  
9 treatment, or other services that are of lifelong or of  
10 extended duration and must be individually planned and  
11 coordinated.

12           (b) In this Act:

13           "Chronological age-appropriate services" means services,  
14 activities, and strategies for persons with disabilities that  
15 are representative of the lifestyle activities of nondisabled  
16 peers of similar age in the community.

17           "Comprehensive evaluation" means procedures used by  
18 qualified professionals selectively with an individual to  
19 determine whether a person has a disability and the nature and  
20 extent of the services that the person with a disability needs.

21           "Department" means the Department on Aging, the Department  
22 of Human Services, the Department of Public Health, the  
23 Department of Public Aid (now Department Healthcare and Family  
24 Services), the University of Illinois Division of Specialized  
25 Care for Children, the Department of Children and Family  
26 Services, and the Illinois State Board of Education, where

1 appropriate, as designated in the implementation plan  
2 developed under Section 20.

3 "Family" means a natural, adoptive, or foster parent or  
4 parents or other person or persons responsible for the care of  
5 an individual with a disability in a family setting.

6 "Family or individual support" means those resources and  
7 services that are necessary to maintain an individual with a  
8 disability within the family home or his or her own home. These  
9 services may include, but are not limited to, cash subsidy,  
10 respite care, and counseling services.

11 "Independent service coordination" means a social service  
12 that enables persons with developmental disabilities and their  
13 families to locate, use, and coordinate resources and  
14 opportunities in their communities on the basis of individual  
15 need. Independent service coordination is independent of  
16 providers of services and funding sources and is designed to  
17 ensure accessibility, continuity of care, and accountability  
18 and to maximize the potential of persons with developmental  
19 disabilities for independence, productivity, and integration  
20 into the community. Independent service coordination includes,  
21 at a minimum: (i) outreach to identify eligible individuals;  
22 (ii) assessment and periodic reassessment to determine each  
23 individual's strengths, functional limitations, and need for  
24 specific services; (iii) participation in the development of a  
25 comprehensive individual service or treatment plan; (iv)  
26 referral to and linkage with needed services and supports; (v)

1 monitoring to ensure the delivery of appropriate services and  
2 to determine individual progress in meeting goals and  
3 objectives; and (vi) advocacy to assist the person in obtaining  
4 all services for which he or she is eligible or entitled.

5 "Individual service or treatment plan" means a recorded  
6 assessment of the needs of a person with a disability, a  
7 description of the services recommended, the goals of each type  
8 of element of service, an anticipated timetable for the  
9 accomplishment of the goals, and a designation of the qualified  
10 professionals responsible for the implementation of the plan.

11 "Least restrictive environment" means an environment that  
12 represents the least departure from the normal patterns of  
13 living and that effectively meets the needs of the person  
14 receiving the service.

15 (Source: P.A. 97-227, eff. 1-1-12; revised 9-4-13.)

16 Section 100. The Department of State Police Law of the  
17 Civil Administrative Code of Illinois is amended by setting  
18 forth and renumbering multiple versions of Section 2605-595 as  
19 follows:

20 (20 ILCS 2605/2605-595)

21 Sec. 2605-595. State Police Firearm Services Fund.

22 (a) There is created in the State treasury a special fund  
23 known as the State Police Firearm Services Fund. The Fund shall  
24 receive revenue under the Firearm Concealed Carry Act and

1 Section 5 of the Firearm Owners Identification Card Act. The  
2 Fund may also receive revenue from grants, pass-through grants,  
3 donations, appropriations, and any other legal source.

4 (b) The Department of State Police may use moneys in the  
5 Fund to finance any of its lawful purposes, mandates,  
6 functions, and duties under the Firearm Owners Identification  
7 Card Act and the Firearm Concealed Carry Act, including the  
8 cost of sending notices of expiration of Firearm Owner's  
9 Identification Cards, concealed carry licenses, the prompt and  
10 efficient processing of applications under the Firearm Owners  
11 Identification Card Act and the Firearm Concealed Carry Act,  
12 the improved efficiency and reporting of the LEADS and federal  
13 NICS law enforcement data systems, and support for  
14 investigations required under these Acts and law. Any surplus  
15 funds beyond what is needed to comply with the aforementioned  
16 purposes shall be used by the Department to improve the Law  
17 Enforcement Agencies Data System (LEADS) and criminal history  
18 background check system.

19 (c) Investment income that is attributable to the  
20 investment of moneys in the Fund shall be retained in the Fund  
21 for the uses specified in this Section.

22 (Source: P.A. 98-63, eff. 7-9-13.)

23 (20 ILCS 2605/2605-600)

24 Sec. 2605-600 ~~2605-595~~. Crimes Against Police Officers  
25 Advisory.

1 (a) For purposes of this Section:

2 "Attempt" has the meaning ascribed to that term in  
3 Section 8-4 of the Criminal Code of 2012.

4 "Concealment of homicidal death" has the meaning  
5 ascribed to that term in Section 9-3.4 of the Criminal Code  
6 of 2012.

7 "First degree murder" has the meaning ascribed to that  
8 term in Section 9-1 of the Criminal Code of 2012.

9 "Involuntary manslaughter" and "reckless homicide"  
10 have the meanings ascribed to those terms in Section 9-3 of  
11 the Criminal Code of 2012.

12 "Second degree murder" has the meaning ascribed to that  
13 term in Section 9-2 of the Criminal Code of 2012.

14 (b) A coordinated program known as the Crimes Against  
15 Police Officers Advisory is established within the Department  
16 of State Police. The purpose of the Crimes Against Police  
17 Officers Advisory is to provide a regional system for the rapid  
18 dissemination of information regarding a person who is  
19 suspected of committing or attempting to commit any of the  
20 offenses described in subsection (c).

21 (c) The Department of State Police shall develop an  
22 advisory to assist law enforcement agencies when the commission  
23 or attempted commission of the following offenses against a  
24 peace officer occur:

25 (1) first degree murder;

26 (2) second degree murder;

1 (3) involuntary manslaughter;

2 (4) reckless homicide; and

3 (5) concealment of homicidal death.

4 (d) Law enforcement agencies participating in the advisory  
5 may request assistance when:

6 (1) the agency believes that a suspect has not been  
7 apprehended;

8 (2) the agency believes that the suspect may be a  
9 serious threat to the public; and

10 (3) sufficient information is available to disseminate  
11 to the public that could assist in locating the suspect.

12 (e) The Department of State Police shall reserve the  
13 authority to determine if dissemination of the information will  
14 pose a significant risk to the public or jeopardize the  
15 investigation.

16 (f) The Department of State Police may partner with media  
17 and may request a media broadcast concerning details of the  
18 suspect in order to obtain the public's assistance in locating  
19 the suspect or vehicle used in the offense, or both.

20 (Source: P.A. 98-263, eff. 1-1-14; revised 10-17-13.)

21 Section 105. The Criminal Identification Act is amended by  
22 changing Sections 4 and 5.2 as follows:

23 (20 ILCS 2630/4) (from Ch. 38, par. 206-4)

24 Sec. 4. The Department may use the following systems of

1 identification: the Bertillon ~~The Bertillion~~ system, the  
2 finger print system, and any system of measurement or  
3 identification that may be adopted by law or rule in the  
4 various penal institutions or bureaus of identification  
5 wherever located.

6 The Department shall make a record consisting of duplicates  
7 of all measurements, processes, operations, signalletic cards,  
8 plates, photographs, outline pictures, measurements,  
9 descriptions of and data relating to all persons confined in  
10 penal institutions wherever located, so far as the same are  
11 obtainable, in accordance with whatever system or systems may  
12 be found most efficient and practical.

13 (Source: Laws 1957, p. 1422; revised 9-4-13.)

14 (20 ILCS 2630/5.2)

15 Sec. 5.2. Expungement and sealing.

16 (a) General Provisions.

17 (1) Definitions. In this Act, words and phrases have  
18 the meanings set forth in this subsection, except when a  
19 particular context clearly requires a different meaning.

20 (A) The following terms shall have the meanings  
21 ascribed to them in the Unified Code of Corrections,  
22 730 ILCS 5/5-1-2 through 5/5-1-22:

23 (i) Business Offense (730 ILCS 5/5-1-2),

24 (ii) Charge (730 ILCS 5/5-1-3),

25 (iii) Court (730 ILCS 5/5-1-6),



1 (iv) Defendant (730 ILCS 5/5-1-7),  
2 (v) Felony (730 ILCS 5/5-1-9),  
3 (vi) Imprisonment (730 ILCS 5/5-1-10),  
4 (vii) Judgment (730 ILCS 5/5-1-12),  
5 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
6 (ix) Offense (730 ILCS 5/5-1-15),  
7 (x) Parole (730 ILCS 5/5-1-16),  
8 (xi) Petty Offense (730 ILCS 5/5-1-17),  
9 (xii) Probation (730 ILCS 5/5-1-18),  
10 (xiii) Sentence (730 ILCS 5/5-1-19),  
11 (xiv) Supervision (730 ILCS 5/5-1-21), and  
12 (xv) Victim (730 ILCS 5/5-1-22).

13 (B) As used in this Section, "charge not initiated  
14 by arrest" means a charge (as defined by 730 ILCS  
15 5/5-1-3) brought against a defendant where the  
16 defendant is not arrested prior to or as a direct  
17 result of the charge.

18 (C) "Conviction" means a judgment of conviction or  
19 sentence entered upon a plea of guilty or upon a  
20 verdict or finding of guilty of an offense, rendered by  
21 a legally constituted jury or by a court of competent  
22 jurisdiction authorized to try the case without a jury.  
23 An order of supervision successfully completed by the  
24 petitioner is not a conviction. An order of qualified  
25 probation (as defined in subsection (a)(1)(J))  
26 successfully completed by the petitioner is not a

1 conviction. An order of supervision or an order of  
2 qualified probation that is terminated  
3 unsatisfactorily is a conviction, unless the  
4 unsatisfactory termination is reversed, vacated, or  
5 modified and the judgment of conviction, if any, is  
6 reversed or vacated.

7 (D) "Criminal offense" means a petty offense,  
8 business offense, misdemeanor, felony, or municipal  
9 ordinance violation (as defined in subsection  
10 (a)(1)(H)). As used in this Section, a minor traffic  
11 offense (as defined in subsection (a)(1)(G)) shall not  
12 be considered a criminal offense.

13 (E) "Expunge" means to physically destroy the  
14 records or return them to the petitioner and to  
15 obliterate the petitioner's name from any official  
16 index or public record, or both. Nothing in this Act  
17 shall require the physical destruction of the circuit  
18 court file, but such records relating to arrests or  
19 charges, or both, ordered expunged shall be impounded  
20 as required by subsections (d)(9)(A)(ii) and  
21 (d)(9)(B)(ii).

22 (F) As used in this Section, "last sentence" means  
23 the sentence, order of supervision, or order of  
24 qualified probation (as defined by subsection  
25 (a)(1)(J)), for a criminal offense (as defined by  
26 subsection (a)(1)(D)) that terminates last in time in

1 any jurisdiction, regardless of whether the petitioner  
2 has included the criminal offense for which the  
3 sentence or order of supervision or qualified  
4 probation was imposed in his or her petition. If  
5 multiple sentences, orders of supervision, or orders  
6 of qualified probation terminate on the same day and  
7 are last in time, they shall be collectively considered  
8 the "last sentence" regardless of whether they were  
9 ordered to run concurrently.

10 (G) "Minor traffic offense" means a petty offense,  
11 business offense, or Class C misdemeanor under the  
12 Illinois Vehicle Code or a similar provision of a  
13 municipal or local ordinance.

14 (H) "Municipal ordinance violation" means an  
15 offense defined by a municipal or local ordinance that  
16 is criminal in nature and with which the petitioner was  
17 charged or for which the petitioner was arrested and  
18 released without charging.

19 (I) "Petitioner" means an adult or a minor  
20 prosecuted as an adult who has applied for relief under  
21 this Section.

22 (J) "Qualified probation" means an order of  
23 probation under Section 10 of the Cannabis Control Act,  
24 Section 410 of the Illinois Controlled Substances Act,  
25 Section 70 of the Methamphetamine Control and  
26 Community Protection Act, Section 5-6-3.3 or 5-6-3.4

1 of the Unified Code of Corrections, Section  
2 12-4.3(b) (1) and (2) of the Criminal Code of 1961 (as  
3 those provisions existed before their deletion by  
4 Public Act 89-313), Section 10-102 of the Illinois  
5 Alcoholism and Other Drug Dependency Act, Section  
6 40-10 of the Alcoholism and Other Drug Abuse and  
7 Dependency Act, or Section 10 of the Steroid Control  
8 Act. For the purpose of this Section, "successful  
9 completion" of an order of qualified probation under  
10 Section 10-102 of the Illinois Alcoholism and Other  
11 Drug Dependency Act and Section 40-10 of the Alcoholism  
12 and Other Drug Abuse and Dependency Act means that the  
13 probation was terminated satisfactorily and the  
14 judgment of conviction was vacated.

15 (K) "Seal" means to physically and electronically  
16 maintain the records, unless the records would  
17 otherwise be destroyed due to age, but to make the  
18 records unavailable without a court order, subject to  
19 the exceptions in Sections 12 and 13 of this Act. The  
20 petitioner's name shall also be obliterated from the  
21 official index required to be kept by the circuit court  
22 clerk under Section 16 of the Clerks of Courts Act, but  
23 any index issued by the circuit court clerk before the  
24 entry of the order to seal shall not be affected.

25 (L) "Sexual offense committed against a minor"  
26 includes but is not limited to the offenses of indecent

1 solicitation of a child or criminal sexual abuse when  
2 the victim of such offense is under 18 years of age.

3 (M) "Terminate" as it relates to a sentence or  
4 order of supervision or qualified probation includes  
5 either satisfactory or unsatisfactory termination of  
6 the sentence, unless otherwise specified in this  
7 Section.

8 (2) Minor Traffic Offenses. Orders of supervision or  
9 convictions for minor traffic offenses shall not affect a  
10 petitioner's eligibility to expunge or seal records  
11 pursuant to this Section.

12 (3) Exclusions. Except as otherwise provided in  
13 subsections (b) (5), (b) (6), (b) (8), (e), (e-5), and (e-6)  
14 of this Section, the court shall not order:

15 (A) the sealing or expungement of the records of  
16 arrests or charges not initiated by arrest that result  
17 in an order of supervision for or conviction of: (i)  
18 any sexual offense committed against a minor; (ii)  
19 Section 11-501 of the Illinois Vehicle Code or a  
20 similar provision of a local ordinance; or (iii)  
21 Section 11-503 of the Illinois Vehicle Code or a  
22 similar provision of a local ordinance, unless the  
23 arrest or charge is for a misdemeanor violation of  
24 subsection (a) of Section 11-503 or a similar provision  
25 of a local ordinance, that occurred prior to the  
26 offender reaching the age of 25 years and the offender

1 has no other conviction for violating Section 11-501 or  
2 11-503 of the Illinois Vehicle Code or a similar  
3 provision of a local ordinance.

4 (B) the sealing or expungement of records of minor  
5 traffic offenses (as defined in subsection (a)(1)(G)),  
6 unless the petitioner was arrested and released  
7 without charging.

8 (C) the sealing of the records of arrests or  
9 charges not initiated by arrest which result in an  
10 order of supervision, an order of qualified probation  
11 (as defined in subsection (a)(1)(J)), or a conviction  
12 for the following offenses:

13 (i) offenses included in Article 11 of the  
14 Criminal Code of 1961 or the Criminal Code of 2012  
15 or a similar provision of a local ordinance, except  
16 Section 11-14 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012, or a similar provision of a  
18 local ordinance;

19 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30,  
20 26-5, or 48-1 of the Criminal Code of 1961 or the  
21 Criminal Code of 2012, or a similar provision of a  
22 local ordinance;

23 (iii) offenses defined as "crimes of violence"  
24 in Section 2 of the Crime Victims Compensation Act  
25 or a similar provision of a local ordinance;

26 (iv) offenses which are Class A misdemeanors

1 under the Humane Care for Animals Act; or

2 (v) any offense or attempted offense that  
3 would subject a person to registration under the  
4 Sex Offender Registration Act.

5 (D) the sealing of the records of an arrest which  
6 results in the petitioner being charged with a felony  
7 offense or records of a charge not initiated by arrest  
8 for a felony offense unless:

9 (i) the charge is amended to a misdemeanor and  
10 is otherwise eligible to be sealed pursuant to  
11 subsection (c);

12 (ii) the charge is brought along with another  
13 charge as a part of one case and the charge results  
14 in acquittal, dismissal, or conviction when the  
15 conviction was reversed or vacated, and another  
16 charge brought in the same case results in a  
17 disposition for a misdemeanor offense that is  
18 eligible to be sealed pursuant to subsection (c) or  
19 a disposition listed in paragraph (i), (iii), or  
20 (iv) of this subsection;

21 (iii) the charge results in first offender  
22 probation as set forth in subsection (c) (2) (E);

23 (iv) the charge is for a felony offense listed  
24 in subsection (c) (2) (F) or the charge is amended to  
25 a felony offense listed in subsection (c) (2) (F);

26 (v) the charge results in acquittal,

1 dismissal, or the petitioner's release without  
2 conviction; or

3 (vi) the charge results in a conviction, but  
4 the conviction was reversed or vacated.

5 (b) Expungement.

6 (1) A petitioner may petition the circuit court to  
7 expunge the records of his or her arrests and charges not  
8 initiated by arrest when:

9 (A) He or she has never been convicted of a  
10 criminal offense; and

11 (B) Each arrest or charge not initiated by arrest  
12 sought to be expunged resulted in: (i) acquittal,  
13 dismissal, or the petitioner's release without  
14 charging, unless excluded by subsection (a)(3)(B);  
15 (ii) a conviction which was vacated or reversed, unless  
16 excluded by subsection (a)(3)(B); (iii) an order of  
17 supervision and such supervision was successfully  
18 completed by the petitioner, unless excluded by  
19 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of  
20 qualified probation (as defined in subsection  
21 (a)(1)(J)) and such probation was successfully  
22 completed by the petitioner.

23 (2) Time frame for filing a petition to expunge.

24 (A) When the arrest or charge not initiated by  
25 arrest sought to be expunged resulted in an acquittal,  
26 dismissal, the petitioner's release without charging,



1           or the reversal or vacation of a conviction, there is  
2           no waiting period to petition for the expungement of  
3           such records.

4           (B) When the arrest or charge not initiated by  
5           arrest sought to be expunged resulted in an order of  
6           supervision, successfully completed by the petitioner,  
7           the following time frames will apply:

8                   (i) Those arrests or charges that resulted in  
9                   orders of supervision under Section 3-707, 3-708,  
10                  3-710, or 5-401.3 of the Illinois Vehicle Code or a  
11                  similar provision of a local ordinance, or under  
12                  Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
13                  Code of 1961 or the Criminal Code of 2012, or a  
14                  similar provision of a local ordinance, shall not  
15                  be eligible for expungement until 5 years have  
16                  passed following the satisfactory termination of  
17                  the supervision.

18                   (i-5) Those arrests or charges that resulted  
19                   in orders of supervision for a misdemeanor  
20                   violation of subsection (a) of Section 11-503 of  
21                   the Illinois Vehicle Code or a similar provision of  
22                   a local ordinance, that occurred prior to the  
23                   offender reaching the age of 25 years and the  
24                   offender has no other conviction for violating  
25                   Section 11-501 or 11-503 of the Illinois Vehicle  
26                   Code or a similar provision of a local ordinance

1 shall not be eligible for expungement until the  
2 petitioner has reached the age of 25 years.

3 (ii) Those arrests or charges that resulted in  
4 orders of supervision for any other offenses shall  
5 not be eligible for expungement until 2 years have  
6 passed following the satisfactory termination of  
7 the supervision.

8 (C) When the arrest or charge not initiated by  
9 arrest sought to be expunged resulted in an order of  
10 qualified probation, successfully completed by the  
11 petitioner, such records shall not be eligible for  
12 expungement until 5 years have passed following the  
13 satisfactory termination of the probation.

14 (3) Those records maintained by the Department for  
15 persons arrested prior to their 17th birthday shall be  
16 expunged as provided in Section 5-915 of the Juvenile Court  
17 Act of 1987.

18 (4) Whenever a person has been arrested for or  
19 convicted of any offense, in the name of a person whose  
20 identity he or she has stolen or otherwise come into  
21 possession of, the aggrieved person from whom the identity  
22 was stolen or otherwise obtained without authorization,  
23 upon learning of the person having been arrested using his  
24 or her identity, may, upon verified petition to the chief  
25 judge of the circuit wherein the arrest was made, have a  
26 court order entered nunc pro tunc by the Chief Judge to

1 correct the arrest record, conviction record, if any, and  
2 all official records of the arresting authority, the  
3 Department, other criminal justice agencies, the  
4 prosecutor, and the trial court concerning such arrest, if  
5 any, by removing his or her name from all such records in  
6 connection with the arrest and conviction, if any, and by  
7 inserting in the records the name of the offender, if known  
8 or ascertainable, in lieu of the aggrieved's name. The  
9 records of the circuit court clerk shall be sealed until  
10 further order of the court upon good cause shown and the  
11 name of the aggrieved person obliterated on the official  
12 index required to be kept by the circuit court clerk under  
13 Section 16 of the Clerks of Courts Act, but the order shall  
14 not affect any index issued by the circuit court clerk  
15 before the entry of the order. Nothing in this Section  
16 shall limit the Department of State Police or other  
17 criminal justice agencies or prosecutors from listing  
18 under an offender's name the false names he or she has  
19 used.

20 (5) Whenever a person has been convicted of criminal  
21 sexual assault, aggravated criminal sexual assault,  
22 predatory criminal sexual assault of a child, criminal  
23 sexual abuse, or aggravated criminal sexual abuse, the  
24 victim of that offense may request that the State's  
25 Attorney of the county in which the conviction occurred  
26 file a verified petition with the presiding trial judge at

1 the petitioner's trial to have a court order entered to  
2 seal the records of the circuit court clerk in connection  
3 with the proceedings of the trial court concerning that  
4 offense. However, the records of the arresting authority  
5 and the Department of State Police concerning the offense  
6 shall not be sealed. The court, upon good cause shown,  
7 shall make the records of the circuit court clerk in  
8 connection with the proceedings of the trial court  
9 concerning the offense available for public inspection.

10 (6) If a conviction has been set aside on direct review  
11 or on collateral attack and the court determines by clear  
12 and convincing evidence that the petitioner was factually  
13 innocent of the charge, the court that finds the petitioner  
14 factually innocent of the charge shall enter an expungement  
15 order for the conviction for which the petitioner has been  
16 determined to be innocent as provided in subsection (b) of  
17 Section 5-5-4 of the Unified Code of Corrections.

18 (7) Nothing in this Section shall prevent the  
19 Department of State Police from maintaining all records of  
20 any person who is admitted to probation upon terms and  
21 conditions and who fulfills those terms and conditions  
22 pursuant to Section 10 of the Cannabis Control Act, Section  
23 410 of the Illinois Controlled Substances Act, Section 70  
24 of the Methamphetamine Control and Community Protection  
25 Act, Section 5-6-3.3 or 5-6-3.4 of the Unified Code of  
26 Corrections, Section 12-4.3 or subdivision (b)(1) of

1 Section 12-3.05 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, Section 10-102 of the Illinois  
3 Alcoholism and Other Drug Dependency Act, Section 40-10 of  
4 the Alcoholism and Other Drug Abuse and Dependency Act, or  
5 Section 10 of the Steroid Control Act.

6 (8) If the petitioner has been granted a certificate of  
7 innocence under Section 2-702 of the Code of Civil  
8 Procedure, the court that grants the certificate of  
9 innocence shall also enter an order expunging the  
10 conviction for which the petitioner has been determined to  
11 be innocent as provided in subsection (h) of Section 2-702  
12 of the Code of Civil Procedure.

13 (c) Sealing.

14 (1) Applicability. Notwithstanding any other provision  
15 of this Act to the contrary, and cumulative with any rights  
16 to expungement of criminal records, this subsection  
17 authorizes the sealing of criminal records of adults and of  
18 minors prosecuted as adults.

19 (2) Eligible Records. The following records may be  
20 sealed:

21 (A) All arrests resulting in release without  
22 charging;

23 (B) Arrests or charges not initiated by arrest  
24 resulting in acquittal, dismissal, or conviction when  
25 the conviction was reversed or vacated, except as  
26 excluded by subsection (a) (3) (B);

1 (C) Arrests or charges not initiated by arrest  
2 resulting in orders of supervision successfully  
3 completed by the petitioner, unless excluded by  
4 subsection (a) (3);

5 (D) Arrests or charges not initiated by arrest  
6 resulting in convictions unless excluded by subsection  
7 (a) (3);

8 (E) Arrests or charges not initiated by arrest  
9 resulting in orders of first offender probation under  
10 Section 10 of the Cannabis Control Act, Section 410 of  
11 the Illinois Controlled Substances Act, Section 70 of  
12 the Methamphetamine Control and Community Protection  
13 Act, or Section 5-6-3.3 of the Unified Code of  
14 Corrections; and

15 (F) Arrests or charges not initiated by arrest  
16 resulting in felony convictions for the following  
17 offenses:

18 (i) Class 4 felony convictions for:

19 Prostitution under Section 11-14 of the  
20 Criminal Code of 1961 or the Criminal Code of  
21 2012.

22 Possession of cannabis under Section 4 of  
23 the Cannabis Control Act.

24 Possession of a controlled substance under  
25 Section 402 of the Illinois Controlled  
26 Substances Act.

1                   Offenses under the Methamphetamine  
2                   Precursor Control Act.

3                   Offenses under the Steroid Control Act.

4                   Theft under Section 16-1 of the Criminal  
5                   Code of 1961 or the Criminal Code of 2012.

6                   Retail theft under Section 16A-3 or  
7                   paragraph (a) of 16-25 of the Criminal Code of  
8                   1961 or the Criminal Code of 2012.

9                   Deceptive practices under Section 17-1 of  
10                  the Criminal Code of 1961 or the Criminal Code  
11                  of 2012.

12                  Forgery under Section 17-3 of the Criminal  
13                  Code of 1961 or the Criminal Code of 2012.

14                  Possession of burglary tools under Section  
15                  19-2 of the Criminal Code of 1961 or the  
16                  Criminal Code of 2012.

17                  (ii) Class 3 felony convictions for:

18                         Theft under Section 16-1 of the Criminal  
19                         Code of 1961 or the Criminal Code of 2012.

20                         Retail theft under Section 16A-3 or  
21                         paragraph (a) of 16-25 of the Criminal Code of  
22                         1961 or the Criminal Code of 2012.

23                         Deceptive practices under Section 17-1 of  
24                         the Criminal Code of 1961 or the Criminal Code  
25                         of 2012.

26                         Forgery under Section 17-3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012.

2 Possession with intent to manufacture or  
3 deliver a controlled substance under Section  
4 401 of the Illinois Controlled Substances Act.

5 (3) When Records Are Eligible to Be Sealed. Records  
6 identified as eligible under subsection (c)(2) may be  
7 sealed as follows:

8 (A) Records identified as eligible under  
9 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
10 time.

11 (B) Records identified as eligible under  
12 subsection (c)(2)(C) may be sealed (i) 3 years after  
13 the termination of petitioner's last sentence (as  
14 defined in subsection (a)(1)(F)) if the petitioner has  
15 never been convicted of a criminal offense (as defined  
16 in subsection (a)(1)(D)); or (ii) 4 years after the  
17 termination of the petitioner's last sentence (as  
18 defined in subsection (a)(1)(F)) if the petitioner has  
19 ever been convicted of a criminal offense (as defined  
20 in subsection (a)(1)(D)).

21 (C) Records identified as eligible under  
22 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be  
23 sealed 4 years after the termination of the  
24 petitioner's last sentence (as defined in subsection  
25 (a)(1)(F)).

26 (D) Records identified in subsection



1 (a) (3) (A) (iii) may be sealed after the petitioner has  
2 reached the age of 25 years.

3 (4) Subsequent felony convictions. A person may not  
4 have subsequent felony conviction records sealed as  
5 provided in this subsection (c) if he or she is convicted  
6 of any felony offense after the date of the sealing of  
7 prior felony convictions as provided in this subsection  
8 (c). The court may, upon conviction for a subsequent felony  
9 offense, order the unsealing of prior felony conviction  
10 records previously ordered sealed by the court.

11 (5) Notice of eligibility for sealing. Upon entry of a  
12 disposition for an eligible record under this subsection  
13 (c), the petitioner shall be informed by the court of the  
14 right to have the records sealed and the procedures for the  
15 sealing of the records.

16 (d) Procedure. The following procedures apply to  
17 expungement under subsections (b), (e), and (e-6) and sealing  
18 under subsections (c) and (e-5):

19 (1) Filing the petition. Upon becoming eligible to  
20 petition for the expungement or sealing of records under  
21 this Section, the petitioner shall file a petition  
22 requesting the expungement or sealing of records with the  
23 clerk of the court where the arrests occurred or the  
24 charges were brought, or both. If arrests occurred or  
25 charges were brought in multiple jurisdictions, a petition  
26 must be filed in each such jurisdiction. The petitioner

1 shall pay the applicable fee, if not waived.

2 (2) Contents of petition. The petition shall be  
3 verified and shall contain the petitioner's name, date of  
4 birth, current address and, for each arrest or charge not  
5 initiated by arrest sought to be sealed or expunged, the  
6 case number, the date of arrest (if any), the identity of  
7 the arresting authority, and such other information as the  
8 court may require. During the pendency of the proceeding,  
9 the petitioner shall promptly notify the circuit court  
10 clerk of any change of his or her address. If the  
11 petitioner has received a certificate of eligibility for  
12 sealing from the Prisoner Review Board under paragraph (10)  
13 of subsection (a) of Section 3-3-2 of the Unified Code of  
14 Corrections, the certificate shall be attached to the  
15 petition.

16 (3) Drug test. The petitioner must attach to the  
17 petition proof that the petitioner has passed a test taken  
18 within 30 days before the filing of the petition showing  
19 the absence within his or her body of all illegal  
20 substances as defined by the Illinois Controlled  
21 Substances Act, the Methamphetamine Control and Community  
22 Protection Act, and the Cannabis Control Act if he or she  
23 is petitioning to:

24 (A) seal felony records under clause (c) (2) (E);

25 (B) seal felony records for a violation of the  
26 Illinois Controlled Substances Act, the

1           Methamphetamine Control and Community Protection Act,  
2           or the Cannabis Control Act under clause (c) (2) (F);

3                   (C) seal felony records under subsection (e-5); or

4                   (D) expunge felony records of a qualified  
5           probation under clause (b) (1) (B) (iv).

6           (4) Service of petition. The circuit court clerk shall  
7           promptly serve a copy of the petition and documentation to  
8           support the petition under subsection (e), (e-5), or (e-6)  
9           on the State's Attorney or prosecutor charged with the duty  
10          of prosecuting the offense, the Department of State Police,  
11          the arresting agency and the chief legal officer of the  
12          unit of local government effecting the arrest.

13          (5) Objections.

14                  (A) Any party entitled to notice of the petition  
15                  may file an objection to the petition. All objections  
16                  shall be in writing, shall be filed with the circuit  
17                  court clerk, and shall state with specificity the basis  
18                  of the objection.

19                  (B) Objections to a petition to expunge or seal  
20                  must be filed within 60 days of the date of service of  
21                  the petition.

22          (6) Entry of order.

23                  (A) The Chief Judge of the circuit wherein the  
24                  charge was brought, any judge of that circuit  
25                  designated by the Chief Judge, or in counties of less  
26                  than 3,000,000 inhabitants, the presiding trial judge

1 at the petitioner's trial, if any, shall rule on the  
2 petition to expunge or seal as set forth in this  
3 subsection (d) (6).

4 (B) Unless the State's Attorney or prosecutor, the  
5 Department of State Police, the arresting agency, or  
6 the chief legal officer files an objection to the  
7 petition to expunge or seal within 60 days from the  
8 date of service of the petition, the court shall enter  
9 an order granting or denying the petition.

10 (7) Hearings. If an objection is filed, the court shall  
11 set a date for a hearing and notify the petitioner and all  
12 parties entitled to notice of the petition of the hearing  
13 date at least 30 days prior to the hearing. Prior to the  
14 hearing, the State's Attorney shall consult with the  
15 Department as to the appropriateness of the relief sought  
16 in the petition to expunge or seal. At the hearing, the  
17 court shall hear evidence on whether the petition should or  
18 should not be granted, and shall grant or deny the petition  
19 to expunge or seal the records based on the evidence  
20 presented at the hearing. The court may consider the  
21 following:

22 (A) the strength of the evidence supporting the  
23 defendant's conviction;

24 (B) the reasons for retention of the conviction  
25 records by the State;

26 (C) the petitioner's age, criminal record history,

1 and employment history;

2 (D) the period of time between the petitioner's  
3 arrest on the charge resulting in the conviction and  
4 the filing of the petition under this Section; and

5 (E) the specific adverse consequences the  
6 petitioner may be subject to if the petition is denied.

7 (8) Service of order. After entering an order to  
8 expunge or seal records, the court must provide copies of  
9 the order to the Department, in a form and manner  
10 prescribed by the Department, to the petitioner, to the  
11 State's Attorney or prosecutor charged with the duty of  
12 prosecuting the offense, to the arresting agency, to the  
13 chief legal officer of the unit of local government  
14 effecting the arrest, and to such other criminal justice  
15 agencies as may be ordered by the court.

16 (9) Implementation of order.

17 (A) Upon entry of an order to expunge records  
18 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

19 (i) the records shall be expunged (as defined  
20 in subsection (a) (1) (E)) by the arresting agency,  
21 the Department, and any other agency as ordered by  
22 the court, within 60 days of the date of service of  
23 the order, unless a motion to vacate, modify, or  
24 reconsider the order is filed pursuant to  
25 paragraph (12) of subsection (d) of this Section;

26 (ii) the records of the circuit court clerk

1 shall be impounded until further order of the court  
2 upon good cause shown and the name of the  
3 petitioner obliterated on the official index  
4 required to be kept by the circuit court clerk  
5 under Section 16 of the Clerks of Courts Act, but  
6 the order shall not affect any index issued by the  
7 circuit court clerk before the entry of the order;  
8 and

9 (iii) in response to an inquiry for expunged  
10 records, the court, the Department, or the agency  
11 receiving such inquiry, shall reply as it does in  
12 response to inquiries when no records ever  
13 existed.

14 (B) Upon entry of an order to expunge records  
15 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

16 (i) the records shall be expunged (as defined  
17 in subsection (a) (1) (E)) by the arresting agency  
18 and any other agency as ordered by the court,  
19 within 60 days of the date of service of the order,  
20 unless a motion to vacate, modify, or reconsider  
21 the order is filed pursuant to paragraph (12) of  
22 subsection (d) of this Section;

23 (ii) the records of the circuit court clerk  
24 shall be impounded until further order of the court  
25 upon good cause shown and the name of the  
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk  
2 under Section 16 of the Clerks of Courts Act, but  
3 the order shall not affect any index issued by the  
4 circuit court clerk before the entry of the order;

5 (iii) the records shall be impounded by the  
6 Department within 60 days of the date of service of  
7 the order as ordered by the court, unless a motion  
8 to vacate, modify, or reconsider the order is filed  
9 pursuant to paragraph (12) of subsection (d) of  
10 this Section;

11 (iv) records impounded by the Department may  
12 be disseminated by the Department only as required  
13 by law or to the arresting authority, the State's  
14 Attorney, and the court upon a later arrest for the  
15 same or a similar offense or for the purpose of  
16 sentencing for any subsequent felony, and to the  
17 Department of Corrections upon conviction for any  
18 offense; and

19 (v) in response to an inquiry for such records  
20 from anyone not authorized by law to access such  
21 records, the court, the Department, or the agency  
22 receiving such inquiry shall reply as it does in  
23 response to inquiries when no records ever  
24 existed.

25 (B-5) Upon entry of an order to expunge records  
26 under subsection (e-6):

1           (i) the records shall be expunged (as defined  
2           in subsection (a)(1)(E)) by the arresting agency  
3           and any other agency as ordered by the court,  
4           within 60 days of the date of service of the order,  
5           unless a motion to vacate, modify, or reconsider  
6           the order is filed under paragraph (12) of  
7           subsection (d) of this Section;

8           (ii) the records of the circuit court clerk  
9           shall be impounded until further order of the court  
10          upon good cause shown and the name of the  
11          petitioner obliterated on the official index  
12          required to be kept by the circuit court clerk  
13          under Section 16 of the Clerks of Courts Act, but  
14          the order shall not affect any index issued by the  
15          circuit court clerk before the entry of the order;

16          (iii) the records shall be impounded by the  
17          Department within 60 days of the date of service of  
18          the order as ordered by the court, unless a motion  
19          to vacate, modify, or reconsider the order is filed  
20          under paragraph (12) of subsection (d) of this  
21          Section;

22          (iv) records impounded by the Department may  
23          be disseminated by the Department only as required  
24          by law or to the arresting authority, the State's  
25          Attorney, and the court upon a later arrest for the  
26          same or a similar offense or for the purpose of



1           sentencing for any subsequent felony, and to the  
2           Department of Corrections upon conviction for any  
3           offense; and

4                   (v) in response to an inquiry for these records  
5           from anyone not authorized by law to access the  
6           records, the court, the Department, or the agency  
7           receiving the inquiry shall reply as it does in  
8           response to inquiries when no records ever  
9           existed.

10           (C) Upon entry of an order to seal records under  
11           subsection (c), the arresting agency, any other agency  
12           as ordered by the court, the Department, and the court  
13           shall seal the records (as defined in subsection  
14           (a) (1) (K)). In response to an inquiry for such records  
15           from anyone not authorized by law to access such  
16           records, the court, the Department, or the agency  
17           receiving such inquiry shall reply as it does in  
18           response to inquiries when no records ever existed.

19           (D) The Department shall send written notice to the  
20           petitioner of its compliance with each order to expunge  
21           or seal records within 60 days of the date of service  
22           of that order or, if a motion to vacate, modify, or  
23           reconsider is filed, within 60 days of service of the  
24           order resolving the motion, if that order requires the  
25           Department to expunge or seal records. In the event of  
26           an appeal from the circuit court order, the Department

1 shall send written notice to the petitioner of its  
2 compliance with an Appellate Court or Supreme Court  
3 judgment to expunge or seal records within 60 days of  
4 the issuance of the court's mandate. The notice is not  
5 required while any motion to vacate, modify, or  
6 reconsider, or any appeal or petition for  
7 discretionary appellate review, is pending.

8 (10) Fees. The Department may charge the petitioner a  
9 fee equivalent to the cost of processing any order to  
10 expunge or seal records. Notwithstanding any provision of  
11 the Clerks of Courts Act to the contrary, the circuit court  
12 clerk may charge a fee equivalent to the cost associated  
13 with the sealing or expungement of records by the circuit  
14 court clerk. From the total filing fee collected for the  
15 petition to seal or expunge, the circuit court clerk shall  
16 deposit \$10 into the Circuit Court Clerk Operation and  
17 Administrative Fund, to be used to offset the costs  
18 incurred by the circuit court clerk in performing the  
19 additional duties required to serve the petition to seal or  
20 expunge on all parties. The circuit court clerk shall  
21 collect and forward the Department of State Police portion  
22 of the fee to the Department and it shall be deposited in  
23 the State Police Services Fund.

24 (11) Final Order. No court order issued under the  
25 expungement or sealing provisions of this Section shall  
26 become final for purposes of appeal until 30 days after

1 service of the order on the petitioner and all parties  
2 entitled to notice of the petition.

3 (12) Motion to Vacate, Modify, or Reconsider. Under  
4 Section 2-1203 of the Code of Civil Procedure, the  
5 petitioner or any party entitled to notice may file a  
6 motion to vacate, modify, or reconsider the order granting  
7 or denying the petition to expunge or seal within 60 days  
8 of service of the order. If filed more than 60 days after  
9 service of the order, a petition to vacate, modify, or  
10 reconsider shall comply with subsection (c) of Section  
11 2-1401 of the Code of Civil Procedure. Upon filing of a  
12 motion to vacate, modify, or reconsider, notice of the  
13 motion shall be served upon the petitioner and all parties  
14 entitled to notice of the petition.

15 (13) Effect of Order. An order granting a petition  
16 under the expungement or sealing provisions of this Section  
17 shall not be considered void because it fails to comply  
18 with the provisions of this Section or because of any error  
19 asserted in a motion to vacate, modify, or reconsider. The  
20 circuit court retains jurisdiction to determine whether  
21 the order is voidable and to vacate, modify, or reconsider  
22 its terms based on a motion filed under paragraph (12) of  
23 this subsection (d).

24 (14) Compliance with Order Granting Petition to Seal  
25 Records. Unless a court has entered a stay of an order  
26 granting a petition to seal, all parties entitled to notice

1 of the petition must fully comply with the terms of the  
2 order within 60 days of service of the order even if a  
3 party is seeking relief from the order through a motion  
4 filed under paragraph (12) of this subsection (d) or is  
5 appealing the order.

6 (15) Compliance with Order Granting Petition to  
7 Expunge Records. While a party is seeking relief from the  
8 order granting the petition to expunge through a motion  
9 filed under paragraph (12) of this subsection (d) or is  
10 appealing the order, and unless a court has entered a stay  
11 of that order, the parties entitled to notice of the  
12 petition must seal, but need not expunge, the records until  
13 there is a final order on the motion for relief or, in the  
14 case of an appeal, the issuance of that court's mandate.

15 (16) The changes to this subsection (d) made by Public  
16 Act 98-163 ~~this amendatory Act of the 98th General Assembly~~  
17 apply to all petitions pending on August 5, 2013 (the  
18 effective date of Public Act 98-163) ~~this amendatory Act of~~  
19 ~~the 98th General Assembly~~ and to all orders ruling on a  
20 petition to expunge or seal on or after August 5, 2013 (the  
21 effective date of Public Act 98-163) ~~this amendatory Act of~~  
22 ~~the 98th General Assembly~~.

23 (e) Whenever a person who has been convicted of an offense  
24 is granted a pardon by the Governor which specifically  
25 authorizes expungement, he or she may, upon verified petition  
26 to the Chief Judge of the circuit where the person had been

1 convicted, any judge of the circuit designated by the Chief  
2 Judge, or in counties of less than 3,000,000 inhabitants, the  
3 presiding trial judge at the defendant's trial, have a court  
4 order entered expunging the record of arrest from the official  
5 records of the arresting authority and order that the records  
6 of the circuit court clerk and the Department be sealed until  
7 further order of the court upon good cause shown or as  
8 otherwise provided herein, and the name of the defendant  
9 obliterated from the official index requested to be kept by the  
10 circuit court clerk under Section 16 of the Clerks of Courts  
11 Act in connection with the arrest and conviction for the  
12 offense for which he or she had been pardoned but the order  
13 shall not affect any index issued by the circuit court clerk  
14 before the entry of the order. All records sealed by the  
15 Department may be disseminated by the Department only to the  
16 arresting authority, the State's Attorney, and the court upon a  
17 later arrest for the same or similar offense or for the purpose  
18 of sentencing for any subsequent felony. Upon conviction for  
19 any subsequent offense, the Department of Corrections shall  
20 have access to all sealed records of the Department pertaining  
21 to that individual. Upon entry of the order of expungement, the  
22 circuit court clerk shall promptly mail a copy of the order to  
23 the person who was pardoned.

24 (e-5) Whenever a person who has been convicted of an  
25 offense is granted a certificate of eligibility for sealing by  
26 the Prisoner Review Board which specifically authorizes

1 sealing, he or she may, upon verified petition to the Chief  
2 Judge of the circuit where the person had been convicted, any  
3 judge of the circuit designated by the Chief Judge, or in  
4 counties of less than 3,000,000 inhabitants, the presiding  
5 trial judge at the petitioner's trial, have a court order  
6 entered sealing the record of arrest from the official records  
7 of the arresting authority and order that the records of the  
8 circuit court clerk and the Department be sealed until further  
9 order of the court upon good cause shown or as otherwise  
10 provided herein, and the name of the petitioner obliterated  
11 from the official index requested to be kept by the circuit  
12 court clerk under Section 16 of the Clerks of Courts Act in  
13 connection with the arrest and conviction for the offense for  
14 which he or she had been granted the certificate but the order  
15 shall not affect any index issued by the circuit court clerk  
16 before the entry of the order. All records sealed by the  
17 Department may be disseminated by the Department only as  
18 required by this Act or to the arresting authority, a law  
19 enforcement agency, the State's Attorney, and the court upon a  
20 later arrest for the same or similar offense or for the purpose  
21 of sentencing for any subsequent felony. Upon conviction for  
22 any subsequent offense, the Department of Corrections shall  
23 have access to all sealed records of the Department pertaining  
24 to that individual. Upon entry of the order of sealing, the  
25 circuit court clerk shall promptly mail a copy of the order to  
26 the person who was granted the certificate of eligibility for

1 sealing.

2 (e-6) Whenever a person who has been convicted of an  
3 offense is granted a certificate of eligibility for expungement  
4 by the Prisoner Review Board which specifically authorizes  
5 expungement, he or she may, upon verified petition to the Chief  
6 Judge of the circuit where the person had been convicted, any  
7 judge of the circuit designated by the Chief Judge, or in  
8 counties of less than 3,000,000 inhabitants, the presiding  
9 trial judge at the petitioner's trial, have a court order  
10 entered expunging the record of arrest from the official  
11 records of the arresting authority and order that the records  
12 of the circuit court clerk and the Department be sealed until  
13 further order of the court upon good cause shown or as  
14 otherwise provided herein, and the name of the petitioner  
15 obliterated from the official index requested to be kept by the  
16 circuit court clerk under Section 16 of the Clerks of Courts  
17 Act in connection with the arrest and conviction for the  
18 offense for which he or she had been granted the certificate  
19 but the order shall not affect any index issued by the circuit  
20 court clerk before the entry of the order. All records sealed  
21 by the Department may be disseminated by the Department only as  
22 required by this Act or to the arresting authority, a law  
23 enforcement agency, the State's Attorney, and the court upon a  
24 later arrest for the same or similar offense or for the purpose  
25 of sentencing for any subsequent felony. Upon conviction for  
26 any subsequent offense, the Department of Corrections shall

1 have access to all expunged records of the Department  
2 pertaining to that individual. Upon entry of the order of  
3 expungement, the circuit court clerk shall promptly mail a copy  
4 of the order to the person who was granted the certificate of  
5 eligibility for expungement.

6 (f) Subject to available funding, the Illinois Department  
7 of Corrections shall conduct a study of the impact of sealing,  
8 especially on employment and recidivism rates, utilizing a  
9 random sample of those who apply for the sealing of their  
10 criminal records under Public Act 93-211. At the request of the  
11 Illinois Department of Corrections, records of the Illinois  
12 Department of Employment Security shall be utilized as  
13 appropriate to assist in the study. The study shall not  
14 disclose any data in a manner that would allow the  
15 identification of any particular individual or employing unit.  
16 The study shall be made available to the General Assembly no  
17 later than September 1, 2010.

18 (Source: P.A. 97-443, eff. 8-19-11; 97-698, eff. 1-1-13;  
19 97-1026, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.  
20 1-1-13; 97-1118, eff. 1-1-13; 97-1120, eff. 1-1-13; 97-1150,  
21 eff. 1-25-13; 98-133, eff. 1-1-14; 98-142, eff. 1-1-14; 98-163,  
22 eff. 8-5-13; 98-164, eff. 1-1-14; 98-399, eff. 8-16-13; revised  
23 9-4-13.)

24 Section 110. The Governor's Office of Management and Budget  
25 Act is amended by changing Section 2.7 as follows:



1 (20 ILCS 3005/2.7)

2 Sec. 2.7. Securities information. To assist those entities  
3 underwriting securities that are payable from State  
4 appropriations, whether issued by the State or by others, by  
5 providing financial and other information regarding the State  
6 to securities investors, nationally recognized securities  
7 information repositories, or the federal Municipal Securities  
8 Rulemaking Board, and to any State information depository as  
9 required by the federal Securities ~~and~~ Exchange Act of 1934 and  
10 the rules promulgated thereunder. The Governor's Office of  
11 Management and Budget is the only State office authorized to  
12 provide such information.

13 (Source: P.A. 93-25, eff. 6-20-03; revised 9-4-13.)

14 Section 115. The Capital Development Board Act is amended  
15 by changing Section 14 as follows:

16 (20 ILCS 3105/14) (from Ch. 127, par. 783.01)

17 Sec. 14. (a) It is the purpose of this Act to provide for  
18 the promotion and preservation of the arts by securing suitable  
19 works of art for the adornment of public buildings constructed  
20 or subjected to major renovation by the State or which utilize  
21 State funds, and thereby reflecting the diverse cultural  
22 heritage of Illinois, with emphasis on the works of Illinois  
23 artists.

1 (b) As used in this Act, "works"~~"Works"~~ of art" shall apply  
2 to and include paintings, prints, sculptures, graphics, mural  
3 decorations, stained glass, statues, bas reliefs, ornaments,  
4 fountains, ornamental gateways, or other creative works which  
5 reflect form, beauty and aesthetic perceptions.

6 (c) Beginning with the fiscal year ending June 30, 1979,  
7 and for each succeeding fiscal year thereafter, for  
8 construction projects managed by the Capital Development  
9 Board, the Capital Development Board shall set aside 1/2 of 1  
10 percent of the amount authorized and appropriated for  
11 construction or reconstruction of each public building  
12 financed in whole or in part by State funds and generally  
13 accessible to and used by the public for purchase and placement  
14 of suitable works of art in such public buildings. The location  
15 and character of the work or works of art to be installed in  
16 such public buildings shall be determined by the Chairperson of  
17 the Illinois Arts Council, in consultation with the designing  
18 architect. The work or works of art shall be in a permanent and  
19 prominent location.➤

20 (d) There is created a Fine Arts Review Committee  
21 consisting of the designing architect, the Chairperson of the  
22 Illinois Arts Council or his or her designee, who shall serve  
23 as the chair of the Committee, the Director of the Illinois  
24 State Museum or his or her designee, and a representative of  
25 the using agency. The Committee, after such study as it deems  
26 necessary, shall recommend three artists or works of art in

1 order of preference. The Chairperson of the Illinois Arts  
2 Council will make the final selection from among the  
3 recommendations submitted. The Illinois Arts Council shall  
4 provide administrative support for the Fine Arts Review  
5 Committee and may promulgate rules to implement this  
6 subsection.

7 (e) Subsection (c) does not apply to construction projects  
8 for which the amount appropriated is less than \$1,000,000.

9 (f) The Capital Development Board shall enter into a  
10 contract with the artist, or with the owner of the work or  
11 works of art, selected by the Chairperson of the Illinois Arts  
12 Council as provided in subsection (d) of this Section. The  
13 total amount of the contract or contracts shall not exceed the  
14 amount set aside pursuant to subsection (c) of this Section. If  
15 the Capital Development Board cannot reach an agreement with  
16 the artist or owner of the work or works of art, then the Board  
17 shall notify the Chairperson of the Illinois Arts Council, and  
18 the Chairperson may select a different artist or work or works  
19 of art from the three recommendations made by the Fine Arts  
20 Review Committee.

21 (Source: P.A. 98-572, eff. 1-1-14; revised 11-12-13.)

22 Section 120. The Illinois Emergency Management Agency Act  
23 is amended by changing Section 21 as follows:

24 (20 ILCS 3305/21) (from Ch. 127, par. 1071)

1           Sec. 21. No Private Liability.

2           (a) Any person owning or controlling real estate or other  
3 premises who voluntarily and without compensation grants a  
4 license or privilege, or otherwise permits the designation or  
5 use of the whole or any part or parts of such real estate or  
6 premises for the purpose of sheltering persons during an actual  
7 or impending disaster, or an ~~a~~ exercise together with his or  
8 her successors in interest, if any, shall not be civilly liable  
9 for negligently causing the death of, or injury to, any person  
10 on or about such real estate or premises under such license,  
11 privilege or other permission, or for negligently causing loss  
12 of, or damage to, the property of such person.

13           (b) Any private person, firm or corporation and employees  
14 and agents of such person, firm or corporation in the  
15 performance of a contract with, and under the direction of, the  
16 State, or any political subdivision of the State under the  
17 provisions of this Act shall not be civilly liable for causing  
18 the death of, or injury to, any person or damage to any  
19 property except in the event of willful misconduct.

20           (c) Any private person, firm or corporation, and any  
21 employee or agent of such person, firm or corporation, who  
22 renders assistance or advice at the request of the State, or  
23 any political subdivision of the State under this Act during an  
24 actual or impending disaster, shall not be civilly liable for  
25 causing the death of, or injury to, any person or damage to any  
26 property except in the event of willful misconduct.

1           The immunities provided in this subsection (c) shall not  
2 apply to any private person, firm or corporation, or to any  
3 employee or agent of such person, firm or corporation whose act  
4 or omission caused in whole or in part such actual or impending  
5 disaster and who would otherwise be liable therefor.

6           (Source: P.A. 92-73, eff. 1-1-02; revised 10-7-13.)

7           Section 125. The Illinois Finance Authority Act is amended  
8 by changing Section 801-10 as follows:

9           (20 ILCS 3501/801-10)

10          Sec. 801-10. Definitions. The following terms, whenever  
11 used or referred to in this Act, shall have the following  
12 meanings, except in such instances where the context may  
13 clearly indicate otherwise:

14          (a) The term "Authority" means the Illinois Finance  
15 Authority created by this Act.

16          (b) The term "project" means an industrial project,  
17 conservation project, housing project, public purpose project,  
18 higher education project, health facility project, cultural  
19 institution project, municipal bond program project,  
20 agricultural facility or agribusiness, and "project" may  
21 include any combination of one or more of the foregoing  
22 undertaken jointly by any person with one or more other  
23 persons.

24          (c) The term "public purpose project" means any project or

1 facility, including without limitation land, buildings,  
2 structures, machinery, equipment and all other real and  
3 personal property, which is authorized or required by law to be  
4 acquired, constructed, improved, rehabilitated, reconstructed,  
5 replaced or maintained by any unit of government or any other  
6 lawful public purpose which is authorized or required by law to  
7 be undertaken by any unit of government.

8 (d) The term "industrial project" means the acquisition,  
9 construction, refurbishment, creation, development or  
10 redevelopment of any facility, equipment, machinery, real  
11 property or personal property for use by any instrumentality of  
12 the State or its political subdivisions, for use by any person  
13 or institution, public or private, for profit or not for  
14 profit, or for use in any trade or business, including, but not  
15 limited to, any industrial, manufacturing or commercial  
16 enterprise that is located within or outside the State,  
17 provided that, with respect to a project involving property  
18 located outside the State, the property must be owned,  
19 operated, leased or managed by an entity located within the  
20 State or an entity affiliated with an entity located within the  
21 State, and which is (1) a capital project, including, but not  
22 limited to: (i) land and any rights therein, one or more  
23 buildings, structures or other improvements, machinery and  
24 equipment, whether now existing or hereafter acquired, and  
25 whether or not located on the same site or sites; (ii) all  
26 appurtenances and facilities incidental to the foregoing,

1 including, but not limited to, utilities, access roads,  
2 railroad sidings, track, docking and similar facilities,  
3 parking facilities, dockage, wharfage, railroad roadbed,  
4 track, trestle, depot, terminal, switching and signaling or  
5 related equipment, site preparation and landscaping; and (iii)  
6 all non-capital costs and expenses relating thereto or (2) any  
7 addition to, renovation, rehabilitation or improvement of a  
8 capital project or (3) any activity or undertaking within or  
9 outside the State, provided that, with respect to a project  
10 involving property located outside the State, the property must  
11 be owned, operated, leased or managed by an entity located  
12 within the State or an entity affiliated with an entity located  
13 within the State, which the Authority determines will aid,  
14 assist or encourage economic growth, development or  
15 redevelopment within the State or any area thereof, will  
16 promote the expansion, retention or diversification of  
17 employment opportunities within the State or any area thereof  
18 or will aid in stabilizing or developing any industry or  
19 economic sector of the State economy. The term "industrial  
20 project" also means the production of motion pictures.

21 (e) The term "bond" or "bonds" shall include bonds, notes  
22 (including bond, grant or revenue anticipation notes),  
23 certificates and/or other evidences of indebtedness  
24 representing an obligation to pay money, including refunding  
25 bonds.

26 (f) The terms "lease agreement" and "loan agreement" shall

1 mean: (i) an agreement whereby a project acquired by the  
2 Authority by purchase, gift or lease is leased to any person,  
3 corporation or unit of local government which will use or cause  
4 the project to be used as a project as heretofore defined upon  
5 terms providing for lease rental payments at least sufficient  
6 to pay when due all principal of, interest and premium, if any,  
7 on any bonds of the Authority issued with respect to such  
8 project, providing for the maintenance, insuring and operation  
9 of the project on terms satisfactory to the Authority,  
10 providing for disposition of the project upon termination of  
11 the lease term, including purchase options or abandonment of  
12 the premises, and such other terms as may be deemed desirable  
13 by the Authority, or (ii) any agreement pursuant to which the  
14 Authority agrees to loan the proceeds of its bonds issued with  
15 respect to a project or other funds of the Authority to any  
16 person which will use or cause the project to be used as a  
17 project as heretofore defined upon terms providing for loan  
18 repayment installments at least sufficient to pay when due all  
19 principal of, interest and premium, if any, on any bonds of the  
20 Authority, if any, issued with respect to the project, and  
21 providing for maintenance, insurance and other matters as may  
22 be deemed desirable by the Authority.

23 (g) The term "financial aid" means the expenditure of  
24 Authority funds or funds provided by the Authority through the  
25 issuance of its bonds, notes or other evidences of indebtedness  
26 or from other sources for the development, construction,



1 acquisition or improvement of a project.

2 (h) The term "person" means an individual, corporation,  
3 unit of government, business trust, estate, trust, partnership  
4 or association, 2 or more persons having a joint or common  
5 interest, or any other legal entity.

6 (i) The term "unit of government" means the federal  
7 government, the State or unit of local government, a school  
8 district, or any agency or instrumentality, office, officer,  
9 department, division, bureau, commission, college or  
10 university thereof.

11 (j) The term "health facility" means: (a) any public or  
12 private institution, place, building, or agency required to be  
13 licensed under the Hospital Licensing Act; (b) any public or  
14 private institution, place, building, or agency required to be  
15 licensed under the Nursing Home Care Act, the Specialized  
16 Mental Health Rehabilitation Act of 2013, or the ID/DD  
17 Community Care Act; (c) any public or licensed private hospital  
18 as defined in the Mental Health and Developmental Disabilities  
19 Code; (d) any such facility exempted from such licensure when  
20 the Director of Public Health attests that such exempted  
21 facility meets the statutory definition of a facility subject  
22 to licensure; (e) any other public or private health service  
23 institution, place, building, or agency which the Director of  
24 Public Health attests is subject to certification by the  
25 Secretary, U.S. Department of Health and Human Services under  
26 the Social Security Act, as now or hereafter amended, or which

1 the Director of Public Health attests is subject to  
2 standard-setting by a recognized public or voluntary  
3 accrediting or standard-setting agency; (f) any public or  
4 private institution, place, building or agency engaged in  
5 providing one or more supporting services to a health facility;  
6 (g) any public or private institution, place, building or  
7 agency engaged in providing training in the healing arts,  
8 including, but not limited to, schools of medicine, dentistry,  
9 osteopathy, optometry, podiatry, pharmacy or nursing, schools  
10 for the training of x-ray, laboratory or other health care  
11 technicians and schools for the training of para-professionals  
12 in the health care field; (h) any public or private congregate,  
13 life or extended care or elderly housing facility or any public  
14 or private home for the aged or infirm, including, without  
15 limitation, any Facility as defined in the Life Care Facilities  
16 Act; (i) any public or private mental, emotional or physical  
17 rehabilitation facility or any public or private educational,  
18 counseling, or rehabilitation facility or home, for those  
19 persons with a developmental disability, those who are  
20 physically ill or disabled, the emotionally disturbed, those  
21 persons with a mental illness or persons with learning or  
22 similar disabilities or problems; (j) any public or private  
23 alcohol, drug or substance abuse diagnosis, counseling  
24 treatment or rehabilitation facility, (k) any public or private  
25 institution, place, building or agency licensed by the  
26 Department of Children and Family Services or which is not so

1 licensed but which the Director of Children and Family Services  
2 attests provides child care, child welfare or other services of  
3 the type provided by facilities subject to such licensure; (l)  
4 any public or private adoption agency or facility; and (m) any  
5 public or private blood bank or blood center. "Health facility"  
6 also means a public or private structure or structures suitable  
7 primarily for use as a laboratory, laundry, nurses or interns  
8 residence or other housing or hotel facility used in whole or  
9 in part for staff, employees or students and their families,  
10 patients or relatives of patients admitted for treatment or  
11 care in a health facility, or persons conducting business with  
12 a health facility, physician's facility, surgicenter,  
13 administration building, research facility, maintenance,  
14 storage or utility facility and all structures or facilities  
15 related to any of the foregoing or required or useful for the  
16 operation of a health facility, including parking or other  
17 facilities or other supporting service structures required or  
18 useful for the orderly conduct of such health facility. "Health  
19 facility" also means, with respect to a project located outside  
20 the State, any public or private institution, place, building,  
21 or agency which provides services similar to those described  
22 above, provided that such project is owned, operated, leased or  
23 managed by a participating health institution located within  
24 the State, or a participating health institution affiliated  
25 with an entity located within the State.

26 (k) The term "participating health institution" means (i) a

1 private corporation or association or (ii) a public entity of  
2 this State, in either case authorized by the laws of this State  
3 or the applicable state to provide or operate a health facility  
4 as defined in this Act and which, pursuant to the provisions of  
5 this Act, undertakes the financing, construction or  
6 acquisition of a project or undertakes the refunding or  
7 refinancing of obligations, loans, indebtedness or advances as  
8 provided in this Act.

9 (l) The term "health facility project", means a specific  
10 health facility work or improvement to be financed or  
11 refinanced (including without limitation through reimbursement  
12 of prior expenditures), acquired, constructed, enlarged,  
13 remodeled, renovated, improved, furnished, or equipped, with  
14 funds provided in whole or in part hereunder, any accounts  
15 receivable, working capital, liability or insurance cost or  
16 operating expense financing or refinancing program of a health  
17 facility with or involving funds provided in whole or in part  
18 hereunder, or any combination thereof.

19 (m) The term "bond resolution" means the resolution or  
20 resolutions authorizing the issuance of, or providing terms and  
21 conditions related to, bonds issued under this Act and  
22 includes, where appropriate, any trust agreement, trust  
23 indenture, indenture of mortgage or deed of trust providing  
24 terms and conditions for such bonds.

25 (n) The term "property" means any real, personal or mixed  
26 property, whether tangible or intangible, or any interest

1     therein, including, without limitation, any real estate,  
2     leasehold interests, appurtenances, buildings, easements,  
3     equipment, furnishings, furniture, improvements, machinery,  
4     rights of way, structures, accounts, contract rights or any  
5     interest therein.

6           (o) The term "revenues" means, with respect to any project,  
7     the rents, fees, charges, interest, principal repayments,  
8     collections and other income or profit derived therefrom.

9           (p) The term "higher education project" means, in the case  
10    of a private institution of higher education, an educational  
11    facility to be acquired, constructed, enlarged, remodeled,  
12    renovated, improved, furnished, or equipped, or any  
13    combination thereof.

14          (q) The term "cultural institution project" means, in the  
15    case of a cultural institution, a cultural facility to be  
16    acquired, constructed, enlarged, remodeled, renovated,  
17    improved, furnished, or equipped, or any combination thereof.

18          (r) The term "educational facility" means any property  
19    located within the State, or any property located outside the  
20    State, provided that, if the property is located outside the  
21    State, it must be owned, operated, leased or managed by an  
22    entity located within the State or an entity affiliated with an  
23    entity located within the State, in each case constructed or  
24    acquired before or after the effective date of this Act, which  
25    is or will be, in whole or in part, suitable for the  
26    instruction, feeding, recreation or housing of students, the

1 conducting of research or other work of a private institution  
2 of higher education, the use by a private institution of higher  
3 education in connection with any educational, research or  
4 related or incidental activities then being or to be conducted  
5 by it, or any combination of the foregoing, including, without  
6 limitation, any such property suitable for use as or in  
7 connection with any one or more of the following: an academic  
8 facility, administrative facility, agricultural facility,  
9 assembly hall, athletic facility, auditorium, boating  
10 facility, campus, communication facility, computer facility,  
11 continuing education facility, classroom, dining hall,  
12 dormitory, exhibition hall, fire fighting facility, fire  
13 prevention facility, food service and preparation facility,  
14 gymnasium, greenhouse, health care facility, hospital,  
15 housing, instructional facility, laboratory, library,  
16 maintenance facility, medical facility, museum, offices,  
17 parking area, physical education facility, recreational  
18 facility, research facility, stadium, storage facility,  
19 student union, study facility, theatre or utility.

20 (s) The term "cultural facility" means any property located  
21 within the State, or any property located outside the State,  
22 provided that, if the property is located outside the State, it  
23 must be owned, operated, leased or managed by an entity located  
24 within the State or an entity affiliated with an entity located  
25 within the State, in each case constructed or acquired before  
26 or after the effective date of this Act, which is or will be,

1 in whole or in part, suitable for the particular purposes or  
2 needs of a cultural institution, including, without  
3 limitation, any such property suitable for use as or in  
4 connection with any one or more of the following: an  
5 administrative facility, aquarium, assembly hall, auditorium,  
6 botanical garden, exhibition hall, gallery, greenhouse,  
7 library, museum, scientific laboratory, theater or zoological  
8 facility, and shall also include, without limitation, books,  
9 works of art or music, animal, plant or aquatic life or other  
10 items for display, exhibition or performance. The term  
11 "cultural facility" includes buildings on the National  
12 Register of Historic Places which are owned or operated by  
13 nonprofit entities.

14 (t) "Private institution of higher education" means a  
15 not-for-profit educational institution which is not owned by  
16 the State or any political subdivision, agency,  
17 instrumentality, district or municipality thereof, which is  
18 authorized by law to provide a program of education beyond the  
19 high school level and which:

20 (1) Admits as regular students only individuals having  
21 a certificate of graduation from a high school, or the  
22 recognized equivalent of such a certificate;

23 (2) Provides an educational program for which it awards  
24 a bachelor's degree, or provides an educational program,  
25 admission into which is conditioned upon the prior  
26 attainment of a bachelor's degree or its equivalent, for

1 which it awards a postgraduate degree, or provides not less  
2 than a 2-year program which is acceptable for full credit  
3 toward such a degree, or offers a 2-year program in  
4 engineering, mathematics, or the physical or biological  
5 sciences which is designed to prepare the student to work  
6 as a technician and at a semiprofessional level in  
7 engineering, scientific, or other technological fields  
8 which require the understanding and application of basic  
9 engineering, scientific, or mathematical principles or  
10 knowledge;

11 (3) Is accredited by a nationally recognized  
12 accrediting agency or association or, if not so accredited,  
13 is an institution whose credits are accepted, on transfer,  
14 by not less than 3 institutions which are so accredited,  
15 for credit on the same basis as if transferred from an  
16 institution so accredited, and holds an unrevoked  
17 certificate of approval under the Private College Act from  
18 the Board of Higher Education, or is qualified as a "degree  
19 granting institution" under the Academic Degree Act; and

20 (4) Does not discriminate in the admission of students  
21 on the basis of race or color. "Private institution of  
22 higher education" also includes any "academic  
23 institution".

24 (u) The term "academic institution" means any  
25 not-for-profit institution which is not owned by the State or  
26 any political subdivision, agency, instrumentality, district



1 or municipality thereof, which institution engages in, or  
2 facilitates academic, scientific, educational or professional  
3 research or learning in a field or fields of study taught at a  
4 private institution of higher education. Academic institutions  
5 include, without limitation, libraries, archives, academic,  
6 scientific, educational or professional societies,  
7 institutions, associations or foundations having such  
8 purposes.

9 (v) The term "cultural institution" means any  
10 not-for-profit institution which is not owned by the State or  
11 any political subdivision, agency, instrumentality, district  
12 or municipality thereof, which institution engages in the  
13 cultural, intellectual, scientific, educational or artistic  
14 enrichment of the people of the State. Cultural institutions  
15 include, without limitation, aquaria, botanical societies,  
16 historical societies, libraries, museums, performing arts  
17 associations or societies, scientific societies and zoological  
18 societies.

19 (w) The term "affiliate" means, with respect to financing  
20 of an agricultural facility or an agribusiness, any lender, any  
21 person, firm or corporation controlled by, or under common  
22 control with, such lender, and any person, firm or corporation  
23 controlling such lender.

24 (x) The term "agricultural facility" means land, any  
25 building or other improvement thereon or thereto, and any  
26 personal properties deemed necessary or suitable for use,

1 whether or not now in existence, in farming, ranching, the  
2 production of agricultural commodities (including, without  
3 limitation, the products of aquaculture, hydroponics and  
4 silviculture) or the treating, processing or storing of such  
5 agricultural commodities when such activities are customarily  
6 engaged in by farmers as a part of farming and which land,  
7 building, improvement or personal property is located within  
8 the State, or is located outside the State, provided~~7~~ that~~7~~ if  
9 such property is located outside the State, it must be owned,  
10 operated, leased, or managed by an entity located within the  
11 State or an entity affiliated with an entity located within the  
12 State.

13 (y) The term "lender" with respect to financing of an  
14 agricultural facility or an agribusiness, means any federal or  
15 State chartered bank, Federal Land Bank, Production Credit  
16 Association, Bank for Cooperatives, federal or State chartered  
17 savings and loan association or building and loan association,  
18 Small Business Investment Company or any other institution  
19 qualified within this State to originate and service loans,  
20 including, but without limitation to, insurance companies,  
21 credit unions and mortgage loan companies. "Lender" also means  
22 a wholly owned subsidiary of a manufacturer, seller or  
23 distributor of goods or services that makes loans to businesses  
24 or individuals, commonly known as a "captive finance company".

25 (z) The term "agribusiness" means any sole proprietorship,  
26 limited partnership, co-partnership, joint venture,

1 corporation or cooperative which operates or will operate a  
2 facility located within the State or outside the State,  
3 provided, that, if any facility is located outside the State,  
4 it must be owned, operated, leased, or managed by an entity  
5 located within the State or an entity affiliated with an entity  
6 located within the State, that is related to the processing of  
7 agricultural commodities (including, without limitation, the  
8 products of aquaculture, hydroponics and silviculture) or the  
9 manufacturing, production or construction of agricultural  
10 buildings, structures, equipment, implements, and supplies, or  
11 any other facilities or processes used in agricultural  
12 production. Agribusiness includes but is not limited to the  
13 following:

14 (1) grain handling and processing, including grain  
15 storage, drying, treatment, conditioning, mailing and  
16 packaging;

17 (2) seed and feed grain development and processing;

18 (3) fruit and vegetable processing, including  
19 preparation, canning and packaging;

20 (4) processing of livestock and livestock products,  
21 dairy products, poultry and poultry products, fish or  
22 apiarian products, including slaughter, shearing,  
23 collecting, preparation, canning and packaging;

24 (5) fertilizer and agricultural chemical  
25 manufacturing, processing, application and supplying;

26 (6) farm machinery, equipment and implement

1 manufacturing and supplying;

2 (7) manufacturing and supplying of agricultural  
3 commodity processing machinery and equipment, including  
4 machinery and equipment used in slaughter, treatment,  
5 handling, collecting, preparation, canning or packaging of  
6 agricultural commodities;

7 (8) farm building and farm structure manufacturing,  
8 construction and supplying;

9 (9) construction, manufacturing, implementation,  
10 supplying or servicing of irrigation, drainage and soil and  
11 water conservation devices or equipment;

12 (10) fuel processing and development facilities that  
13 produce fuel from agricultural commodities or byproducts;

14 (11) facilities and equipment for processing and  
15 packaging agricultural commodities specifically for  
16 export;

17 (12) facilities and equipment for forestry product  
18 processing and supplying, including sawmilling operations,  
19 wood chip operations, timber harvesting operations, and  
20 manufacturing of prefabricated buildings, paper, furniture  
21 or other goods from forestry products;

22 (13) facilities and equipment for research and  
23 development of products, processes and equipment for the  
24 production, processing, preparation or packaging of  
25 agricultural commodities and byproducts.

26 (aa) The term "asset" with respect to financing of any

1 agricultural facility or any agribusiness, means, but is not  
2 limited to the following: cash crops or feed on hand; livestock  
3 held for sale; breeding stock; marketable bonds and securities;  
4 securities not readily marketable; accounts receivable; notes  
5 receivable; cash invested in growing crops; net cash value of  
6 life insurance; machinery and equipment; cars and trucks; farm  
7 and other real estate including life estates and personal  
8 residence; value of beneficial interests in trusts; government  
9 payments or grants; and any other assets.

10 (bb) The term "liability" with respect to financing of any  
11 agricultural facility or any agribusiness shall include, but  
12 not be limited to the following: accounts payable; notes or  
13 other indebtedness owed to any source; taxes; rent; amounts  
14 owed on real estate contracts or real estate mortgages;  
15 judgments; accrued interest payable; and any other liability.

16 (cc) The term "Predecessor Authorities" means those  
17 authorities as described in Section 845-75.

18 (dd) The term "housing project" means a specific work or  
19 improvement located within the State or outside the State and  
20 undertaken to provide residential dwelling accommodations,  
21 including the acquisition, construction or rehabilitation of  
22 lands, buildings and community facilities and in connection  
23 therewith to provide nonhousing facilities which are part of  
24 the housing project, including land, buildings, improvements,  
25 equipment and all ancillary facilities for use for offices,  
26 stores, retirement homes, hotels, financial institutions,

1 service, health care, education, recreation or research  
2 establishments, or any other commercial purpose which are or  
3 are to be related to a housing development, provided that any  
4 work or improvement located outside the State is owned,  
5 operated, leased or managed by an entity located within the  
6 State, or any entity affiliated with an entity located within  
7 the State.

8 (ee) The term "conservation project" means any project  
9 including the acquisition, construction, rehabilitation,  
10 maintenance, operation, or upgrade that is intended to create  
11 or expand open space or to reduce energy usage through  
12 efficiency measures. For the purpose of this definition, "open  
13 space" has the definition set forth under Section 10 of the  
14 Illinois Open Land Trust Act.

15 (ff) The term "significant presence" means the existence  
16 within the State of the national or regional headquarters of an  
17 entity or group or such other facility of an entity or group of  
18 entities where a significant amount of the business functions  
19 are performed for such entity or group of entities.

20 (gg) The term "municipal bond issuer" means the State or  
21 any other state or commonwealth of the United States, or any  
22 unit of local government, school district, agency or  
23 instrumentality, office, department, division, bureau,  
24 commission, college or university thereof located in the State  
25 or any other state or commonwealth of the United States.

26 (hh) The term "municipal bond program project" means a

1 program for the funding of the purchase of bonds, notes or  
2 other obligations issued by or on behalf of a municipal bond  
3 issuer.

4 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,  
5 eff. 7-13-12; 98-90, eff. 7-15-13; 98-104, eff. 7-22-13;  
6 revised 8-9-13.)

7 Section 130. The Illinois Power Agency Act is amended by  
8 changing Sections 1-57 and 1-92 as follows:

9 (20 ILCS 3855/1-57)

10 Sec. 1-57. Facility financing.

11 (a) The Agency shall have the power (1) to borrow from the  
12 Authority, through one or more Agency loan agreements, the net  
13 proceeds of revenue bonds for costs incurred in connection with  
14 the development and construction of a facility, provided that  
15 the stated maturity date of any of those revenue bonds shall  
16 not exceed 40 years from their respective issuance dates, (2)  
17 to accept prepayments from purchasers of electric energy from a  
18 project and to apply the same to costs incurred in connection  
19 with the development and construction of a facility, subject to  
20 any obligation to refund the same under the circumstances  
21 specified in the purchasers' contract for the purchase and sale  
22 of electric energy from that project, (3) to enter into leases  
23 or similar arrangements to finance the property constituting a  
24 part of a project and associated costs incurred in connection

1 with the development and construction of a facility, provided  
2 that the term of any such lease or similar arrangement shall  
3 not exceed 40 years from its inception, and (4) to enter into  
4 agreements for the sale of revenue bonds that bear interest at  
5 a rate or rates not exceeding the maximum rate permitted by the  
6 Bond Authorization Act. All Agency loan agreements shall  
7 include terms making the obligations thereunder subject to  
8 redemption before maturity.

9 (b) The Agency may from time to time engage the services of  
10 the Authority, attorneys, appraisers, architects, engineers,  
11 accountants, credit analysts, bond underwriters, bond  
12 trustees, credit enhancement providers, and other financial  
13 professionals and consultants, if the Agency deems it  
14 advisable.

15 (c) The Agency may pledge, as security for the payment of  
16 its revenue bonds in respect of a project, (1) revenues derived  
17 from the operation of the project in part or whole, (2) the  
18 real and personal property, machinery, equipment, structures,  
19 fixtures, and inventories directly associated with the  
20 project, (3) grants or other revenues or taxes expected to be  
21 received by the Agency directly linked to the project, (4)  
22 payments to be made by another governmental unit or other  
23 entity pursuant to a service, user, or other similar agreement  
24 with that governmental unit or other entity that is a result of  
25 the project, (5) any other revenues or moneys deposited or to  
26 be deposited directly linked to the project, (6) all design,



1 engineering, procurement, construction, installation,  
2 management, and operation agreements associated with the  
3 project, (7) any reserve or debt service funds created under  
4 the agreements governing the indebtedness, (8) the Illinois  
5 Power Agency Facilities Fund or the Illinois Power Agency Debt  
6 Service Fund, or (9) any combination thereof. Any such pledge  
7 shall be authorized in a writing, signed by the Director of the  
8 Agency, and then signed by the Governor of Illinois. At no time  
9 shall the funds contained in the Illinois Power Agency Trust  
10 Fund be pledged or used in any way to pay for the indebtedness  
11 of the Agency. The Director shall not authorize the issuance or  
12 grant of any pledge until he or she has certified that any  
13 associated project is in full compliance with Sections 1-85 and  
14 1-86 of this Act. The certification shall be duly attached or  
15 referenced in the agreements reflecting the pledge. Any such  
16 pledge made by the Agency shall be valid and binding from the  
17 time the pledge is made. The revenues, property, or funds that  
18 are pledged and thereafter received by the Agency shall  
19 immediately be subject to the lien of the pledge without any  
20 physical delivery thereof or further act; and, subject only to  
21 the provisions of prior liens, the lien of the pledge shall be  
22 valid and binding as against all parties having claims of any  
23 kind in tort, contract, or otherwise against the Agency  
24 irrespective of whether the parties have notice thereof. All  
25 bonds issued on behalf of the Agency must be issued by the  
26 Authority and must be revenue bonds. These revenue bonds may be

1 taxable or tax-exempt.

2 (d) All indebtedness issued by or on behalf of the Agency,  
3 including, without limitation, any revenue bonds issued by the  
4 Authority on behalf of the Agency, shall not be a debt of the  
5 State, the Authority, any political subdivision thereof (other  
6 than the Agency to the extent provided in agreements governing  
7 the indebtedness), any local government, any governmental  
8 aggregator as defined in ~~the~~ this Act, or any local government,  
9 and none of the State, the Authority, any political subdivision  
10 thereof (other than the Agency to the extent provided in  
11 agreements governing the indebtedness), any local government,  
12 or any government aggregator shall be liable thereon. Neither  
13 the Authority nor the Agency shall have the power to pledge the  
14 credit, the revenues, or the taxing power of the State, any  
15 political subdivision thereof (other than the Agency), any  
16 governmental aggregator, or of any local government, and  
17 neither the credit, the revenues, nor the taxing power of the  
18 State, any political subdivision thereof (other than the  
19 Agency), any governmental aggregator, or any local government  
20 shall be, or shall be deemed to be, pledged to the payment of  
21 any revenue bonds, notes, or other obligations of the Agency.  
22 In addition, the agreements governing any issue of indebtedness  
23 shall provide that all holders of that indebtedness, by virtue  
24 of their acquisition thereof, have agreed to waive and release  
25 all claims and causes of action against the State of Illinois  
26 in respect of the indebtedness or any project associated

1 therewith based on any theory of law. However, the waiver shall  
2 not prohibit the holders of indebtedness issued on behalf of  
3 the Agency from filing any cause of action against or  
4 recovering damages from the Agency, recovering from any  
5 property or funds pledged to secure the indebtedness, or  
6 recovering from any property or funds to which the Agency holds  
7 title, provided the property or funds are directly associated  
8 with the project for which the indebtedness was specifically  
9 issued. Each evidence of indebtedness of the Agency, including  
10 the revenue bonds issued by the Authority on behalf of the  
11 Agency, shall contain a clear and explicit statement of the  
12 provisions of this Section.

13 (e) The Agency may from time to time enter into an  
14 agreement or agreements to defease indebtedness issued on its  
15 behalf or to refund, at maturity, at a redemption date or in  
16 advance of either, any indebtedness issued on its behalf or  
17 pursuant to redemption provisions or at any time before  
18 maturity. All such refunding indebtedness shall be subject to  
19 the requirements set forth in subsections (a), (c), and (d) of  
20 this Section. No revenue bonds issued to refund or advance  
21 refund revenue bonds issued under this Section may mature later  
22 than the longest maturity date of the series of bonds being  
23 refunded. After the aggregate original principal amount of  
24 revenue bonds authorized in this Section has been issued, the  
25 payment of any principal amount of those revenue bonds does not  
26 authorize the issuance of additional revenue bonds (except

1 refunding revenue bonds).

2 (f) If the Agency fails to pay the principal of, interest,  
3 or premium, if any, on any indebtedness as the same becomes  
4 due, a civil action to compel payment may be instituted in the  
5 appropriate circuit court by the holder or holders of the  
6 indebtedness on which the default of payment exists or by any  
7 administrative agent, collateral agent, or indenture trustee  
8 acting on behalf of those holders. Delivery of a summons and a  
9 copy of the complaint to the Director of the Agency shall  
10 constitute sufficient service to give the circuit court  
11 jurisdiction over the subject matter of the suit and  
12 jurisdiction over the Agency and its officers named as  
13 defendants for the purpose of compelling that payment. Any  
14 case, controversy, or cause of action concerning the validity  
15 of this Act shall relate to the revenue of the Agency. Any such  
16 claims and related proceedings are subject in all respects to  
17 the provisions of subsection (d) of this Section. The State of  
18 Illinois shall not be liable or in any other way financially  
19 responsible for any indebtedness issued by or on behalf of the  
20 Agency or the performance or non-performance of any covenants  
21 associated with any such indebtedness. The foregoing statement  
22 shall not prohibit the holders of any indebtedness issued on  
23 behalf of the Agency from filing any cause of action against or  
24 recovering damages from the Agency recovering from any property  
25 pledged to secure that indebtedness or recovering from any  
26 property or funds to which the Agency holds title provided such

1 property or funds are directly associated with the project for  
2 which the indebtedness is specifically issued.

3 (g) Upon each delivery of the revenue bonds authorized to  
4 be issued by the Authority under this Act, the Agency shall  
5 compute and certify to the State Comptroller the total amount  
6 of principal of and interest on the Agency loan agreement  
7 supporting the revenue bonds issued that will be payable in  
8 order to retire those revenue bonds and the amount of principal  
9 of and interest on the Agency loan agreement that will be  
10 payable on each payment date during the then current and each  
11 succeeding fiscal year. As soon as possible after the first day  
12 of each month, beginning on the date set forth in the Agency  
13 loan agreement where that date specifies when the Agency shall  
14 begin setting aside revenues and other moneys for repayment of  
15 the revenue bonds per the agreed to schedule, the Agency shall  
16 certify to the Comptroller and the Comptroller shall order  
17 transferred and the Treasurer shall transfer from the Illinois  
18 Power Agency Facilities Fund to the Illinois Power Agency Debt  
19 Service Fund for each month remaining in the State fiscal year  
20 a sum of money, appropriated for that purpose, equal to the  
21 result of the amount of principal of and interest on those  
22 revenue bonds payable on the next payment date divided by the  
23 number of full calendar months between the date of those  
24 revenue bonds, and the first such payment date, and thereafter  
25 divided by the number of months between each succeeding payment  
26 date after the first. The Comptroller is authorized and

1 directed to draw warrants on the State Treasurer from the  
2 Illinois Power Agency Facilities Fund and the Illinois Power  
3 Agency Debt Service Fund for the amount of all payments of  
4 principal and interest on the Agency loan agreement relating to  
5 the Authority revenue bonds issued under this Act. The State  
6 Treasurer or the State Comptroller shall deposit or cause to be  
7 deposited any amount of grants or other revenues expected to be  
8 received by the Agency that the Agency has pledged to the  
9 payment of revenue bonds directly into the Illinois Power  
10 Agency Debt Service Fund.

11 (Source: P.A. 95-481, eff. 8-28-07; revised 9-12-13.)

12 (20 ILCS 3855/1-92)

13 Sec. 1-92. Aggregation of electrical load by  
14 municipalities, townships, and counties.

15 (a) The corporate authorities of a municipality, township  
16 board, or county board of a county may adopt an ordinance under  
17 which it may aggregate in accordance with this Section  
18 residential and small commercial retail electrical loads  
19 located, respectively, within the municipality, the township,  
20 or the unincorporated areas of the county and, for that  
21 purpose, may solicit bids and enter into service agreements to  
22 facilitate for those loads the sale and purchase of electricity  
23 and related services and equipment.

24 The corporate authorities, township board, or county board  
25 may also exercise such authority jointly with any other

1 municipality, township, or county. Two or more municipalities,  
2 townships, or counties, or a combination of both, may initiate  
3 a process jointly to authorize aggregation by a majority vote  
4 of each particular municipality, township, or county as  
5 required by this Section.

6 If the corporate authorities, township board, or the county  
7 board seek to operate the aggregation program as an opt-out  
8 program for residential and small commercial retail customers,  
9 then prior to the adoption of an ordinance with respect to  
10 aggregation of residential and small commercial retail  
11 electric loads, the corporate authorities of a municipality,  
12 the township board, or the county board of a county shall  
13 submit a referendum to its residents to determine whether or  
14 not the aggregation program shall operate as an opt-out program  
15 for residential and small commercial retail customers. Any  
16 county board that seeks to submit such a referendum to its  
17 residents shall do so only in unincorporated areas of the  
18 county where no electric aggregation ordinance has been  
19 adopted.

20 In addition to the notice and conduct requirements of the  
21 general election law, notice of the referendum shall state  
22 briefly the purpose of the referendum. The question of whether  
23 the corporate authorities, the township board, or the county  
24 board shall adopt an opt-out aggregation program for  
25 residential and small commercial retail customers shall be  
26 submitted to the electors of the municipality, township board,

1 or county board at a regular election and approved by a  
2 majority of the electors voting on the question. The corporate  
3 authorities, township board, or county board must certify to  
4 the proper election authority, which must submit the question  
5 at an election in accordance with the Election Code.

6 The election authority must submit the question in  
7 substantially the following form:

8 Shall the (municipality, township, or county in which  
9 the question is being voted upon) have the authority to  
10 arrange for the supply of electricity for its residential  
11 and small commercial retail customers who have not opted  
12 out of such program?

13 The election authority must record the votes as "Yes" or "No".

14 If a majority of the electors voting on the question vote  
15 in the affirmative, then the corporate authorities, township  
16 board, or county board may implement an opt-out aggregation  
17 program for residential and small commercial retail customers.

18 A referendum must pass in each particular municipality,  
19 township, or county that is engaged in the aggregation program.  
20 If the referendum fails, then the corporate authorities,  
21 township board, or county board shall operate the aggregation  
22 program as an opt-in program for residential and small  
23 commercial retail customers.

24 An ordinance under this Section shall specify whether the  
25 aggregation will occur only with the prior consent of each  
26 person owning, occupying, controlling, or using an electric



1 load center proposed to be aggregated. Nothing in this Section,  
2 however, authorizes the aggregation of electric loads that are  
3 served or authorized to be served by an electric cooperative as  
4 defined by and pursuant to the Electric Supplier Act or loads  
5 served by a municipality that owns and operates its own  
6 electric distribution system. No aggregation shall take effect  
7 unless approved by a majority of the members of the corporate  
8 authority, township board, or county board voting upon the  
9 ordinance.

10 A governmental aggregator under this Section is not a  
11 public utility or an alternative retail electric supplier.

12 For purposes of this Section, "township" means the portion  
13 of a township that is an unincorporated portion of a county  
14 that is not otherwise a part of a municipality. In addition to  
15 such other limitations as are included in this Section, a  
16 township board shall only have authority to aggregate  
17 residential and small commercial customer loads in accordance  
18 with this Section if the county board of the county in which  
19 the township is located (i) is not also submitting a referendum  
20 to its residents at the same general election that the township  
21 board proposes to submit a referendum under this subsection  
22 (a), (ii) has not received authorization through passage of a  
23 referendum to operate an opt-out aggregation program for  
24 residential and small commercial retail customers under this  
25 subsection (a), and (iii) has not otherwise enacted an  
26 ordinance under this subsection (a) authorizing the operation

1 of an opt-in aggregation program for residential and small  
2 commercial retail customers as described in this Section.

3 (b) Upon the applicable requisite authority under this  
4 Section, the corporate authorities, the township board, or the  
5 county board, with assistance from the Illinois Power Agency,  
6 shall develop a plan of operation and governance for the  
7 aggregation program so authorized. Before adopting a plan under  
8 this Section, the corporate authorities, township board, or  
9 county board shall hold at least 2 public hearings on the plan.  
10 Before the first hearing, the corporate authorities, township  
11 board, or county board shall publish notice of the hearings  
12 once a week for 2 consecutive weeks in a newspaper of general  
13 circulation in the jurisdiction. The notice shall summarize the  
14 plan and state the date, time, and location of each hearing.  
15 Any load aggregation plan established pursuant to this Section  
16 shall:

17 (1) provide for universal access to all applicable  
18 residential customers and equitable treatment of  
19 applicable residential customers;

20 (2) describe demand management and energy efficiency  
21 services to be provided to each class of customers; and

22 (3) meet any requirements established by law  
23 concerning aggregated service offered pursuant to this  
24 Section.

25 (c) The process for soliciting bids for electricity and  
26 other related services and awarding proposed agreements for the

1 purchase of electricity and other related services shall be  
2 conducted in the following order:

3 (1) The corporate authorities, township board, or  
4 county board may solicit bids for electricity and other  
5 related services. The bid specifications may include a  
6 provision requiring the bidder to disclose the fuel type of  
7 electricity to be procured or generated on behalf of the  
8 aggregation program customers. The corporate authorities,  
9 township board, or county board may consider the proposed  
10 source of electricity to be procured or generated to be put  
11 into the grid on behalf of aggregation program customers in  
12 the competitive bidding process. The Agency and Commission  
13 may collaborate to issue joint guidance on voluntary  
14 uniform standards for bidder disclosures of the source of  
15 electricity to be procured or generated to be put into the  
16 grid on behalf of aggregation program customers.

17 (1.5) A township board shall request from the electric  
18 utility those residential and small commercial customers  
19 within their aggregate area either by zip code or zip codes  
20 or other means as determined by the electric utility. The  
21 electric utility shall then provide to the township board  
22 the residential and small commercial customers, including  
23 the names and addresses of residential and small commercial  
24 customers, electronically. The township board shall be  
25 responsible for authenticating the residential and small  
26 commercial customers contained in this listing and

1 providing edits of the data to affirm, add, or delete the  
2 residential and small commercial customers located within  
3 its jurisdiction. The township board shall provide the  
4 edited list to the electric utility in an electronic format  
5 or other means selected by the electric utility and certify  
6 that the information is accurate.

7 (2) Notwithstanding Section 16-122 of the Public  
8 Utilities Act and Section 2HH of the Consumer Fraud and  
9 Deceptive Business Practices Act, an electric utility that  
10 provides residential and small commercial retail electric  
11 service in the aggregate area must, upon request of the  
12 corporate authorities, township board, or the county board  
13 in the aggregate area, submit to the requesting party, in  
14 an electronic format, those account numbers, names, and  
15 addresses of residential and small commercial retail  
16 customers in the aggregate area that are reflected in the  
17 electric utility's records at the time of the request;  
18 provided, however, that any township board has first  
19 provided an accurate customer list to the electric utility  
20 as provided for herein.

21 Any corporate authority, township board, or county board  
22 receiving customer information from an electric utility shall  
23 be subject to the limitations on the disclosure of the  
24 information described in Section 16-122 of the Public Utilities  
25 Act and Section 2HH of the Consumer Fraud and Deceptive  
26 Business Practices Act, and an electric utility shall not be

1 held liable for any claims arising out of the provision of  
2 information pursuant to this item (2).

3 (d) If the corporate authorities, township board, or county  
4 board operate under an opt-in program for residential and small  
5 commercial retail customers, then the corporate authorities,  
6 township board, or county board shall comply with all of the  
7 following:

8 (1) Within 60 days after receiving the bids, the  
9 corporate authorities, township board, or county board  
10 shall allow residential and small commercial retail  
11 customers to commit to the terms and conditions of a bid  
12 that has been selected by the corporate authorities,  
13 township board, or county board.

14 (2) If (A) the corporate authorities, township board,  
15 or county board award proposed agreements for the purchase  
16 of electricity and other related services and (B) an  
17 agreement is reached between the corporate authorities,  
18 township board, or county board for those services, then  
19 customers committed to the terms and conditions according  
20 to item (1) of this subsection (d) shall be committed to  
21 the agreement.

22 (e) If the corporate authorities, township board, or county  
23 board operate as an opt-out program for residential and small  
24 commercial retail customers, then it shall be the duty of the  
25 aggregated entity to fully inform residential and small  
26 commercial retail customers in advance that they have the right

1 to opt out of the aggregation program. The disclosure shall  
2 prominently state all charges to be made and shall include full  
3 disclosure of the cost to obtain service pursuant to Section  
4 16-103 of the Public Utilities Act, how to access it, and the  
5 fact that it is available to them without penalty, if they are  
6 currently receiving service under that Section. The Illinois  
7 Power Agency shall furnish, without charge, to any citizen a  
8 list of all supply options available to them in a format that  
9 allows comparison of prices and products.

10 (f) Any person or entity retained by a municipality or  
11 county, or jointly by more than one such unit of local  
12 government, to provide input, guidance, or advice in the  
13 selection of an electricity supplier for an aggregation program  
14 shall disclose in writing to the involved units of local  
15 government the nature of any relationship through which the  
16 person or entity may receive, either directly or indirectly,  
17 commissions or other remuneration as a result of the selection  
18 of any particular electricity supplier. The written disclosure  
19 must be made prior to formal approval by the involved units of  
20 local government of any professional services agreement with  
21 the person or entity, or no later than October 1, 2012 with  
22 respect to any such professional services agreement entered  
23 into prior to the effective date of this amendatory Act of the  
24 97th General Assembly. The disclosure shall cover all direct  
25 and indirect relationships through which commissions or  
26 remuneration may result, including the pooling of commissions

1 or remuneration among multiple persons or entities, and shall  
2 identify all involved electricity suppliers. The disclosure  
3 requirements in this subsection (f) are to be liberally  
4 construed to ensure that the nature of financial interests are  
5 fully revealed, and these disclosure requirements shall apply  
6 regardless of whether the involved person or entity is licensed  
7 under Section 16-115C of the Public Utilities Act. Any person  
8 or entity that fails to make the disclosure required under this  
9 subsection (f) is liable to the involved units of local  
10 government in an amount equal to all compensation paid to such  
11 person or entity by the units of local government for the  
12 input, guidance, or advice in the selection of an electricity  
13 supplier, plus reasonable attorneys fees and court costs  
14 incurred by the units of local government in connection with  
15 obtaining such amount.

16 (g) The Illinois Power Agency shall provide assistance to  
17 municipalities, townships, counties, or associations working  
18 with municipalities to help complete the plan and bidding  
19 process.

20 (h) This Section does not prohibit municipalities or  
21 counties from entering into an intergovernmental agreement to  
22 aggregate residential and small commercial retail electric  
23 loads.

24 (Source: P.A. 97-338, eff. 8-12-11; 97-823, eff. 7-18-12;  
25 97-1067, eff. 8-24-12; 98-404, eff. 1-1-14; 98-434, eff.  
26 1-1-14; 98-463, eff. 8-16-13; revised 9-24-13.)

1           Section 135. The Addison Creek Restoration Commission Act  
2 is amended by changing Section 20 as follows:

3           (20 ILCS 3901/20)

4           (Section scheduled to be repealed on January 1, 2015)

5           Sec. 20. Taxing powers.

6           (a) After the first Monday in October and by the first  
7 Monday in December in each year, the Commission shall levy the  
8 general taxes for the Commission by general categories for the  
9 next fiscal year. A certified copy of the levy ordinance shall  
10 be filed with the county clerk of each county in which ~~the~~ that  
11 part of the territory of the Commission that is within the  
12 Addison Creek floodplain is located by the last Tuesday in  
13 December each year.

14           (b) The amount of taxes levied for general corporate  
15 purposes for a fiscal year may not exceed the rate of .01% of  
16 the value, as equalized or assessed by the Department of  
17 Revenue, of the taxable property located within that part of  
18 the territory of the Commission that is within the Addison  
19 Creek floodplain, provided that the total amount levied and  
20 extended under this Section and Section 17, in the aggregate,  
21 in any single taxable year, shall not exceed \$10,000,000.

22           (c) This tax and tax rate are exclusive of the taxes  
23 required for the payment of the principal of and interest on  
24 bonds.



1           (d) The rate of the tax levied for general corporate  
2 purposes of the Commission may be initially imposed or  
3 thereafter increased, up to the maximum rate identified in  
4 subsection (b), by the Commission by a resolution calling for  
5 the submission of the question of imposing or increasing the  
6 rate to the voters of that part of the territory of the  
7 Commission that is within the Addison Creek floodplain in  
8 accordance with the general election law. The question must be  
9 in substantially the following form:

10           Shall the Commission be authorized to establish its  
11 general corporate tax rate at (insert rate) on the  
12 equalized assessed value on all taxable property located  
13 within that part of the territory of the Commission that is  
14 within the Addison Creek floodplain for its general  
15 purposes?

16           The ballot must have printed on it, but not as part of the  
17 proposition submitted, the following: "The approximate impact  
18 of the proposed (tax rate or increase) on the owner of a single  
19 family home having a market value of (insert value) would be  
20 (insert amount) in the first year of the (tax rate or increase)  
21 if the (tax rate or increase) is fully implemented." The ballot  
22 may have printed on it, but not as part of the proposition, one  
23 or both of the following: "The last tax rate extended for the  
24 purposes of the Commission was (insert rate). The last rate  
25 increase approved for the purposes of the Commission was in  
26 (insert year)." No other information needs to be included on

1 the ballot.

2 The votes must be recorded as "Yes" or "No".

3 If a majority of the electors voting on the question vote  
4 in the affirmative, the Commission may thereafter levy the tax.  
5 (Source: P.A. 93-948, eff. 8-19-04; 94-682, eff. 11-3-05;  
6 revised 9-24-13.)

7 Section 140. The Illinois Criminal Justice Information Act  
8 is amended by changing Sections 3 and 14 as follows:

9 (20 ILCS 3930/3) (from Ch. 38, par. 210-3)

10 (Text of Section before amendment by P.A. 98-528)

11 Sec. 3. Definitions. Whenever used in this Act, and for the  
12 purposes of this Act unless the context clearly denotes  
13 otherwise:

14 (a) The term "criminal justice system" includes all  
15 activities by public agencies pertaining to the prevention or  
16 reduction of crime or enforcement of the criminal law, and  
17 particularly, but without limitation, the prevention,  
18 detection, and investigation of crime; the apprehension of  
19 offenders; the protection of victims and witnesses; the  
20 administration of juvenile justice; the prosecution and  
21 defense of criminal cases; the trial, conviction, and  
22 sentencing of offenders; as well as the correction and  
23 rehabilitation of offenders, which includes imprisonment,  
24 probation, parole, aftercare release, and treatment.

1           (b) The term "Authority" means the Illinois Criminal  
2 Justice Information Authority created by this Act.

3           (c) The term "criminal justice information" means any and  
4 every type of information that is collected, transmitted, or  
5 maintained by the criminal justice system.

6           (d) The term "criminal history record information" means  
7 data identifiable to an individual and consisting of  
8 descriptions or notations of arrests, detentions, indictments,  
9 informations, pre-trial proceedings, trials, or other formal  
10 events in the criminal justice system or descriptions or  
11 notations of criminal charges (including criminal violations  
12 of local municipal ordinances) and the nature of any  
13 disposition arising therefrom, including sentencing, court or  
14 correctional supervision, rehabilitation, and release. The  
15 term does not apply to statistical records and reports in which  
16 individuals are not identified and from which their identities  
17 are not ascertainable, or to information that is for criminal  
18 investigative or intelligence purposes.

19           (e) The term "unit of general local government" means any  
20 county, municipality or other general purpose political  
21 subdivision of this State.

22           (Source: P.A. 98-558, eff. 1-1-14.)

23           (Text of Section after amendment by P.A. 98-528)

24           Sec. 3. Definitions. Whenever used in this Act, and for the  
25 purposes of this Act unless the context clearly denotes

1 otherwise:

2 (a) The term "criminal justice system" includes all  
3 activities by public agencies pertaining to the prevention or  
4 reduction of crime or enforcement of the criminal law, and  
5 particularly, but without limitation, the prevention,  
6 detection, and investigation of crime; the apprehension of  
7 offenders; the protection of victims and witnesses; the  
8 administration of juvenile justice; the prosecution and  
9 defense of criminal cases; the trial, conviction, and  
10 sentencing of offenders; as well as the correction and  
11 rehabilitation of offenders, which includes imprisonment,  
12 probation, parole, aftercare release, and treatment.

13 (b) The term "Authority" means the Illinois Criminal  
14 Justice Information Authority created by this Act.

15 (c) The term "criminal justice information" means any and  
16 every type of information that is collected, transmitted, or  
17 maintained by the criminal justice system.

18 (d) The term "criminal history record information" means  
19 data identifiable to an individual, including information  
20 collected under Section 4.5 of the Criminal Identification Act,  
21 and consisting of descriptions or notations of arrests,  
22 detentions, indictments, informations, pre-trial proceedings,  
23 trials, or other formal events in the criminal justice system  
24 or descriptions or notations of criminal charges (including  
25 criminal violations of local municipal ordinances) and the  
26 nature of any disposition arising therefrom, including

1 sentencing, court or correctional supervision, rehabilitation,  
2 and release. The term does not apply to statistical records and  
3 reports in which individuals are not identified and from which  
4 their identities are not ascertainable, or to information that  
5 is for criminal investigative or intelligence purposes.

6 (e) The term "unit of general local government" means any  
7 county, municipality or other general purpose political  
8 subdivision of this State.

9 (Source: P.A. 98-528, eff. 1-1-15; 98-558, eff. 1-1-14; revised  
10 9-4-13.)

11 (20 ILCS 3930/14) (from Ch. 38, par. 210-14)

12 Sec. 14. Illinois Law Enforcement Commission. Effective  
13 April 1, 1983:

14 (a) The position of Executive Director of the Illinois Law  
15 Enforcement Commission is abolished;

16 (b) The Illinois Law Enforcement Commission is abolished,  
17 and the terms and appointments of its members and Chairman are  
18 terminated; and

19 ~~(Ch. 38, rep. pars. 209-1 through 209-16)~~

20 (c) "An Act creating an Illinois Law Enforcement Commission  
21 and defining its powers and duties", approved September 20,  
22 1977, as now or hereafter amended, is repealed.

23 (Source: P.A. 82-1039; revised 11-14-13.)

24 Section 145. The Violence Prevention Task Force Act is

1 amended by changing Section 5 as follows:

2 (20 ILCS 4028/5)

3 Sec. 5. Violence Prevention Task Force; members.

4 (a) There is created the Violence Prevention Task Force  
5 (hereinafter referred to as the Task Force) consisting of 6  
6 members appointed as follows:

7 (1) one member of the Senate appointed by the  
8 President of the Senate;

9 (2) one member of the Senate appointed by the  
10 Minority Leader of the Senate;

11 (3) one member of the House of Representatives  
12 appointed by the Speaker of the House of  
13 Representatives;

14 (4) one member of the House of Representatives  
15 appointed by the Minority Leader of the House of  
16 Representatives; and

17 (5) 2 members appointed by the Governor,    one of  
18 whom shall be designated the chairperson by the  
19 Governor.

20 (b) The members of the Task Force shall serve without  
21 compensation but shall be reimbursed for their reasonable and  
22 necessary expenses from funds appropriated for that purpose.

23 (c) The Task Force may employ skilled experts with the  
24 approval of the chairperson, and shall receive the cooperation  
25 of those State agencies it deems appropriate to assist the Task

1 Force in carrying out its duties.

2 (d) The Illinois African-American ~~African-American~~ Family  
3 Commission, the Illinois Department of Public Health, and the  
4 Illinois Latino Family Commission shall provide administrative  
5 and other support to the Task Force.

6 (Source: P.A. 98-194, eff. 8-7-13; revised 9-4-13.)

7 Section 150. The State Finance Act is amended by setting  
8 forth and renumbering multiple versions of Sections 5.826,  
9 5.827, 5i, and 6z-98 and by changing Section 25 as follows:

10 (30 ILCS 105/5.826)

11 Sec. 5.826. The Driver Services Administration Fund.

12 (Source: P.A. 97-1157, eff. 11-28-13.)

13 (30 ILCS 105/5.827)

14 Sec. 5.827. The Illinois State Museum Fund.

15 (Source: P.A. 97-1136, eff. 1-1-13; 98-463, eff. 8-16-13.)

16 (30 ILCS 105/5.830)

17 Sec. 5.830 ~~5.826~~. The Chicago State University Education  
18 Improvement Fund.

19 (Source: P.A. 98-18, eff. 6-7-13; revised 10-17-13.)

20 (30 ILCS 105/5.831)

21 Sec. 5.831 ~~5.826~~. The Foreclosure Prevention Program

1 Graduated Fund.

2 (Source: P.A. 98-20, eff. 6-11-13; revised 10-17-13.)

3 (30 ILCS 105/5.832)

4 Sec. 5.832 ~~5.826~~. The Mines and Minerals Regulatory Fund.

5 (Source: P.A. 98-22, eff. 6-17-13; revised 10-17-13.)

6 (30 ILCS 105/5.833)

7 Sec. 5.833 ~~5.826~~. The Gang Crime Witness Protection Program  
8 Fund.

9 (Source: P.A. 98-58, eff. 7-8-13; revised 10-17-13.)

10 (30 ILCS 105/5.834)

11 Sec. 5.834 ~~5.826~~. The Mental Health Reporting Fund.

12 (Source: P.A. 98-63, eff. 7-9-13; revised 10-17-13.)

13 (30 ILCS 105/5.835)

14 Sec. 5.835 ~~5.826~~. The National Wild Turkey Federation Fund.

15 (Source: P.A. 98-66, eff. 1-1-14; revised 10-17-13.)

16 (30 ILCS 105/5.836)

17 Sec. 5.836 ~~5.826~~. The Medicaid Research and Education  
18 Support Fund.

19 (Source: P.A. 98-104, eff. 7-22-13; revised 10-17-13.)

20 (30 ILCS 105/5.837)



1           Sec. 5.837 ~~5.826~~. The South Suburban Airport Improvement  
2 Fund.

3 (Source: P.A. 98-109, eff. 7-25-13; revised 10-17-13.)

4 (30 ILCS 105/5.838)

5           Sec. 5.838 ~~5.826~~. The Working Capital Revolving Loan Fund.

6 (Source: P.A. 98-117, eff. 7-30-13; revised 10-17-13.)

7 (30 ILCS 105/5.839)

8           Sec. 5.839 ~~5.826~~. The Compassionate Use of Medical Cannabis  
9 Fund.

10 (Source: P.A. 98-122, eff. 1-1-14; revised 10-17-13.)

11 (30 ILCS 105/5.840)

12           Sec. 5.840 ~~5.826~~. The Illinois Nurses Foundation Fund.

13 (Source: P.A. 98-150, eff. 1-1-14; revised 10-17-13.)

14 (30 ILCS 105/5.841)

15           Sec. 5.841 ~~5.826~~. The American Red Cross Fund.

16 (Source: P.A. 98-151, eff. 1-1-14; revised 10-17-13.)

17 (30 ILCS 105/5.842)

18           Sec. 5.842 ~~5.826~~. The Illinois Police Benevolent and  
19 Protective Association Fund.

20 (Source: P.A. 98-233, eff. 1-1-14; revised 10-17-13.)

1 (30 ILCS 105/5.843)

2 Sec. 5.843 ~~5.826~~. The Alzheimer's Awareness Fund.

3 (Source: P.A. 98-259, eff. 1-1-14; revised 10-17-13.)

4 (30 ILCS 105/5.844)

5 Sec. 5.844 ~~5.826~~. The Supreme Court Special Purposes Fund.

6 (Source: P.A. 98-324, eff. 10-1-13; revised 10-17-13.)

7 (30 ILCS 105/5.845)

8 Sec. 5.845 ~~5.826~~. The Access to Justice Fund.

9 (Source: P.A. 98-351, eff. 8-15-13; revised 10-17-13.)

10 (30 ILCS 105/5.846)

11 Sec. 5.846 ~~5.826~~. The Illinois Police K-9 Memorial Fund.

12 (Source: P.A. 98-360, eff. 1-1-14; revised 10-17-13.)

13 (30 ILCS 105/5.847)

14 Sec. 5.847 ~~5.826~~. The Public Safety Diver Fund.

15 (Source: P.A. 98-376, eff. 1-1-14; revised 10-17-13.)

16 (30 ILCS 105/5.848)

17 Sec. 5.848 ~~5.826~~. The Committed to a Cure Fund.

18 (Source: P.A. 98-382, eff. 1-1-14; revised 10-17-13.)

19 (30 ILCS 105/5.849)

20 Sec. 5.849 ~~5.826~~. The Illinois Sheriffs' Association

1 Scholarship and Training Fund.

2 (Source: P.A. 98-395, eff. 1-1-14; revised 10-17-13.)

3 (30 ILCS 105/5.850)

4 Sec. 5.850 ~~5.826~~. The Illinois State Police Memorial Park  
5 Fund.

6 (Source: P.A. 98-469, eff. 8-16-13; revised 10-17-13.)

7 (30 ILCS 105/5.851)

8 Sec. 5.851 ~~5.826~~. The Amusement Ride and Patron Safety  
9 Fund.

10 (Source: P.A. 98-541, eff. 8-23-13; revised 10-17-13.)

11 (30 ILCS 105/5.852)

12 Sec. 5.852 ~~5.827~~. The State Police Firearm Services Fund.

13 (Source: P.A. 98-63, eff. 7-9-13; revised 10-17-13.)

14 (30 ILCS 105/5.853)

15 Sec. 5.853 ~~5.827~~. The Curing Childhood Cancer Fund.

16 (Source: P.A. 98-66, eff. 1-1-14; revised 10-17-13.)

17 (30 ILCS 105/5.854)

18 Sec. 5.854 ~~5.827~~. The South Suburban Brownfields  
19 Redevelopment Fund.

20 (Source: P.A. 98-109, eff. 7-25-13; revised 10-17-13.)

1 (30 ILCS 105/5i)

2 Sec. 5i. Transfers. Each year, the Governor's Office of  
3 Management and Budget shall, at the time set forth for the  
4 submission of the State budget under Section 50-5 of the State  
5 Budget Law, provide to the Chairperson and the Minority  
6 Spokesperson of each of the appropriations committees of the  
7 House of Representatives and the Senate a report of (i) all  
8 full fiscal year transfers from State general funds to any  
9 other special fund of the State in the previous fiscal year and  
10 during the current fiscal year to date, and (ii) all projected  
11 full fiscal year transfers from State general funds to those  
12 funds for the remainder of the current fiscal year and the next  
13 fiscal year, based on estimates prepared by the Governor's  
14 Office of Management and Budget. The report shall include a  
15 detailed summary of the estimates upon which the projected  
16 transfers are based. The report shall also indicate, for each  
17 transfer:

18 (1) whether or not there is statutory authority for the  
19 transfer;

20 (2) if there is statutory authority for the transfer,  
21 whether that statutory authority exists for the next fiscal  
22 year; and

23 (3) whether there is debt service associated with the  
24 transfer.

25 The General Assembly shall consider the report in the  
26 appropriations process.

1 (Source: P.A. 98-24, eff. 6-19-13.)

2 (30 ILCS 105/5j)

3 Sec. 5j ~~5i~~. Closure of State mental health facilities or  
4 developmental disabilities facilities. Consistent with the  
5 provisions of Sections 4.4 and 4.5 of the Community Services  
6 Act, whenever a State mental health facility operated by the  
7 Department of Human Services or a State developmental  
8 disabilities facility operated by the Department of Human  
9 Services is closed, the Department of Human Services, at the  
10 direction of the Governor, shall transfer funds from the closed  
11 facility to the appropriate line item providing appropriation  
12 authority for the new venue of care to facilitate the  
13 transition of services to the new venue of care, provided that  
14 the new venue of care is a Department of Human Services funded  
15 provider or facility.

16 As used in this Section, the terms "mental health facility"  
17 and "developmental disabilities facility" have the meanings  
18 ascribed to those terms in the Mental Health and Developmental  
19 Disabilities Code.

20 (Source: P.A. 98-403, eff. 1-1-14; revised 10-17-13.)

21 (30 ILCS 105/6z-98)

22 Sec. 6z-98. The Chicago State University Education  
23 Improvement Fund. The Chicago State University Education  
24 Improvement Fund is hereby created as a special fund in the

1 State treasury. The moneys deposited into the Fund shall be  
2 used by Chicago State University, subject to appropriation, for  
3 expenses incurred by the University. All interest earned on  
4 moneys in the Fund shall remain in the Fund.

5 (Source: P.A. 98-18, eff. 6-7-13.)

6 (30 ILCS 105/6z-99)

7 Sec. 6z-99 ~~6z-98~~. The Mental Health Reporting Fund.

8 (a) There is created in the State treasury a special fund  
9 known as the Mental Health Reporting Fund. The Fund shall  
10 receive revenue under the Firearm Concealed Carry Act. The Fund  
11 may also receive revenue from grants, pass-through grants,  
12 donations, appropriations, and any other legal source.

13 (b) The Department of State Police and Department of Human  
14 Services shall coordinate to use moneys in the Fund to finance  
15 their respective duties of collecting and reporting data on  
16 mental health records and ensuring that mental health firearm  
17 possession prohibitors are enforced as set forth under the  
18 Firearm Concealed Carry Act and the Firearm Owners  
19 Identification Card Act. Any surplus in the Fund beyond what is  
20 necessary to ensure compliance with mental health reporting  
21 under these Acts shall be used by the Department of Human  
22 Services for mental health treatment programs.

23 (c) Investment income that is attributable to the  
24 investment of moneys in the Fund shall be retained in the Fund  
25 for the uses specified in this Section.

1 (Source: P.A. 98-63, eff. 7-9-13; revised 7-19-13.)

2 (30 ILCS 105/25) (from Ch. 127, par. 161)

3 Sec. 25. Fiscal year limitations.

4 (a) All appropriations shall be available for expenditure  
5 for the fiscal year or for a lesser period if the Act making  
6 that appropriation so specifies. A deficiency or emergency  
7 appropriation shall be available for expenditure only through  
8 June 30 of the year when the Act making that appropriation is  
9 enacted unless that Act otherwise provides.

10 (b) Outstanding liabilities as of June 30, payable from  
11 appropriations which have otherwise expired, may be paid out of  
12 the expiring appropriations during the 2-month period ending at  
13 the close of business on August 31. Any service involving  
14 professional or artistic skills or any personal services by an  
15 employee whose compensation is subject to income tax  
16 withholding must be performed as of June 30 of the fiscal year  
17 in order to be considered an "outstanding liability as of June  
18 30" that is thereby eligible for payment out of the expiring  
19 appropriation.

20 (b-1) However, payment of tuition reimbursement claims  
21 under Section 14-7.03 or 18-3 of the School Code may be made by  
22 the State Board of Education from its appropriations for those  
23 respective purposes for any fiscal year, even though the claims  
24 reimbursed by the payment may be claims attributable to a prior  
25 fiscal year, and payments may be made at the direction of the

1 State Superintendent of Education from the fund from which the  
2 appropriation is made without regard to any fiscal year  
3 limitations, except as required by subsection (j) of this  
4 Section. Beginning on June 30, 2021, payment of tuition  
5 reimbursement claims under Section 14-7.03 or 18-3 of the  
6 School Code as of June 30, payable from appropriations that  
7 have otherwise expired, may be paid out of the expiring  
8 appropriation during the 4-month period ending at the close of  
9 business on October 31.

10 (b-2) All outstanding liabilities as of June 30, 2010,  
11 payable from appropriations that would otherwise expire at the  
12 conclusion of the lapse period for fiscal year 2010, and  
13 interest penalties payable on those liabilities under the State  
14 Prompt Payment Act, may be paid out of the expiring  
15 appropriations until December 31, 2010, without regard to the  
16 fiscal year in which the payment is made, as long as vouchers  
17 for the liabilities are received by the Comptroller no later  
18 than August 31, 2010.

19 (b-2.5) All outstanding liabilities as of June 30, 2011,  
20 payable from appropriations that would otherwise expire at the  
21 conclusion of the lapse period for fiscal year 2011, and  
22 interest penalties payable on those liabilities under the State  
23 Prompt Payment Act, may be paid out of the expiring  
24 appropriations until December 31, 2011, without regard to the  
25 fiscal year in which the payment is made, as long as vouchers  
26 for the liabilities are received by the Comptroller no later



1 than August 31, 2011.

2 (b-2.6) All outstanding liabilities as of June 30, 2012,  
3 payable from appropriations that would otherwise expire at the  
4 conclusion of the lapse period for fiscal year 2012, and  
5 interest penalties payable on those liabilities under the State  
6 Prompt Payment Act, may be paid out of the expiring  
7 appropriations until December 31, 2012, without regard to the  
8 fiscal year in which the payment is made, as long as vouchers  
9 for the liabilities are received by the Comptroller no later  
10 than August 31, 2012.

11 (b-2.7) For fiscal years 2012, 2013, and 2014, interest  
12 penalties payable under the State Prompt Payment Act associated  
13 with a voucher for which payment is issued after June 30 may be  
14 paid out of the next fiscal year's appropriation. The future  
15 year appropriation must be for the same purpose and from the  
16 same fund as the original payment. An interest penalty voucher  
17 submitted against a future year appropriation must be submitted  
18 within 60 days after the issuance of the associated voucher,  
19 and the Comptroller must issue the interest payment within 60  
20 days after acceptance of the interest voucher.

21 (b-3) Medical payments may be made by the Department of  
22 Veterans' Affairs from its appropriations for those purposes  
23 for any fiscal year, without regard to the fact that the  
24 medical services being compensated for by such payment may have  
25 been rendered in a prior fiscal year, except as required by  
26 subsection (j) of this Section. Beginning on June 30, 2021,

1 medical payments payable from appropriations that have  
2 otherwise expired may be paid out of the expiring appropriation  
3 during the 4-month period ending at the close of business on  
4 October 31.

5 (b-4) Medical payments and child care payments may be made  
6 by the Department of Human Services (as successor to the  
7 Department of Public Aid) from appropriations for those  
8 purposes for any fiscal year, without regard to the fact that  
9 the medical or child care services being compensated for by  
10 such payment may have been rendered in a prior fiscal year; and  
11 payments may be made at the direction of the Department of  
12 Healthcare and Family Services (or successor agency) from the  
13 Health Insurance Reserve Fund without regard to any fiscal year  
14 limitations, except as required by subsection (j) of this  
15 Section. Beginning on June 30, 2021, medical and child care  
16 payments made by the Department of Human Services and payments  
17 made at the discretion of the Department of Healthcare and  
18 Family Services (or successor agency) from the Health Insurance  
19 Reserve Fund and payable from appropriations that have  
20 otherwise expired may be paid out of the expiring appropriation  
21 during the 4-month period ending at the close of business on  
22 October 31.

23 (b-5) Medical payments may be made by the Department of  
24 Human Services from its appropriations relating to substance  
25 abuse treatment services for any fiscal year, without regard to  
26 the fact that the medical services being compensated for by

1 such payment may have been rendered in a prior fiscal year,  
2 provided the payments are made on a fee-for-service basis  
3 consistent with requirements established for Medicaid  
4 reimbursement by the Department of Healthcare and Family  
5 Services, except as required by subsection (j) of this Section.  
6 Beginning on June 30, 2021, medical payments made by the  
7 Department of Human Services relating to substance abuse  
8 treatment services payable from appropriations that have  
9 otherwise expired may be paid out of the expiring appropriation  
10 during the 4-month period ending at the close of business on  
11 October 31.

12 (b-6) Additionally, payments may be made by the Department  
13 of Human Services from its appropriations, or any other State  
14 agency from its appropriations with the approval of the  
15 Department of Human Services, from the Immigration Reform and  
16 Control Fund for purposes authorized pursuant to the  
17 Immigration Reform and Control Act of 1986, without regard to  
18 any fiscal year limitations, except as required by subsection  
19 (j) of this Section. Beginning on June 30, 2021, payments made  
20 by the Department of Human Services from the Immigration Reform  
21 and Control Fund for purposes authorized pursuant to the  
22 Immigration Reform and Control Act of 1986 payable from  
23 appropriations that have otherwise expired may be paid out of  
24 the expiring appropriation during the 4-month period ending at  
25 the close of business on October 31.

26 (b-7) Payments may be made in accordance with a plan

1 authorized by paragraph (11) or (12) of Section 405-105 of the  
2 Department of Central Management Services Law from  
3 appropriations for those payments without regard to fiscal year  
4 limitations.

5 (b-8) Reimbursements to eligible airport sponsors for the  
6 construction or upgrading of Automated Weather Observation  
7 Systems may be made by the Department of Transportation from  
8 appropriations for those purposes for any fiscal year, without  
9 regard to the fact that the qualification or obligation may  
10 have occurred in a prior fiscal year, provided that at the time  
11 the expenditure was made the project had been approved by the  
12 Department of Transportation prior to June 1, 2012 and, as a  
13 result of recent changes in federal funding formulas, can no  
14 longer receive federal reimbursement.

15 (b-9) Medical payments not exceeding \$150,000,000 may be  
16 made by the Department on Aging from its appropriations  
17 relating to the Community Care Program for fiscal year 2014,  
18 without regard to the fact that the medical services being  
19 compensated for by such payment may have been rendered in a  
20 prior fiscal year, provided the payments are made on a  
21 fee-for-service basis consistent with requirements established  
22 for Medicaid reimbursement by the Department of Healthcare and  
23 Family Services, except as required by subsection (j) of this  
24 Section.

25 (c) Further, payments may be made by the Department of  
26 Public Health and the Department of Human Services (acting as

1 successor to the Department of Public Health under the  
2 Department of Human Services Act) from their respective  
3 appropriations for grants for medical care to or on behalf of  
4 premature and high-mortality risk infants and their mothers and  
5 for grants for supplemental food supplies provided under the  
6 United States Department of Agriculture Women, Infants and  
7 Children Nutrition Program, for any fiscal year without regard  
8 to the fact that the services being compensated for by such  
9 payment may have been rendered in a prior fiscal year, except  
10 as required by subsection (j) of this Section. Beginning on  
11 June 30, 2021, payments made by the Department of Public Health  
12 and the Department of Human Services from their respective  
13 appropriations for grants for medical care to or on behalf of  
14 premature and high-mortality risk infants and their mothers and  
15 for grants for supplemental food supplies provided under the  
16 United States Department of Agriculture Women, Infants and  
17 Children Nutrition Program payable from appropriations that  
18 have otherwise expired may be paid out of the expiring  
19 appropriations during the 4-month period ending at the close of  
20 business on October 31.

21 (d) The Department of Public Health and the Department of  
22 Human Services (acting as successor to the Department of Public  
23 Health under the Department of Human Services Act) shall each  
24 annually submit to the State Comptroller, Senate President,  
25 Senate Minority Leader, Speaker of the House, House Minority  
26 Leader, and the respective Chairmen and Minority Spokesmen of

1 the Appropriations Committees of the Senate and the House, on  
2 or before December 31, a report of fiscal year funds used to  
3 pay for services provided in any prior fiscal year. This report  
4 shall document by program or service category those  
5 expenditures from the most recently completed fiscal year used  
6 to pay for services provided in prior fiscal years.

7 (e) The Department of Healthcare and Family Services, the  
8 Department of Human Services (acting as successor to the  
9 Department of Public Aid), and the Department of Human Services  
10 making fee-for-service payments relating to substance abuse  
11 treatment services provided during a previous fiscal year shall  
12 each annually submit to the State Comptroller, Senate  
13 President, Senate Minority Leader, Speaker of the House, House  
14 Minority Leader, the respective Chairmen and Minority  
15 Spokesmen of the Appropriations Committees of the Senate and  
16 the House, on or before November 30, a report that shall  
17 document by program or service category those expenditures from  
18 the most recently completed fiscal year used to pay for (i)  
19 services provided in prior fiscal years and (ii) services for  
20 which claims were received in prior fiscal years.

21 (f) The Department of Human Services (as successor to the  
22 Department of Public Aid) shall annually submit to the State  
23 Comptroller, Senate President, Senate Minority Leader, Speaker  
24 of the House, House Minority Leader, and the respective  
25 Chairmen and Minority Spokesmen of the Appropriations  
26 Committees of the Senate and the House, on or before December

1 31, a report of fiscal year funds used to pay for services  
2 (other than medical care) provided in any prior fiscal year.  
3 This report shall document by program or service category those  
4 expenditures from the most recently completed fiscal year used  
5 to pay for services provided in prior fiscal years.

6 (g) In addition, each annual report required to be  
7 submitted by the Department of Healthcare and Family Services  
8 under subsection (e) shall include the following information  
9 with respect to the State's Medicaid program:

10 (1) Explanations of the exact causes of the variance  
11 between the previous year's estimated and actual  
12 liabilities.

13 (2) Factors affecting the Department of Healthcare and  
14 Family Services' liabilities, including but not limited to  
15 numbers of aid recipients, levels of medical service  
16 utilization by aid recipients, and inflation in the cost of  
17 medical services.

18 (3) The results of the Department's efforts to combat  
19 fraud and abuse.

20 (h) As provided in Section 4 of the General Assembly  
21 Compensation Act, any utility bill for service provided to a  
22 General Assembly member's district office for a period  
23 including portions of 2 consecutive fiscal years may be paid  
24 from funds appropriated for such expenditure in either fiscal  
25 year.

26 (i) An agency which administers a fund classified by the

1 Comptroller as an internal service fund may issue rules for:

2 (1) billing user agencies in advance for payments or  
3 authorized inter-fund transfers based on estimated charges  
4 for goods or services;

5 (2) issuing credits, refunding through inter-fund  
6 transfers, or reducing future inter-fund transfers during  
7 the subsequent fiscal year for all user agency payments or  
8 authorized inter-fund transfers received during the prior  
9 fiscal year which were in excess of the final amounts owed  
10 by the user agency for that period; and

11 (3) issuing catch-up billings to user agencies during  
12 the subsequent fiscal year for amounts remaining due when  
13 payments or authorized inter-fund transfers received from  
14 the user agency during the prior fiscal year were less than  
15 the total amount owed for that period.

16 User agencies are authorized to reimburse internal service  
17 funds for catch-up billings by vouchers drawn against their  
18 respective appropriations for the fiscal year in which the  
19 catch-up billing was issued or by increasing an authorized  
20 inter-fund transfer during the current fiscal year. For the  
21 purposes of this Act, "inter-fund transfers" means transfers  
22 without the use of the voucher-warrant process, as authorized  
23 by Section 9.01 of the State Comptroller Act.

24 (i-1) Beginning on July 1, 2021, all outstanding  
25 liabilities, not payable during the 4-month lapse period as  
26 described in subsections (b-1), (b-3), (b-4), (b-5), (b-6), and



1 (c) of this Section, that are made from appropriations for that  
2 purpose for any fiscal year, without regard to the fact that  
3 the services being compensated for by those payments may have  
4 been rendered in a prior fiscal year, are limited to only those  
5 claims that have been incurred but for which a proper bill or  
6 invoice as defined by the State Prompt Payment Act has not been  
7 received by September 30th following the end of the fiscal year  
8 in which the service was rendered.

9 (j) Notwithstanding any other provision of this Act, the  
10 aggregate amount of payments to be made without regard for  
11 fiscal year limitations as contained in subsections (b-1),  
12 (b-3), (b-4), (b-5), (b-6), and (c) of this Section, and  
13 determined by using Generally Accepted Accounting Principles,  
14 shall not exceed the following amounts:

15 (1) \$6,000,000,000 for outstanding liabilities related  
16 to fiscal year 2012;

17 (2) \$5,300,000,000 for outstanding liabilities related  
18 to fiscal year 2013;

19 (3) \$4,600,000,000 for outstanding liabilities related  
20 to fiscal year 2014;

21 (4) \$4,000,000,000 for outstanding liabilities related  
22 to fiscal year 2015;

23 (5) \$3,300,000,000 for outstanding liabilities related  
24 to fiscal year 2016;

25 (6) \$2,600,000,000 for outstanding liabilities related  
26 to fiscal year 2017;

1           (7) \$2,000,000,000 for outstanding liabilities related  
2 to fiscal year 2018;

3           (8) \$1,300,000,000 for outstanding liabilities related  
4 to fiscal year 2019;

5           (9) \$600,000,000 for outstanding liabilities related  
6 to fiscal year 2020; and

7           (10) \$0 for outstanding liabilities related to fiscal  
8 year 2021 and fiscal years thereafter.

9           (k) Department of Healthcare and Family Services Medical  
10 Assistance Payments.

11           (1) Definition of Medical Assistance.

12           For purposes of this subsection, the term "Medical  
13 Assistance" shall include, but not necessarily be  
14 limited to, medical programs and services authorized  
15 under Titles XIX and XXI of the Social Security Act,  
16 the Illinois Public Aid Code, the Children's Health  
17 Insurance Program Act, the Covering ALL KIDS Health  
18 Insurance Act, the Long Term Acute Care Hospital  
19 Quality Improvement Transfer Program Act, and medical  
20 care to or on behalf of persons suffering from chronic  
21 renal disease, persons suffering from hemophilia, and  
22 victims of sexual assault.

23           (2) Limitations on Medical Assistance payments that  
24 may be paid from future fiscal year appropriations.

25           (A) The maximum amounts of annual unpaid Medical  
26 Assistance bills received and recorded by the

1 Department of Healthcare and Family Services on or  
2 before June 30th of a particular fiscal year  
3 attributable in aggregate to the General Revenue Fund,  
4 Healthcare Provider Relief Fund, Tobacco Settlement  
5 Recovery Fund, Long-Term Care Provider Fund, and the  
6 Drug Rebate Fund that may be paid in total by the  
7 Department from future fiscal year Medical Assistance  
8 appropriations to those funds are: \$700,000,000 for  
9 fiscal year 2013 and \$100,000,000 for fiscal year 2014  
10 and each fiscal year thereafter.

11 (B) Bills for Medical Assistance services rendered  
12 in a particular fiscal year, but received and recorded  
13 by the Department of Healthcare and Family Services  
14 after June 30th of that fiscal year, may be paid from  
15 either appropriations for that fiscal year or future  
16 fiscal year appropriations for Medical Assistance.  
17 Such payments shall not be subject to the requirements  
18 of subparagraph (A).

19 (C) Medical Assistance bills received by the  
20 Department of Healthcare and Family Services in a  
21 particular fiscal year, but subject to payment amount  
22 adjustments in a future fiscal year may be paid from a  
23 future fiscal year's appropriation for Medical  
24 Assistance. Such payments shall not be subject to the  
25 requirements of subparagraph (A).

26 (D) Medical Assistance payments made by the

1 Department of Healthcare and Family Services from  
2 funds other than those specifically referenced in  
3 subparagraph (A) may be made from appropriations for  
4 those purposes for any fiscal year without regard to  
5 the fact that the Medical Assistance services being  
6 compensated for by such payment may have been rendered  
7 in a prior fiscal year. Such payments shall not be  
8 subject to the requirements of subparagraph (A).

9 (3) Extended lapse period for Department of Healthcare  
10 and Family Services Medical Assistance payments.  
11 Notwithstanding any other State law to the contrary,  
12 outstanding Department of Healthcare and Family Services  
13 Medical Assistance liabilities, as of June 30th, payable  
14 from appropriations which have otherwise expired, may be  
15 paid out of the expiring appropriations during the 6-month  
16 period ending at the close of business on December 31st.

17 (1) The changes to this Section made by Public Act 97-691  
18 shall be effective for payment of Medical Assistance bills  
19 incurred in fiscal year 2013 and future fiscal years. The  
20 changes to this Section made by Public Act 97-691 shall not be  
21 applied to Medical Assistance bills incurred in fiscal year  
22 2012 or prior fiscal years.

23 (m) The Comptroller must issue payments against  
24 outstanding liabilities that were received prior to the lapse  
25 period deadlines set forth in this Section as soon thereafter  
26 as practical, but no payment may be issued after the 4 months

1 following the lapse period deadline without the signed  
2 authorization of the Comptroller and the Governor.

3 (Source: P.A. 97-75, eff. 6-30-11; 97-333, eff. 8-12-11;  
4 97-691, eff. 7-1-12; 97-732, eff. 6-30-12; 97-932, eff.  
5 8-10-12; 98-8, eff. 5-3-13; 98-24, eff. 6-19-13; 98-215, eff.  
6 8-9-13; 98-463, eff. 8-16-13; revised 9-9-13.)

7 Section 155. The Public Funds Investment Act is amended by  
8 changing Sections 2 and 6.5 as follows:

9 (30 ILCS 235/2) (from Ch. 85, par. 902)

10 Sec. 2. Authorized investments.

11 (a) Any public agency may invest any public funds as  
12 follows:

13 (1) in bonds, notes, certificates of indebtedness,  
14 treasury bills or other securities now or hereafter issued,  
15 which are guaranteed by the full faith and credit of the  
16 United States of America as to principal and interest;

17 (2) in bonds, notes, debentures, or other similar  
18 obligations of the United States of America, its agencies,  
19 and its instrumentalities;

20 (3) in interest-bearing savings accounts,  
21 interest-bearing certificates of deposit or  
22 interest-bearing time deposits or any other investments  
23 constituting direct obligations of any bank as defined by  
24 the Illinois Banking Act;

1           (4) in short term obligations of corporations  
2 organized in the United States with assets exceeding  
3 \$500,000,000 if (i) such obligations are rated at the time  
4 of purchase at one of the 3 highest classifications  
5 established by at least 2 standard rating services and  
6 which mature not later than 270 days from the date of  
7 purchase, (ii) such purchases do not exceed 10% of the  
8 corporation's outstanding obligations and (iii) no more  
9 than one-third of the public agency's funds may be invested  
10 in short term obligations of corporations; or

11           (5) in money market mutual funds registered under the  
12 Investment Company Act of 1940, provided that the portfolio  
13 of any such money market mutual fund is limited to  
14 obligations described in paragraph (1) or (2) of this  
15 subsection and to agreements to repurchase such  
16 obligations.

17           (a-1) In addition to any other investments authorized under  
18 this Act, a municipality, park district, forest preserve  
19 district, conservation district, county, or other governmental  
20 unit may invest its public funds in interest bearing bonds of  
21 any county, township, city, village, incorporated town,  
22 municipal corporation, or school district, of the State of  
23 Illinois, of any other state, or of any political subdivision  
24 or agency of the State of Illinois or of any other state,  
25 whether the interest earned thereon is taxable or tax-exempt  
26 under federal law. The bonds shall be registered in the name of

1 the municipality, park district, forest preserve district,  
2 conservation district, county, or other governmental unit, or  
3 held under a custodial agreement at a bank. The bonds shall be  
4 rated at the time of purchase within the 4 highest general  
5 classifications established by a rating service of nationally  
6 recognized expertise in rating bonds of states and their  
7 political subdivisions.

8 (b) Investments may be made only in banks which are insured  
9 by the Federal Deposit Insurance Corporation. Any public agency  
10 may invest any public funds in short term discount obligations  
11 of the Federal National Mortgage Association or in shares or  
12 other forms of securities legally issuable by savings banks or  
13 savings and loan associations incorporated under the laws of  
14 this State or any other state or under the laws of the United  
15 States. Investments may be made only in those savings banks or  
16 savings and loan associations the shares, or investment  
17 certificates of which are insured by the Federal Deposit  
18 Insurance Corporation. Any such securities may be purchased at  
19 the offering or market price thereof at the time of such  
20 purchase. All such securities so purchased shall mature or be  
21 redeemable on a date or dates prior to the time when, in the  
22 judgment of such governing authority, the public funds so  
23 invested will be required for expenditure by such public agency  
24 or its governing authority. The expressed judgment of any such  
25 governing authority as to the time when any public funds will  
26 be required for expenditure or be redeemable is final and

1 conclusive. Any public agency may invest any public funds in  
2 dividend-bearing share accounts, share certificate accounts or  
3 class of share accounts of a credit union chartered under the  
4 laws of this State or the laws of the United States; provided,  
5 however, the principal office of any such credit union must be  
6 located within the State of Illinois. Investments may be made  
7 only in those credit unions the accounts of which are insured  
8 by applicable law.

9 (c) For purposes of this Section, the term "agencies of the  
10 United States of America" includes: (i) the federal land banks,  
11 federal intermediate credit banks, banks for cooperative,  
12 federal farm credit banks, or any other entity authorized to  
13 issue debt obligations under the Farm Credit Act of 1971 (12  
14 U.S.C. 2001 et seq.) and Acts amendatory thereto; (ii) the  
15 federal home loan banks and the federal home loan mortgage  
16 corporation; and (iii) any other agency created by Act of  
17 Congress.

18 (d) Except for pecuniary interests permitted under  
19 subsection (f) of Section 3-14-4 of the Illinois Municipal Code  
20 or under Section 3.2 of the Public Officer Prohibited Practices  
21 Act, no person acting as treasurer or financial officer or who  
22 is employed in any similar capacity by or for a public agency  
23 may do any of the following:

24 (1) have any interest, directly or indirectly, in any  
25 investments in which the agency is authorized to invest.

26 (2) have any interest, directly or indirectly, in the



1 sellers, sponsors, or managers of those investments.

2 (3) receive, in any manner, compensation of any kind  
3 from any investments in which the agency is authorized to  
4 invest.

5 (e) Any public agency may also invest any public funds in a  
6 Public Treasurers' Investment Pool created under Section 17 of  
7 the State Treasurer Act. Any public agency may also invest any  
8 public funds in a fund managed, operated, and administered by a  
9 bank, subsidiary of a bank, or subsidiary of a bank holding  
10 company or use the services of such an entity to hold and  
11 invest or advise regarding the investment of any public funds.

12 (f) To the extent a public agency has custody of funds not  
13 owned by it or another public agency and does not otherwise  
14 have authority to invest such funds, the public agency may  
15 invest such funds as if they were its own. Such funds must be  
16 released to the appropriate person at the earliest reasonable  
17 time, but in no case exceeding 31 days, after the private  
18 person becomes entitled to the receipt of them. All earnings  
19 accruing on any investments or deposits made pursuant to the  
20 provisions of this Act shall be credited to the public agency  
21 by or for which such investments or deposits were made, except  
22 as provided otherwise in Section 4.1 of the State Finance Act  
23 or the Local Governmental Tax Collection Act, and except where  
24 by specific statutory provisions such earnings are directed to  
25 be credited to and paid to a particular fund.

26 (g) A public agency may purchase or invest in repurchase

1 agreements of government securities having the meaning set out  
2 in the Government Securities Act of 1986, as now or hereafter  
3 amended or succeeded, subject to the provisions of said Act and  
4 the regulations issued thereunder. The government securities,  
5 unless registered or inscribed in the name of the public  
6 agency, shall be purchased through banks or trust companies  
7 authorized to do business in the State of Illinois.

8 (h) Except for repurchase agreements of government  
9 securities which are subject to the Government Securities Act  
10 of 1986, as now or hereafter amended or succeeded, no public  
11 agency may purchase or invest in instruments which constitute  
12 repurchase agreements, and no financial institution may enter  
13 into such an agreement with or on behalf of any public agency  
14 unless the instrument and the transaction meet the following  
15 requirements:

16 (1) The securities, unless registered or inscribed in  
17 the name of the public agency, are purchased through banks  
18 or trust companies authorized to do business in the State  
19 of Illinois.

20 (2) An authorized public officer after ascertaining  
21 which firm will give the most favorable rate of interest,  
22 directs the custodial bank to "purchase" specified  
23 securities from a designated institution. The "custodial  
24 bank" is the bank or trust company, or agency of  
25 government, which acts for the public agency in connection  
26 with repurchase agreements involving the investment of

1 funds by the public agency. The State Treasurer may act as  
2 custodial bank for public agencies executing repurchase  
3 agreements. To the extent the Treasurer acts in this  
4 capacity, he is hereby authorized to pass through to such  
5 public agencies any charges assessed by the Federal Reserve  
6 Bank.

7 (3) A custodial bank must be a member bank of the  
8 Federal Reserve System or maintain accounts with member  
9 banks. All transfers of book-entry securities must be  
10 accomplished on a Reserve Bank's computer records through a  
11 member bank of the Federal Reserve System. These securities  
12 must be credited to the public agency on the records of the  
13 custodial bank and the transaction must be confirmed in  
14 writing to the public agency by the custodial bank.

15 (4) Trading partners shall be limited to banks or trust  
16 companies authorized to do business in the State of  
17 Illinois or to registered primary reporting dealers.

18 (5) The security interest must be perfected.

19 (6) The public agency enters into a written master  
20 repurchase agreement which outlines the basic  
21 responsibilities and liabilities of both buyer and seller.

22 (7) Agreements shall be for periods of 330 days or  
23 less.

24 (8) The authorized public officer of the public agency  
25 informs the custodial bank in writing of the maturity  
26 details of the repurchase agreement.

1           (9) The custodial bank must take delivery of and  
2 maintain the securities in its custody for the account of  
3 the public agency and confirm the transaction in writing to  
4 the public agency. The Custodial Undertaking shall provide  
5 that the custodian takes possession of the securities  
6 exclusively for the public agency; that the securities are  
7 free of any claims against the trading partner; and any  
8 claims by the custodian are subordinate to the public  
9 agency's claims to rights to those securities.

10           (10) The obligations purchased by a public agency may  
11 only be sold or presented for redemption or payment by the  
12 fiscal agent bank or trust company holding the obligations  
13 upon the written instruction of the public agency or  
14 officer authorized to make such investments.

15           (11) The custodial bank shall be liable to the public  
16 agency for any monetary loss suffered by the public agency  
17 due to the failure of the custodial bank to take and  
18 maintain possession of such securities.

19           (i) Notwithstanding the foregoing restrictions on  
20 investment in instruments constituting repurchase agreements  
21 the Illinois Housing Development Authority may invest in, and  
22 any financial institution with capital of at least \$250,000,000  
23 may act as custodian for, instruments that constitute  
24 repurchase agreements, provided that the Illinois Housing  
25 Development Authority, in making each such investment,  
26 complies with the safety and soundness guidelines for engaging

1 in repurchase transactions applicable to federally insured  
2 banks, savings banks, savings and loan associations or other  
3 depository institutions as set forth in the Federal Financial  
4 Institutions Examination Council Policy Statement Regarding  
5 Repurchase Agreements and any regulations issued, or which may  
6 be issued by the supervisory federal authority pertaining  
7 thereto and any amendments thereto; provided further that the  
8 securities shall be either (i) direct general obligations of,  
9 or obligations the payment of the principal of and/or interest  
10 on which are unconditionally guaranteed by, the United States  
11 of America or (ii) any obligations of any agency, corporation  
12 or subsidiary thereof controlled or supervised by and acting as  
13 an instrumentality of the United States Government pursuant to  
14 authority granted by the Congress of the United States and  
15 provided further that the security interest must be perfected  
16 by either the Illinois Housing Development Authority, its  
17 custodian or its agent receiving possession of the securities  
18 either physically or transferred through a nationally  
19 recognized book entry system.

20 (j) In addition to all other investments authorized under  
21 this Section, a community college district may invest public  
22 funds in any mutual funds that invest primarily in corporate  
23 investment grade or global government short term bonds.  
24 Purchases of mutual funds that invest primarily in global  
25 government short term bonds shall be limited to funds with  
26 assets of at least \$100 million and that are rated at the time

1 of purchase as one of the 10 highest classifications  
2 established by a recognized rating service. The investments  
3 shall be subject to approval by the local community college  
4 board of trustees. Each community college board of trustees  
5 shall develop a policy regarding the percentage of the  
6 college's investment portfolio that can be invested in such  
7 funds.

8 Nothing in this Section shall be construed to authorize an  
9 intergovernmental risk management entity to accept the deposit  
10 of public funds except for risk management purposes.

11 (Source: P.A. 97-129, eff. 7-14-11; 98-297, eff. 1-1-14;  
12 98-390, eff. 8-16-13; revised 9-10-13.)

13 (30 ILCS 235/6.5)

14 Sec. 6.5. Federally insured deposits at Illinois financial  
15 institutions.

16 (a) Notwithstanding any other provision of this Act or any  
17 other statute, whenever a public agency invests public funds in  
18 an interest-bearing savings account, interest-bearing  
19 certificate of deposit, or interest-bearing time deposit under  
20 Section 2 of this Act, the provisions of Section 6 of this Act  
21 and any other statutory requirements pertaining to the  
22 eligibility of a bank to receive or hold public deposits or to  
23 the pledging of collateral by a bank to secure public deposits  
24 do not apply to any bank receiving or holding all or part of  
25 the invested public funds if (i) the public agency initiates

1 the investment at or through a bank located in Illinois and  
2 (ii) the invested public funds are at all times ~~time~~ fully  
3 insured by an agency or instrumentality of the federal  
4 government.

5 (b) Nothing in this Section is intended to:

6 (1) prohibit a public agency from requiring the bank at  
7 or through which the investment of public funds is  
8 initiated to provide the public agency with the information  
9 otherwise required by subsection ~~subsections~~ (a), (b), or  
10 (c) of Section 6 of this Act as a condition of investing  
11 the public funds at or through that bank; or

12 (2) permit a bank to receive or hold public deposits if  
13 that bank is prohibited from doing so by any rule,  
14 sanction, or order issued by a regulatory agency or by a  
15 court.

16 (c) For purposes of this Section, the term "bank" includes  
17 any person doing a banking business whether subject to the laws  
18 of this or any other jurisdiction.

19 (Source: P.A. 93-756, eff. 7-16-04; revised 10-7-13.)

20 Section 160. The Illinois Procurement Code is amended by  
21 changing Section 1-10 as follows:

22 (30 ILCS 500/1-10)

23 Sec. 1-10. Application.

24 (a) This Code applies only to procurements for which

1 contractors were first solicited on or after July 1, 1998. This  
2 Code shall not be construed to affect or impair any contract,  
3 or any provision of a contract, entered into based on a  
4 solicitation prior to the implementation date of this Code as  
5 described in Article 99, including but not limited to any  
6 covenant entered into with respect to any revenue bonds or  
7 similar instruments. All procurements for which contracts are  
8 solicited between the effective date of Articles 50 and 99 and  
9 July 1, 1998 shall be substantially in accordance with this  
10 Code and its intent.

11 (b) This Code shall apply regardless of the source of the  
12 funds with which the contracts are paid, including federal  
13 assistance moneys. This Code shall not apply to:

14 (1) Contracts between the State and its political  
15 subdivisions or other governments, or between State  
16 governmental bodies except as specifically provided in  
17 this Code.

18 (2) Grants, except for the filing requirements of  
19 Section 20-80.

20 (3) Purchase of care.

21 (4) Hiring of an individual as employee and not as an  
22 independent contractor, whether pursuant to an employment  
23 code or policy or by contract directly with that  
24 individual.

25 (5) Collective bargaining contracts.

26 (6) Purchase of real estate, except that notice of this



1 type of contract with a value of more than \$25,000 must be  
2 published in the Procurement Bulletin within 7 days after  
3 the deed is recorded in the county of jurisdiction. The  
4 notice shall identify the real estate purchased, the names  
5 of all parties to the contract, the value of the contract,  
6 and the effective date of the contract.

7 (7) Contracts necessary to prepare for anticipated  
8 litigation, enforcement actions, or investigations,  
9 provided that the chief legal counsel to the Governor shall  
10 give his or her prior approval when the procuring agency is  
11 one subject to the jurisdiction of the Governor, and  
12 provided that the chief legal counsel of any other  
13 procuring entity subject to this Code shall give his or her  
14 prior approval when the procuring entity is not one subject  
15 to the jurisdiction of the Governor.

16 (8) Contracts for services to Northern Illinois  
17 University by a person, acting as an independent  
18 contractor, who is qualified by education, experience, and  
19 technical ability and is selected by negotiation for the  
20 purpose of providing non-credit educational service  
21 activities or products by means of specialized programs  
22 offered by the university.

23 (9) Procurement expenditures by the Illinois  
24 Conservation Foundation when only private funds are used.

25 (10) Procurement expenditures by the Illinois Health  
26 Information Exchange Authority involving private funds

1 from the Health Information Exchange Fund. "Private funds"  
2 means gifts, donations, and private grants.

3 (11) Public-private agreements entered into according  
4 to the procurement requirements of Section 20 of the  
5 Public-Private Partnerships for Transportation Act and  
6 design-build agreements entered into according to the  
7 procurement requirements of Section 25 of the  
8 Public-Private Partnerships for Transportation Act.

9 (12) Contracts for legal, financial, and other  
10 professional and artistic services entered into on or  
11 before December 31, 2018 by the Illinois Finance Authority  
12 in which the State of Illinois is not obligated. Such  
13 contracts shall be awarded through a competitive process  
14 authorized by the Board of the Illinois Finance Authority  
15 and are subject to Sections 5-30, 20-160, 50-13, 50-20,  
16 50-35, and 50-37 of this Code, as well as the final  
17 approval by the Board of the Illinois Finance Authority of  
18 the terms of the contract.

19 Notwithstanding any other provision of law, contracts  
20 entered into under item (12) of this subsection (b) shall be  
21 published in the Procurement Bulletin within 14 days after  
22 contract execution. The chief procurement officer shall  
23 prescribe the form and content of the notice. The Illinois  
24 Finance Authority shall provide the chief procurement officer,  
25 on a monthly basis, in the form and content prescribed by the  
26 chief procurement officer, a report of contracts that are

1 related to the procurement of goods and services identified in  
2 item (12) of this subsection (b). At a minimum, this report  
3 shall include the name of the contractor, a description of the  
4 supply or service provided, the total amount of the contract,  
5 the term of the contract, and the exception to the Code  
6 utilized. A copy of each of these contracts shall be made  
7 available to the chief procurement officer immediately upon  
8 request. The chief procurement officer shall submit a report to  
9 the Governor and General Assembly no later than November 1 of  
10 each year that shall include, at a minimum, an annual summary  
11 of the monthly information reported to the chief procurement  
12 officer.

13 (c) This Code does not apply to the electric power  
14 procurement process provided for under Section 1-75 of the  
15 Illinois Power Agency Act and Section 16-111.5 of the Public  
16 Utilities Act.

17 (d) Except for Section 20-160 and Article 50 of this Code,  
18 and as expressly required by Section 9.1 of the Illinois  
19 Lottery Law, the provisions of this Code do not apply to the  
20 procurement process provided for under Section 9.1 of the  
21 Illinois Lottery Law.

22 (e) This Code does not apply to the process used by the  
23 Capital Development Board to retain a person or entity to  
24 assist the Capital Development Board with its duties related to  
25 the determination of costs of a clean coal SNG brownfield  
26 facility, as defined by Section 1-10 of the Illinois Power

1 Agency Act, as required in subsection (h-3) of Section 9-220 of  
2 the Public Utilities Act, including calculating the range of  
3 capital costs, the range of operating and maintenance costs, or  
4 the sequestration costs or monitoring the construction of clean  
5 coal SNG brownfield facility for the full duration of  
6 construction.

7 (f) This Code does not apply to the process used by the  
8 Illinois Power Agency to retain a mediator to mediate sourcing  
9 agreement disputes between gas utilities and the clean coal SNG  
10 brownfield facility, as defined in Section 1-10 of the Illinois  
11 Power Agency Act, as required under subsection (h-1) of Section  
12 9-220 of the Public Utilities Act.

13 (g) This Code does not apply to the processes used by the  
14 Illinois Power Agency to retain a mediator to mediate contract  
15 disputes between gas utilities and the clean coal SNG facility  
16 and to retain an expert to assist in the review of contracts  
17 under subsection (h) of Section 9-220 of the Public Utilities  
18 Act. This Code does not apply to the process used by the  
19 Illinois Commerce Commission to retain an expert to assist in  
20 determining the actual incurred costs of the clean coal SNG  
21 facility and the reasonableness of those costs as required  
22 under subsection (h) of Section 9-220 of the Public Utilities  
23 Act.

24 (h) This Code does not apply to the process to procure or  
25 contracts entered into in accordance with Sections 11-5.2 and  
26 11-5.3 of the Illinois Public Aid Code.

1 (i) Each chief procurement officer may access records  
2 necessary to review whether a contract, purchase, or other  
3 expenditure is or is not subject to the provisions of this  
4 Code, unless such records would be subject to attorney-client  
5 privilege.

6 (j) This Code does not apply to the process used by the  
7 Capital Development Board to retain an artist or work or works  
8 of art as required in Section 14 of the Capital Development  
9 Board Act.

10 (Source: P.A. 97-96, eff. 7-13-11; 97-239, eff. 8-2-11; 97-502,  
11 eff. 8-23-11; 97-689, eff. 6-14-12; 97-813, eff. 7-13-12;  
12 97-895, eff. 8-3-12; 98-90, eff. 7-15-13; 98-463, eff. 8-16-13;  
13 98-572, eff. 1-1-14; revised 9-9-13.)

14 Section 165. The State Mandates Act is amended by changing  
15 Section 8.37 as follows:

16 (30 ILCS 805/8.37)

17 Sec. 8.37. Exempt mandate. Notwithstanding Sections 6 and 8  
18 of this Act, no reimbursement by the State is required for the  
19 implementation of any mandate created by Public Act 98-218,  
20 98-389, 98-391, 98-427, 98-599, or 98-622 ~~this amendatory Act~~  
21 ~~of the 98th General Assembly.~~

22 (Source: P.A. 98-218, eff. 8-9-13; 98-389, eff. 8-16-13;  
23 98-391, eff. 8-16-13; 98-427, eff. 8-16-13; 98-599, eff.  
24 6-1-14; 98-622, eff. 6-1-14; revised 1-15-14.)

1           Section 170. The Illinois Income Tax Act is amended by  
2 changing Sections 201 and 304 as follows:

3           (35 ILCS 5/201) (from Ch. 120, par. 2-201)

4           Sec. 201. Tax Imposed.

5           (a) In general. A tax measured by net income is hereby  
6 imposed on every individual, corporation, trust and estate for  
7 each taxable year ending after July 31, 1969 on the privilege  
8 of earning or receiving income in or as a resident of this  
9 State. Such tax shall be in addition to all other occupation or  
10 privilege taxes imposed by this State or by any municipal  
11 corporation or political subdivision thereof.

12           (b) Rates. The tax imposed by subsection (a) of this  
13 Section shall be determined as follows, except as adjusted by  
14 subsection (d-1):

15           (1) In the case of an individual, trust or estate, for  
16 taxable years ending prior to July 1, 1989, an amount equal  
17 to 2 1/2% of the taxpayer's net income for the taxable  
18 year.

19           (2) In the case of an individual, trust or estate, for  
20 taxable years beginning prior to July 1, 1989 and ending  
21 after June 30, 1989, an amount equal to the sum of (i) 2  
22 1/2% of the taxpayer's net income for the period prior to  
23 July 1, 1989, as calculated under Section 202.3, and (ii)  
24 3% of the taxpayer's net income for the period after June

1           30, 1989, as calculated under Section 202.3.

2           (3) In the case of an individual, trust or estate, for  
3 taxable years beginning after June 30, 1989, and ending  
4 prior to January 1, 2011, an amount equal to 3% of the  
5 taxpayer's net income for the taxable year.

6           (4) In the case of an individual, trust, or estate, for  
7 taxable years beginning prior to January 1, 2011, and  
8 ending after December 31, 2010, an amount equal to the sum  
9 of (i) 3% of the taxpayer's net income for the period prior  
10 to January 1, 2011, as calculated under Section 202.5, and  
11 (ii) 5% of the taxpayer's net income for the period after  
12 December 31, 2010, as calculated under Section 202.5.

13           (5) In the case of an individual, trust, or estate, for  
14 taxable years beginning on or after January 1, 2011, and  
15 ending prior to January 1, 2015, an amount equal to 5% of  
16 the taxpayer's net income for the taxable year.

17           (5.1) In the case of an individual, trust, or estate,  
18 for taxable years beginning prior to January 1, 2015, and  
19 ending after December 31, 2014, an amount equal to the sum  
20 of (i) 5% of the taxpayer's net income for the period prior  
21 to January 1, 2015, as calculated under Section 202.5, and  
22 (ii) 3.75% of the taxpayer's net income for the period  
23 after December 31, 2014, as calculated under Section 202.5.

24           (5.2) In the case of an individual, trust, or estate,  
25 for taxable years beginning on or after January 1, 2015,  
26 and ending prior to January 1, 2025, an amount equal to

1           3.75% of the taxpayer's net income for the taxable year.

2           (5.3) In the case of an individual, trust, or estate,  
3           for taxable years beginning prior to January 1, 2025, and  
4           ending after December 31, 2024, an amount equal to the sum  
5           of (i) 3.75% of the taxpayer's net income for the period  
6           prior to January 1, 2025, as calculated under Section  
7           202.5, and (ii) 3.25% of the taxpayer's net income for the  
8           period after December 31, 2024, as calculated under Section  
9           202.5.

10          (5.4) In the case of an individual, trust, or estate,  
11          for taxable years beginning on or after January 1, 2025, an  
12          amount equal to 3.25% of the taxpayer's net income for the  
13          taxable year.

14          (6) In the case of a corporation, for taxable years  
15          ending prior to July 1, 1989, an amount equal to 4% of the  
16          taxpayer's net income for the taxable year.

17          (7) In the case of a corporation, for taxable years  
18          beginning prior to July 1, 1989 and ending after June 30,  
19          1989, an amount equal to the sum of (i) 4% of the  
20          taxpayer's net income for the period prior to July 1, 1989,  
21          as calculated under Section 202.3, and (ii) 4.8% of the  
22          taxpayer's net income for the period after June 30, 1989,  
23          as calculated under Section 202.3.

24          (8) In the case of a corporation, for taxable years  
25          beginning after June 30, 1989, and ending prior to January  
26          1, 2011, an amount equal to 4.8% of the taxpayer's net



1 income for the taxable year.

2 (9) In the case of a corporation, for taxable years  
3 beginning prior to January 1, 2011, and ending after  
4 December 31, 2010, an amount equal to the sum of (i) 4.8%  
5 of the taxpayer's net income for the period prior to  
6 January 1, 2011, as calculated under Section 202.5, and  
7 (ii) 7% of the taxpayer's net income for the period after  
8 December 31, 2010, as calculated under Section 202.5.

9 (10) In the case of a corporation, for taxable years  
10 beginning on or after January 1, 2011, and ending prior to  
11 January 1, 2015, an amount equal to 7% of the taxpayer's  
12 net income for the taxable year.

13 (11) In the case of a corporation, for taxable years  
14 beginning prior to January 1, 2015, and ending after  
15 December 31, 2014, an amount equal to the sum of (i) 7% of  
16 the taxpayer's net income for the period prior to January  
17 1, 2015, as calculated under Section 202.5, and (ii) 5.25%  
18 of the taxpayer's net income for the period after December  
19 31, 2014, as calculated under Section 202.5.

20 (12) In the case of a corporation, for taxable years  
21 beginning on or after January 1, 2015, and ending prior to  
22 January 1, 2025, an amount equal to 5.25% of the taxpayer's  
23 net income for the taxable year.

24 (13) In the case of a corporation, for taxable years  
25 beginning prior to January 1, 2025, and ending after  
26 December 31, 2024, an amount equal to the sum of (i) 5.25%

1 of the taxpayer's net income for the period prior to  
2 January 1, 2025, as calculated under Section 202.5, and  
3 (ii) 4.8% of the taxpayer's net income for the period after  
4 December 31, 2024, as calculated under Section 202.5.

5 (14) In the case of a corporation, for taxable years  
6 beginning on or after January 1, 2025, an amount equal to  
7 4.8% of the taxpayer's net income for the taxable year.

8 The rates under this subsection (b) are subject to the  
9 provisions of Section 201.5.

10 (c) Personal Property Tax Replacement Income Tax.  
11 Beginning on July 1, 1979 and thereafter, in addition to such  
12 income tax, there is also hereby imposed the Personal Property  
13 Tax Replacement Income Tax measured by net income on every  
14 corporation (including Subchapter S corporations), partnership  
15 and trust, for each taxable year ending after June 30, 1979.  
16 Such taxes are imposed on the privilege of earning or receiving  
17 income in or as a resident of this State. The Personal Property  
18 Tax Replacement Income Tax shall be in addition to the income  
19 tax imposed by subsections (a) and (b) of this Section and in  
20 addition to all other occupation or privilege taxes imposed by  
21 this State or by any municipal corporation or political  
22 subdivision thereof.

23 (d) Additional Personal Property Tax Replacement Income  
24 Tax Rates. The personal property tax replacement income tax  
25 imposed by this subsection and subsection (c) of this Section  
26 in the case of a corporation, other than a Subchapter S

1 corporation and except as adjusted by subsection (d-1), shall  
2 be an additional amount equal to 2.85% of such taxpayer's net  
3 income for the taxable year, except that beginning on January  
4 1, 1981, and thereafter, the rate of 2.85% specified in this  
5 subsection shall be reduced to 2.5%, and in the case of a  
6 partnership, trust or a Subchapter S corporation shall be an  
7 additional amount equal to 1.5% of such taxpayer's net income  
8 for the taxable year.

9 (d-1) Rate reduction for certain foreign insurers. In the  
10 case of a foreign insurer, as defined by Section 35A-5 of the  
11 Illinois Insurance Code, whose state or country of domicile  
12 imposes on insurers domiciled in Illinois a retaliatory tax  
13 (excluding any insurer whose premiums from reinsurance assumed  
14 are 50% or more of its total insurance premiums as determined  
15 under paragraph (2) of subsection (b) of Section 304, except  
16 that for purposes of this determination premiums from  
17 reinsurance do not include premiums from inter-affiliate  
18 reinsurance arrangements), beginning with taxable years ending  
19 on or after December 31, 1999, the sum of the rates of tax  
20 imposed by subsections (b) and (d) shall be reduced (but not  
21 increased) to the rate at which the total amount of tax imposed  
22 under this Act, net of all credits allowed under this Act,  
23 shall equal (i) the total amount of tax that would be imposed  
24 on the foreign insurer's net income allocable to Illinois for  
25 the taxable year by such foreign insurer's state or country of  
26 domicile if that net income were subject to all income taxes

1 and taxes measured by net income imposed by such foreign  
2 insurer's state or country of domicile, net of all credits  
3 allowed or (ii) a rate of zero if no such tax is imposed on such  
4 income by the foreign insurer's state of domicile. For the  
5 purposes of this subsection (d-1), an inter-affiliate includes  
6 a mutual insurer under common management.

7 (1) For the purposes of subsection (d-1), in no event  
8 shall the sum of the rates of tax imposed by subsections  
9 (b) and (d) be reduced below the rate at which the sum of:

10 (A) the total amount of tax imposed on such foreign  
11 insurer under this Act for a taxable year, net of all  
12 credits allowed under this Act, plus

13 (B) the privilege tax imposed by Section 409 of the  
14 Illinois Insurance Code, the fire insurance company  
15 tax imposed by Section 12 of the Fire Investigation  
16 Act, and the fire department taxes imposed under  
17 Section 11-10-1 of the Illinois Municipal Code,  
18 equals 1.25% for taxable years ending prior to December 31,  
19 2003, or 1.75% for taxable years ending on or after  
20 December 31, 2003, of the net taxable premiums written for  
21 the taxable year, as described by subsection (1) of Section  
22 409 of the Illinois Insurance Code. This paragraph will in  
23 no event increase the rates imposed under subsections (b)  
24 and (d).

25 (2) Any reduction in the rates of tax imposed by this  
26 subsection shall be applied first against the rates imposed

1 by subsection (b) and only after the tax imposed by  
2 subsection (a) net of all credits allowed under this  
3 Section other than the credit allowed under subsection (i)  
4 has been reduced to zero, against the rates imposed by  
5 subsection (d).

6 This subsection (d-1) is exempt from the provisions of  
7 Section 250.

8 (e) Investment credit. A taxpayer shall be allowed a credit  
9 against the Personal Property Tax Replacement Income Tax for  
10 investment in qualified property.

11 (1) A taxpayer shall be allowed a credit equal to .5%  
12 of the basis of qualified property placed in service during  
13 the taxable year, provided such property is placed in  
14 service on or after July 1, 1984. There shall be allowed an  
15 additional credit equal to .5% of the basis of qualified  
16 property placed in service during the taxable year,  
17 provided such property is placed in service on or after  
18 July 1, 1986, and the taxpayer's base employment within  
19 Illinois has increased by 1% or more over the preceding  
20 year as determined by the taxpayer's employment records  
21 filed with the Illinois Department of Employment Security.  
22 Taxpayers who are new to Illinois shall be deemed to have  
23 met the 1% growth in base employment for the first year in  
24 which they file employment records with the Illinois  
25 Department of Employment Security. The provisions added to  
26 this Section by Public Act 85-1200 (and restored by Public

1 Act 87-895) shall be construed as declaratory of existing  
2 law and not as a new enactment. If, in any year, the  
3 increase in base employment within Illinois over the  
4 preceding year is less than 1%, the additional credit shall  
5 be limited to that percentage times a fraction, the  
6 numerator of which is .5% and the denominator of which is  
7 1%, but shall not exceed .5%. The investment credit shall  
8 not be allowed to the extent that it would reduce a  
9 taxpayer's liability in any tax year below zero, nor may  
10 any credit for qualified property be allowed for any year  
11 other than the year in which the property was placed in  
12 service in Illinois. For tax years ending on or after  
13 December 31, 1987, and on or before December 31, 1988, the  
14 credit shall be allowed for the tax year in which the  
15 property is placed in service, or, if the amount of the  
16 credit exceeds the tax liability for that year, whether it  
17 exceeds the original liability or the liability as later  
18 amended, such excess may be carried forward and applied to  
19 the tax liability of the 5 taxable years following the  
20 excess credit years if the taxpayer (i) makes investments  
21 which cause the creation of a minimum of 2,000 full-time  
22 equivalent jobs in Illinois, (ii) is located in an  
23 enterprise zone established pursuant to the Illinois  
24 Enterprise Zone Act and (iii) is certified by the  
25 Department of Commerce and Community Affairs (now  
26 Department of Commerce and Economic Opportunity) as

1 complying with the requirements specified in clause (i) and  
2 (ii) by July 1, 1986. The Department of Commerce and  
3 Community Affairs (now Department of Commerce and Economic  
4 Opportunity) shall notify the Department of Revenue of all  
5 such certifications immediately. For tax years ending  
6 after December 31, 1988, the credit shall be allowed for  
7 the tax year in which the property is placed in service,  
8 or, if the amount of the credit exceeds the tax liability  
9 for that year, whether it exceeds the original liability or  
10 the liability as later amended, such excess may be carried  
11 forward and applied to the tax liability of the 5 taxable  
12 years following the excess credit years. The credit shall  
13 be applied to the earliest year for which there is a  
14 liability. If there is credit from more than one tax year  
15 that is available to offset a liability, earlier credit  
16 shall be applied first.

17 (2) The term "qualified property" means property  
18 which:

19 (A) is tangible, whether new or used, including  
20 buildings and structural components of buildings and  
21 signs that are real property, but not including land or  
22 improvements to real property that are not a structural  
23 component of a building such as landscaping, sewer  
24 lines, local access roads, fencing, parking lots, and  
25 other appurtenances;

26 (B) is depreciable pursuant to Section 167 of the

1 Internal Revenue Code, except that "3-year property"  
2 as defined in Section 168(c)(2)(A) of that Code is not  
3 eligible for the credit provided by this subsection  
4 (e);

5 (C) is acquired by purchase as defined in Section  
6 179(d) of the Internal Revenue Code;

7 (D) is used in Illinois by a taxpayer who is  
8 primarily engaged in manufacturing, or in mining coal  
9 or fluorite, or in retailing, or was placed in service  
10 on or after July 1, 2006 in a River Edge Redevelopment  
11 Zone established pursuant to the River Edge  
12 Redevelopment Zone Act; and

13 (E) has not previously been used in Illinois in  
14 such a manner and by such a person as would qualify for  
15 the credit provided by this subsection (e) or  
16 subsection (f).

17 (3) For purposes of this subsection (e),  
18 "manufacturing" means the material staging and production  
19 of tangible personal property by procedures commonly  
20 regarded as manufacturing, processing, fabrication, or  
21 assembling which changes some existing material into new  
22 shapes, new qualities, or new combinations. For purposes of  
23 this subsection (e) the term "mining" shall have the same  
24 meaning as the term "mining" in Section 613(c) of the  
25 Internal Revenue Code. For purposes of this subsection (e),  
26 the term "retailing" means the sale of tangible personal



1 property for use or consumption and not for resale, or  
2 services rendered in conjunction with the sale of tangible  
3 personal property for use or consumption and not for  
4 resale. For purposes of this subsection (e), "tangible  
5 personal property" has the same meaning as when that term  
6 is used in the Retailers' Occupation Tax Act, and, for  
7 taxable years ending after December 31, 2008, does not  
8 include the generation, transmission, or distribution of  
9 electricity.

10 (4) The basis of qualified property shall be the basis  
11 used to compute the depreciation deduction for federal  
12 income tax purposes.

13 (5) If the basis of the property for federal income tax  
14 depreciation purposes is increased after it has been placed  
15 in service in Illinois by the taxpayer, the amount of such  
16 increase shall be deemed property placed in service on the  
17 date of such increase in basis.

18 (6) The term "placed in service" shall have the same  
19 meaning as under Section 46 of the Internal Revenue Code.

20 (7) If during any taxable year, any property ceases to  
21 be qualified property in the hands of the taxpayer within  
22 48 months after being placed in service, or the situs of  
23 any qualified property is moved outside Illinois within 48  
24 months after being placed in service, the Personal Property  
25 Tax Replacement Income Tax for such taxable year shall be  
26 increased. Such increase shall be determined by (i)

1 recomputing the investment credit which would have been  
2 allowed for the year in which credit for such property was  
3 originally allowed by eliminating such property from such  
4 computation and, (ii) subtracting such recomputed credit  
5 from the amount of credit previously allowed. For the  
6 purposes of this paragraph (7), a reduction of the basis of  
7 qualified property resulting from a redetermination of the  
8 purchase price shall be deemed a disposition of qualified  
9 property to the extent of such reduction.

10 (8) Unless the investment credit is extended by law,  
11 the basis of qualified property shall not include costs  
12 incurred after December 31, 2018, except for costs incurred  
13 pursuant to a binding contract entered into on or before  
14 December 31, 2018.

15 (9) Each taxable year ending before December 31, 2000,  
16 a partnership may elect to pass through to its partners the  
17 credits to which the partnership is entitled under this  
18 subsection (e) for the taxable year. A partner may use the  
19 credit allocated to him or her under this paragraph only  
20 against the tax imposed in subsections (c) and (d) of this  
21 Section. If the partnership makes that election, those  
22 credits shall be allocated among the partners in the  
23 partnership in accordance with the rules set forth in  
24 Section 704(b) of the Internal Revenue Code, and the rules  
25 promulgated under that Section, and the allocated amount of  
26 the credits shall be allowed to the partners for that

1 taxable year. The partnership shall make this election on  
2 its Personal Property Tax Replacement Income Tax return for  
3 that taxable year. The election to pass through the credits  
4 shall be irrevocable.

5 For taxable years ending on or after December 31, 2000,  
6 a partner that qualifies its partnership for a subtraction  
7 under subparagraph (I) of paragraph (2) of subsection (d)  
8 of Section 203 or a shareholder that qualifies a Subchapter  
9 S corporation for a subtraction under subparagraph (S) of  
10 paragraph (2) of subsection (b) of Section 203 shall be  
11 allowed a credit under this subsection (e) equal to its  
12 share of the credit earned under this subsection (e) during  
13 the taxable year by the partnership or Subchapter S  
14 corporation, determined in accordance with the  
15 determination of income and distributive share of income  
16 under Sections 702 and 704 and Subchapter S of the Internal  
17 Revenue Code. This paragraph is exempt from the provisions  
18 of Section 250.

19 (f) Investment credit; Enterprise Zone; River Edge  
20 Redevelopment Zone.

21 (1) A taxpayer shall be allowed a credit against the  
22 tax imposed by subsections (a) and (b) of this Section for  
23 investment in qualified property which is placed in service  
24 in an Enterprise Zone created pursuant to the Illinois  
25 Enterprise Zone Act or, for property placed in service on  
26 or after July 1, 2006, a River Edge Redevelopment Zone

1 established pursuant to the River Edge Redevelopment Zone  
2 Act. For partners, shareholders of Subchapter S  
3 corporations, and owners of limited liability companies,  
4 if the liability company is treated as a partnership for  
5 purposes of federal and State income taxation, there shall  
6 be allowed a credit under this subsection (f) to be  
7 determined in accordance with the determination of income  
8 and distributive share of income under Sections 702 and 704  
9 and Subchapter S of the Internal Revenue Code. The credit  
10 shall be .5% of the basis for such property. The credit  
11 shall be available only in the taxable year in which the  
12 property is placed in service in the Enterprise Zone or  
13 River Edge Redevelopment Zone and shall not be allowed to  
14 the extent that it would reduce a taxpayer's liability for  
15 the tax imposed by subsections (a) and (b) of this Section  
16 to below zero. For tax years ending on or after December  
17 31, 1985, the credit shall be allowed for the tax year in  
18 which the property is placed in service, or, if the amount  
19 of the credit exceeds the tax liability for that year,  
20 whether it exceeds the original liability or the liability  
21 as later amended, such excess may be carried forward and  
22 applied to the tax liability of the 5 taxable years  
23 following the excess credit year. The credit shall be  
24 applied to the earliest year for which there is a  
25 liability. If there is credit from more than one tax year  
26 that is available to offset a liability, the credit

1 accruing first in time shall be applied first.

2 (2) The term qualified property means property which:

3 (A) is tangible, whether new or used, including  
4 buildings and structural components of buildings;

5 (B) is depreciable pursuant to Section 167 of the  
6 Internal Revenue Code, except that "3-year property"  
7 as defined in Section 168(c)(2)(A) of that Code is not  
8 eligible for the credit provided by this subsection  
9 (f);

10 (C) is acquired by purchase as defined in Section  
11 179(d) of the Internal Revenue Code;

12 (D) is used in the Enterprise Zone or River Edge  
13 Redevelopment Zone by the taxpayer; and

14 (E) has not been previously used in Illinois in  
15 such a manner and by such a person as would qualify for  
16 the credit provided by this subsection (f) or  
17 subsection (e).

18 (3) The basis of qualified property shall be the basis  
19 used to compute the depreciation deduction for federal  
20 income tax purposes.

21 (4) If the basis of the property for federal income tax  
22 depreciation purposes is increased after it has been placed  
23 in service in the Enterprise Zone or River Edge  
24 Redevelopment Zone by the taxpayer, the amount of such  
25 increase shall be deemed property placed in service on the  
26 date of such increase in basis.

1           (5) The term "placed in service" shall have the same  
2 meaning as under Section 46 of the Internal Revenue Code.

3           (6) If during any taxable year, any property ceases to  
4 be qualified property in the hands of the taxpayer within  
5 48 months after being placed in service, or the situs of  
6 any qualified property is moved outside the Enterprise Zone  
7 or River Edge Redevelopment Zone within 48 months after  
8 being placed in service, the tax imposed under subsections  
9 (a) and (b) of this Section for such taxable year shall be  
10 increased. Such increase shall be determined by (i)  
11 recomputing the investment credit which would have been  
12 allowed for the year in which credit for such property was  
13 originally allowed by eliminating such property from such  
14 computation, and (ii) subtracting such recomputed credit  
15 from the amount of credit previously allowed. For the  
16 purposes of this paragraph (6), a reduction of the basis of  
17 qualified property resulting from a redetermination of the  
18 purchase price shall be deemed a disposition of qualified  
19 property to the extent of such reduction.

20           (7) There shall be allowed an additional credit equal  
21 to 0.5% of the basis of qualified property placed in  
22 service during the taxable year in a River Edge  
23 Redevelopment Zone, provided such property is placed in  
24 service on or after July 1, 2006, and the taxpayer's base  
25 employment within Illinois has increased by 1% or more over  
26 the preceding year as determined by the taxpayer's

1 employment records filed with the Illinois Department of  
2 Employment Security. Taxpayers who are new to Illinois  
3 shall be deemed to have met the 1% growth in base  
4 employment for the first year in which they file employment  
5 records with the Illinois Department of Employment  
6 Security. If, in any year, the increase in base employment  
7 within Illinois over the preceding year is less than 1%,  
8 the additional credit shall be limited to that percentage  
9 times a fraction, the numerator of which is 0.5% and the  
10 denominator of which is 1%, but shall not exceed 0.5%.

11 (g) (Blank).

12 (h) Investment credit; High Impact Business.

13 (1) Subject to subsections (b) and (b-5) of Section 5.5  
14 of the Illinois Enterprise Zone Act, a taxpayer shall be  
15 allowed a credit against the tax imposed by subsections (a)  
16 and (b) of this Section for investment in qualified  
17 property which is placed in service by a Department of  
18 Commerce and Economic Opportunity designated High Impact  
19 Business. The credit shall be .5% of the basis for such  
20 property. The credit shall not be available (i) until the  
21 minimum investments in qualified property set forth in  
22 subdivision (a)(3)(A) of Section 5.5 of the Illinois  
23 Enterprise Zone Act have been satisfied or (ii) until the  
24 time authorized in subsection (b-5) of the Illinois  
25 Enterprise Zone Act for entities designated as High Impact  
26 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and

1 (a) (3) (D) of Section 5.5 of the Illinois Enterprise Zone  
2 Act, and shall not be allowed to the extent that it would  
3 reduce a taxpayer's liability for the tax imposed by  
4 subsections (a) and (b) of this Section to below zero. The  
5 credit applicable to such investments shall be taken in the  
6 taxable year in which such investments have been completed.  
7 The credit for additional investments beyond the minimum  
8 investment by a designated high impact business authorized  
9 under subdivision (a) (3) (A) of Section 5.5 of the Illinois  
10 Enterprise Zone Act shall be available only in the taxable  
11 year in which the property is placed in service and shall  
12 not be allowed to the extent that it would reduce a  
13 taxpayer's liability for the tax imposed by subsections (a)  
14 and (b) of this Section to below zero. For tax years ending  
15 on or after December 31, 1987, the credit shall be allowed  
16 for the tax year in which the property is placed in  
17 service, or, if the amount of the credit exceeds the tax  
18 liability for that year, whether it exceeds the original  
19 liability or the liability as later amended, such excess  
20 may be carried forward and applied to the tax liability of  
21 the 5 taxable years following the excess credit year. The  
22 credit shall be applied to the earliest year for which  
23 there is a liability. If there is credit from more than one  
24 tax year that is available to offset a liability, the  
25 credit accruing first in time shall be applied first.

26 Changes made in this subdivision (h) (1) by Public Act



1 88-670 restore changes made by Public Act 85-1182 and  
2 reflect existing law.

3 (2) The term qualified property means property which:

4 (A) is tangible, whether new or used, including  
5 buildings and structural components of buildings;

6 (B) is depreciable pursuant to Section 167 of the  
7 Internal Revenue Code, except that "3-year property"  
8 as defined in Section 168(c)(2)(A) of that Code is not  
9 eligible for the credit provided by this subsection  
10 (h);

11 (C) is acquired by purchase as defined in Section  
12 179(d) of the Internal Revenue Code; and

13 (D) is not eligible for the Enterprise Zone  
14 Investment Credit provided by subsection (f) of this  
15 Section.

16 (3) The basis of qualified property shall be the basis  
17 used to compute the depreciation deduction for federal  
18 income tax purposes.

19 (4) If the basis of the property for federal income tax  
20 depreciation purposes is increased after it has been placed  
21 in service in a federally designated Foreign Trade Zone or  
22 Sub-Zone located in Illinois by the taxpayer, the amount of  
23 such increase shall be deemed property placed in service on  
24 the date of such increase in basis.

25 (5) The term "placed in service" shall have the same  
26 meaning as under Section 46 of the Internal Revenue Code.

1           (6) If during any taxable year ending on or before  
2           December 31, 1996, any property ceases to be qualified  
3           property in the hands of the taxpayer within 48 months  
4           after being placed in service, or the situs of any  
5           qualified property is moved outside Illinois within 48  
6           months after being placed in service, the tax imposed under  
7           subsections (a) and (b) of this Section for such taxable  
8           year shall be increased. Such increase shall be determined  
9           by (i) recomputing the investment credit which would have  
10          been allowed for the year in which credit for such property  
11          was originally allowed by eliminating such property from  
12          such computation, and (ii) subtracting such recomputed  
13          credit from the amount of credit previously allowed. For  
14          the purposes of this paragraph (6), a reduction of the  
15          basis of qualified property resulting from a  
16          redetermination of the purchase price shall be deemed a  
17          disposition of qualified property to the extent of such  
18          reduction.

19          (7) Beginning with tax years ending after December 31,  
20          1996, if a taxpayer qualifies for the credit under this  
21          subsection (h) and thereby is granted a tax abatement and  
22          the taxpayer relocates its entire facility in violation of  
23          the explicit terms and length of the contract under Section  
24          18-183 of the Property Tax Code, the tax imposed under  
25          subsections (a) and (b) of this Section shall be increased  
26          for the taxable year in which the taxpayer relocated its

1 facility by an amount equal to the amount of credit  
2 received by the taxpayer under this subsection (h).

3 (i) Credit for Personal Property Tax Replacement Income  
4 Tax. For tax years ending prior to December 31, 2003, a credit  
5 shall be allowed against the tax imposed by subsections (a) and  
6 (b) of this Section for the tax imposed by subsections (c) and  
7 (d) of this Section. This credit shall be computed by  
8 multiplying the tax imposed by subsections (c) and (d) of this  
9 Section by a fraction, the numerator of which is base income  
10 allocable to Illinois and the denominator of which is Illinois  
11 base income, and further multiplying the product by the tax  
12 rate imposed by subsections (a) and (b) of this Section.

13 Any credit earned on or after December 31, 1986 under this  
14 subsection which is unused in the year the credit is computed  
15 because it exceeds the tax liability imposed by subsections (a)  
16 and (b) for that year (whether it exceeds the original  
17 liability or the liability as later amended) may be carried  
18 forward and applied to the tax liability imposed by subsections  
19 (a) and (b) of the 5 taxable years following the excess credit  
20 year, provided that no credit may be carried forward to any  
21 year ending on or after December 31, 2003. This credit shall be  
22 applied first to the earliest year for which there is a  
23 liability. If there is a credit under this subsection from more  
24 than one tax year that is available to offset a liability the  
25 earliest credit arising under this subsection shall be applied  
26 first.

1           If, during any taxable year ending on or after December 31,  
2 1986, the tax imposed by subsections (c) and (d) of this  
3 Section for which a taxpayer has claimed a credit under this  
4 subsection (i) is reduced, the amount of credit for such tax  
5 shall also be reduced. Such reduction shall be determined by  
6 recomputing the credit to take into account the reduced tax  
7 imposed by subsections (c) and (d). If any portion of the  
8 reduced amount of credit has been carried to a different  
9 taxable year, an amended return shall be filed for such taxable  
10 year to reduce the amount of credit claimed.

11           (j) Training expense credit. Beginning with tax years  
12 ending on or after December 31, 1986 and prior to December 31,  
13 2003, a taxpayer shall be allowed a credit against the tax  
14 imposed by subsections (a) and (b) under this Section for all  
15 amounts paid or accrued, on behalf of all persons employed by  
16 the taxpayer in Illinois or Illinois residents employed outside  
17 of Illinois by a taxpayer, for educational or vocational  
18 training in semi-technical or technical fields or semi-skilled  
19 or skilled fields, which were deducted from gross income in the  
20 computation of taxable income. The credit against the tax  
21 imposed by subsections (a) and (b) shall be 1.6% of such  
22 training expenses. For partners, shareholders of subchapter S  
23 corporations, and owners of limited liability companies, if the  
24 liability company is treated as a partnership for purposes of  
25 federal and State income taxation, there shall be allowed a  
26 credit under this subsection (j) to be determined in accordance

1 with the determination of income and distributive share of  
2 income under Sections 702 and 704 and subchapter S of the  
3 Internal Revenue Code.

4 Any credit allowed under this subsection which is unused in  
5 the year the credit is earned may be carried forward to each of  
6 the 5 taxable years following the year for which the credit is  
7 first computed until it is used. This credit shall be applied  
8 first to the earliest year for which there is a liability. If  
9 there is a credit under this subsection from more than one tax  
10 year that is available to offset a liability the earliest  
11 credit arising under this subsection shall be applied first. No  
12 carryforward credit may be claimed in any tax year ending on or  
13 after December 31, 2003.

14 (k) Research and development credit. For tax years ending  
15 after July 1, 1990 and prior to December 31, 2003, and  
16 beginning again for tax years ending on or after December 31,  
17 2004, and ending prior to January 1, 2016, a taxpayer shall be  
18 allowed a credit against the tax imposed by subsections (a) and  
19 (b) of this Section for increasing research activities in this  
20 State. The credit allowed against the tax imposed by  
21 subsections (a) and (b) shall be equal to 6 1/2% of the  
22 qualifying expenditures for increasing research activities in  
23 this State. For partners, shareholders of subchapter S  
24 corporations, and owners of limited liability companies, if the  
25 liability company is treated as a partnership for purposes of  
26 federal and State income taxation, there shall be allowed a

1 credit under this subsection to be determined in accordance  
2 with the determination of income and distributive share of  
3 income under Sections 702 and 704 and subchapter S of the  
4 Internal Revenue Code.

5 For purposes of this subsection, "qualifying expenditures"  
6 means the qualifying expenditures as defined for the federal  
7 credit for increasing research activities which would be  
8 allowable under Section 41 of the Internal Revenue Code and  
9 which are conducted in this State, "qualifying expenditures for  
10 increasing research activities in this State" means the excess  
11 of qualifying expenditures for the taxable year in which  
12 incurred over qualifying expenditures for the base period,  
13 "qualifying expenditures for the base period" means the average  
14 of the qualifying expenditures for each year in the base  
15 period, and "base period" means the 3 taxable years immediately  
16 preceding the taxable year for which the determination is being  
17 made.

18 Any credit in excess of the tax liability for the taxable  
19 year may be carried forward. A taxpayer may elect to have the  
20 unused credit shown on its final completed return carried over  
21 as a credit against the tax liability for the following 5  
22 taxable years or until it has been fully used, whichever occurs  
23 first; provided that no credit earned in a tax year ending  
24 prior to December 31, 2003 may be carried forward to any year  
25 ending on or after December 31, 2003.

26 If an unused credit is carried forward to a given year from

1 2 or more earlier years, that credit arising in the earliest  
2 year will be applied first against the tax liability for the  
3 given year. If a tax liability for the given year still  
4 remains, the credit from the next earliest year will then be  
5 applied, and so on, until all credits have been used or no tax  
6 liability for the given year remains. Any remaining unused  
7 credit or credits then will be carried forward to the next  
8 following year in which a tax liability is incurred, except  
9 that no credit can be carried forward to a year which is more  
10 than 5 years after the year in which the expense for which the  
11 credit is given was incurred.

12 No inference shall be drawn from this amendatory Act of the  
13 91st General Assembly in construing this Section for taxable  
14 years beginning before January 1, 1999.

15 (1) Environmental Remediation Tax Credit.

16 (i) For tax years ending after December 31, 1997 and on  
17 or before December 31, 2001, a taxpayer shall be allowed a  
18 credit against the tax imposed by subsections (a) and (b)  
19 of this Section for certain amounts paid for unreimbursed  
20 eligible remediation costs, as specified in this  
21 subsection. For purposes of this Section, "unreimbursed  
22 eligible remediation costs" means costs approved by the  
23 Illinois Environmental Protection Agency ("Agency") under  
24 Section 58.14 of the Environmental Protection Act that were  
25 paid in performing environmental remediation at a site for  
26 which a No Further Remediation Letter was issued by the

1 Agency and recorded under Section 58.10 of the  
2 Environmental Protection Act. The credit must be claimed  
3 for the taxable year in which Agency approval of the  
4 eligible remediation costs is granted. The credit is not  
5 available to any taxpayer if the taxpayer or any related  
6 party caused or contributed to, in any material respect, a  
7 release of regulated substances on, in, or under the site  
8 that was identified and addressed by the remedial action  
9 pursuant to the Site Remediation Program of the  
10 Environmental Protection Act. After the Pollution Control  
11 Board rules are adopted pursuant to the Illinois  
12 Administrative Procedure Act for the administration and  
13 enforcement of Section 58.9 of the Environmental  
14 Protection Act, determinations as to credit availability  
15 for purposes of this Section shall be made consistent with  
16 those rules. For purposes of this Section, "taxpayer"  
17 includes a person whose tax attributes the taxpayer has  
18 succeeded to under Section 381 of the Internal Revenue Code  
19 and "related party" includes the persons disallowed a  
20 deduction for losses by paragraphs (b), (c), and (f)(1) of  
21 Section 267 of the Internal Revenue Code by virtue of being  
22 a related taxpayer, as well as any of its partners. The  
23 credit allowed against the tax imposed by subsections (a)  
24 and (b) shall be equal to 25% of the unreimbursed eligible  
25 remediation costs in excess of \$100,000 per site, except  
26 that the \$100,000 threshold shall not apply to any site



1 contained in an enterprise zone as determined by the  
2 Department of Commerce and Community Affairs (now  
3 Department of Commerce and Economic Opportunity). The  
4 total credit allowed shall not exceed \$40,000 per year with  
5 a maximum total of \$150,000 per site. For partners and  
6 shareholders of subchapter S corporations, there shall be  
7 allowed a credit under this subsection to be determined in  
8 accordance with the determination of income and  
9 distributive share of income under Sections 702 and 704 and  
10 subchapter S of the Internal Revenue Code.

11 (ii) A credit allowed under this subsection that is  
12 unused in the year the credit is earned may be carried  
13 forward to each of the 5 taxable years following the year  
14 for which the credit is first earned until it is used. The  
15 term "unused credit" does not include any amounts of  
16 unreimbursed eligible remediation costs in excess of the  
17 maximum credit per site authorized under paragraph (i).  
18 This credit shall be applied first to the earliest year for  
19 which there is a liability. If there is a credit under this  
20 subsection from more than one tax year that is available to  
21 offset a liability, the earliest credit arising under this  
22 subsection shall be applied first. A credit allowed under  
23 this subsection may be sold to a buyer as part of a sale of  
24 all or part of the remediation site for which the credit  
25 was granted. The purchaser of a remediation site and the  
26 tax credit shall succeed to the unused credit and remaining

1 carry-forward period of the seller. To perfect the  
2 transfer, the assignor shall record the transfer in the  
3 chain of title for the site and provide written notice to  
4 the Director of the Illinois Department of Revenue of the  
5 assignor's intent to sell the remediation site and the  
6 amount of the tax credit to be transferred as a portion of  
7 the sale. In no event may a credit be transferred to any  
8 taxpayer if the taxpayer or a related party would not be  
9 eligible under the provisions of subsection (i).

10 (iii) For purposes of this Section, the term "site"  
11 shall have the same meaning as under Section 58.2 of the  
12 Environmental Protection Act.

13 (m) Education expense credit. Beginning with tax years  
14 ending after December 31, 1999, a taxpayer who is the custodian  
15 of one or more qualifying pupils shall be allowed a credit  
16 against the tax imposed by subsections (a) and (b) of this  
17 Section for qualified education expenses incurred on behalf of  
18 the qualifying pupils. The credit shall be equal to 25% of  
19 qualified education expenses, but in no event may the total  
20 credit under this subsection claimed by a family that is the  
21 custodian of qualifying pupils exceed \$500. In no event shall a  
22 credit under this subsection reduce the taxpayer's liability  
23 under this Act to less than zero. This subsection is exempt  
24 from the provisions of Section 250 of this Act.

25 For purposes of this subsection:

26 "Qualifying pupils" means individuals who (i) are

1 residents of the State of Illinois, (ii) are under the age of  
2 21 at the close of the school year for which a credit is  
3 sought, and (iii) during the school year for which a credit is  
4 sought were full-time pupils enrolled in a kindergarten through  
5 twelfth grade education program at any school, as defined in  
6 this subsection.

7 "Qualified education expense" means the amount incurred on  
8 behalf of a qualifying pupil in excess of \$250 for tuition,  
9 book fees, and lab fees at the school in which the pupil is  
10 enrolled during the regular school year.

11 "School" means any public or nonpublic elementary or  
12 secondary school in Illinois that is in compliance with Title  
13 VI of the Civil Rights Act of 1964 and attendance at which  
14 satisfies the requirements of Section 26-1 of the School Code,  
15 except that nothing shall be construed to require a child to  
16 attend any particular public or nonpublic school to qualify for  
17 the credit under this Section.

18 "Custodian" means, with respect to qualifying pupils, an  
19 Illinois resident who is a parent, the parents, a legal  
20 guardian, or the legal guardians of the qualifying pupils.

21 (n) River Edge Redevelopment Zone site remediation tax  
22 credit.

23 (i) For tax years ending on or after December 31, 2006,  
24 a taxpayer shall be allowed a credit against the tax  
25 imposed by subsections (a) and (b) of this Section for  
26 certain amounts paid for unreimbursed eligible remediation

1 costs, as specified in this subsection. For purposes of  
2 this Section, "unreimbursed eligible remediation costs"  
3 means costs approved by the Illinois Environmental  
4 Protection Agency ("Agency") under Section 58.14a of the  
5 Environmental Protection Act that were paid in performing  
6 environmental remediation at a site within a River Edge  
7 Redevelopment Zone for which a No Further Remediation  
8 Letter was issued by the Agency and recorded under Section  
9 58.10 of the Environmental Protection Act. The credit must  
10 be claimed for the taxable year in which Agency approval of  
11 the eligible remediation costs is granted. The credit is  
12 not available to any taxpayer if the taxpayer or any  
13 related party caused or contributed to, in any material  
14 respect, a release of regulated substances on, in, or under  
15 the site that was identified and addressed by the remedial  
16 action pursuant to the Site Remediation Program of the  
17 Environmental Protection Act. Determinations as to credit  
18 availability for purposes of this Section shall be made  
19 consistent with rules adopted by the Pollution Control  
20 Board pursuant to the Illinois Administrative Procedure  
21 Act for the administration and enforcement of Section 58.9  
22 of the Environmental Protection Act. For purposes of this  
23 Section, "taxpayer" includes a person whose tax attributes  
24 the taxpayer has succeeded to under Section 381 of the  
25 Internal Revenue Code and "related party" includes the  
26 persons disallowed a deduction for losses by paragraphs

1 (b), (c), and (f) (1) of Section 267 of the Internal Revenue  
2 Code by virtue of being a related taxpayer, as well as any  
3 of its partners. The credit allowed against the tax imposed  
4 by subsections (a) and (b) shall be equal to 25% of the  
5 unreimbursed eligible remediation costs in excess of  
6 \$100,000 per site.

7 (ii) A credit allowed under this subsection that is  
8 unused in the year the credit is earned may be carried  
9 forward to each of the 5 taxable years following the year  
10 for which the credit is first earned until it is used. This  
11 credit shall be applied first to the earliest year for  
12 which there is a liability. If there is a credit under this  
13 subsection from more than one tax year that is available to  
14 offset a liability, the earliest credit arising under this  
15 subsection shall be applied first. A credit allowed under  
16 this subsection may be sold to a buyer as part of a sale of  
17 all or part of the remediation site for which the credit  
18 was granted. The purchaser of a remediation site and the  
19 tax credit shall succeed to the unused credit and remaining  
20 carry-forward period of the seller. To perfect the  
21 transfer, the assignor shall record the transfer in the  
22 chain of title for the site and provide written notice to  
23 the Director of the Illinois Department of Revenue of the  
24 assignor's intent to sell the remediation site and the  
25 amount of the tax credit to be transferred as a portion of  
26 the sale. In no event may a credit be transferred to any

1 taxpayer if the taxpayer or a related party would not be  
2 eligible under the provisions of subsection (i).

3 (iii) For purposes of this Section, the term "site"  
4 shall have the same meaning as under Section 58.2 of the  
5 Environmental Protection Act.

6 (o) For each of taxable years during the Compassionate Use  
7 of Medical Cannabis Pilot Program, a surcharge is imposed on  
8 all taxpayers on income arising from the sale or exchange of  
9 capital assets, depreciable business property, real property  
10 used in the trade or business, and Section 197 intangibles of  
11 an organization registrant under the Compassionate Use of  
12 Medical Cannabis Pilot Program Act. The amount of the surcharge  
13 is equal to the amount of federal income tax liability for the  
14 taxable year attributable to those sales and exchanges. The  
15 surcharge imposed does not apply if:

16 (1) the medical cannabis cultivation center  
17 registration, medical cannabis dispensary registration, or  
18 the property of a registration is transferred as a result  
19 of any of the following:

20 (A) bankruptcy, a receivership, or a debt  
21 adjustment initiated by or against the initial  
22 registration or the substantial owners of the initial  
23 registration;

24 (B) cancellation, revocation, or termination of  
25 any registration by the Illinois Department of Public  
26 Health;

1 (C) a determination by the Illinois Department of  
2 Public Health that transfer of the registration is in  
3 the best interests of Illinois qualifying patients as  
4 defined by the Compassionate Use of Medical Cannabis  
5 Pilot Program Act;

6 (D) the death of an owner of the equity interest in  
7 a registrant;

8 (E) the acquisition of a controlling interest in  
9 the stock or substantially all of the assets of a  
10 publicly traded company;

11 (F) a transfer by a parent company to a wholly  
12 owned subsidiary; or

13 (G) the transfer or sale to or by one person to  
14 another person where both persons were initial owners  
15 of the registration when the registration was issued;  
16 or

17 (2) the cannabis cultivation center registration,  
18 medical cannabis dispensary registration, or the  
19 controlling interest in a registrant's property is  
20 transferred in a transaction to lineal descendants in which  
21 no gain or loss is recognized or as a result of a  
22 transaction in accordance with Section 351 of the Internal  
23 Revenue Code in which no gain or loss is recognized.

24 (Source: P.A. 97-2, eff. 5-6-11; 97-636, eff. 6-1-12; 97-905,  
25 eff. 8-7-12; 98-109, eff. 7-25-13; 98-122, eff. 1-1-14; revised  
26 8-9-13.)

1 (35 ILCS 5/304) (from Ch. 120, par. 3-304)

2 Sec. 304. Business income of persons other than residents.

3 (a) In general. The business income of a person other than  
4 a resident shall be allocated to this State if such person's  
5 business income is derived solely from this State. If a person  
6 other than a resident derives business income from this State  
7 and one or more other states, then, for tax years ending on or  
8 before December 30, 1998, and except as otherwise provided by  
9 this Section, such person's business income shall be  
10 apportioned to this State by multiplying the income by a  
11 fraction, the numerator of which is the sum of the property  
12 factor (if any), the payroll factor (if any) and 200% of the  
13 sales factor (if any), and the denominator of which is 4  
14 reduced by the number of factors other than the sales factor  
15 which have a denominator of zero and by an additional 2 if the  
16 sales factor has a denominator of zero. For tax years ending on  
17 or after December 31, 1998, and except as otherwise provided by  
18 this Section, persons other than residents who derive business  
19 income from this State and one or more other states shall  
20 compute their apportionment factor by weighting their  
21 property, payroll, and sales factors as provided in subsection  
22 (h) of this Section.

23 (1) Property factor.

24 (A) The property factor is a fraction, the numerator of  
25 which is the average value of the person's real and



1           tangible personal property owned or rented and used in the  
2           trade or business in this State during the taxable year and  
3           the denominator of which is the average value of all the  
4           person's real and tangible personal property owned or  
5           rented and used in the trade or business during the taxable  
6           year.

7           (B) Property owned by the person is valued at its  
8           original cost. Property rented by the person is valued at 8  
9           times the net annual rental rate. Net annual rental rate is  
10          the annual rental rate paid by the person less any annual  
11          rental rate received by the person from sub-rentals.

12          (C) The average value of property shall be determined  
13          by averaging the values at the beginning and ending of the  
14          taxable year but the Director may require the averaging of  
15          monthly values during the taxable year if reasonably  
16          required to reflect properly the average value of the  
17          person's property.

18          (2) Payroll factor.

19          (A) The payroll factor is a fraction, the numerator of  
20          which is the total amount paid in this State during the  
21          taxable year by the person for compensation, and the  
22          denominator of which is the total compensation paid  
23          everywhere during the taxable year.

24          (B) Compensation is paid in this State if:

25                  (i) The individual's service is performed entirely  
26                  within this State;

1           (ii) The individual's service is performed both  
2           within and without this State, but the service  
3           performed without this State is incidental to the  
4           individual's service performed within this State; or

5           (iii) Some of the service is performed within this  
6           State and either the base of operations, or if there is  
7           no base of operations, the place from which the service  
8           is directed or controlled is within this State, or the  
9           base of operations or the place from which the service  
10          is directed or controlled is not in any state in which  
11          some part of the service is performed, but the  
12          individual's residence is in this State.

13          (iv) Compensation paid to nonresident professional  
14          athletes.

15          (a) General. The Illinois source income of a  
16          nonresident individual who is a member of a  
17          professional athletic team includes the portion of the  
18          individual's total compensation for services performed  
19          as a member of a professional athletic team during the  
20          taxable year which the number of duty days spent within  
21          this State performing services for the team in any  
22          manner during the taxable year bears to the total  
23          number of duty days spent both within and without this  
24          State during the taxable year.

25          (b) Travel days. Travel days that do not involve  
26          either a game, practice, team meeting, or other similar

1 team event are not considered duty days spent in this  
2 State. However, such travel days are considered in the  
3 total duty days spent both within and without this  
4 State.

5 (c) Definitions. For purposes of this subpart  
6 (iv):

7 (1) The term "professional athletic team"  
8 includes, but is not limited to, any professional  
9 baseball, basketball, football, soccer, or hockey  
10 team.

11 (2) The term "member of a professional  
12 athletic team" includes those employees who are  
13 active players, players on the disabled list, and  
14 any other persons required to travel and who travel  
15 with and perform services on behalf of a  
16 professional athletic team on a regular basis.  
17 This includes, but is not limited to, coaches,  
18 managers, and trainers.

19 (3) Except as provided in items (C) and (D) of  
20 this subpart (3), the term "duty days" means all  
21 days during the taxable year from the beginning of  
22 the professional athletic team's official  
23 pre-season training period through the last game  
24 in which the team competes or is scheduled to  
25 compete. Duty days shall be counted for the year in  
26 which they occur, including where a team's

1 official pre-season training period through the  
2 last game in which the team competes or is  
3 scheduled to compete, occurs during more than one  
4 tax year.

5 (A) Duty days shall also include days on  
6 which a member of a professional athletic team  
7 performs service for a team on a date that does  
8 not fall within the foregoing period (e.g.,  
9 participation in instructional leagues, the  
10 "All Star Game", or promotional "caravans").  
11 Performing a service for a professional  
12 athletic team includes conducting training and  
13 rehabilitation activities, when such  
14 activities are conducted at team facilities.

15 (B) Also included in duty days are game  
16 days, practice days, days spent at team  
17 meetings, promotional caravans, preseason  
18 training camps, and days served with the team  
19 through all post-season games in which the team  
20 competes or is scheduled to compete.

21 (C) Duty days for any person who joins a  
22 team during the period from the beginning of  
23 the professional athletic team's official  
24 pre-season training period through the last  
25 game in which the team competes, or is  
26 scheduled to compete, shall begin on the day

1 that person joins the team. Conversely, duty  
2 days for any person who leaves a team during  
3 this period shall end on the day that person  
4 leaves the team. Where a person switches teams  
5 during a taxable year, a separate duty-day  
6 calculation shall be made for the period the  
7 person was with each team.

8 (D) Days for which a member of a  
9 professional athletic team is not compensated  
10 and is not performing services for the team in  
11 any manner, including days when such member of  
12 a professional athletic team has been  
13 suspended without pay and prohibited from  
14 performing any services for the team, shall not  
15 be treated as duty days.

16 (E) Days for which a member of a  
17 professional athletic team is on the disabled  
18 list and does not conduct rehabilitation  
19 activities at facilities of the team, and is  
20 not otherwise performing services for the team  
21 in Illinois, shall not be considered duty days  
22 spent in this State. All days on the disabled  
23 list, however, are considered to be included in  
24 total duty days spent both within and without  
25 this State.

26 (4) The term "total compensation for services

1 performed as a member of a professional athletic  
2 team" means the total compensation received during  
3 the taxable year for services performed:

4 (A) from the beginning of the official  
5 pre-season training period through the last  
6 game in which the team competes or is scheduled  
7 to compete during that taxable year; and

8 (B) during the taxable year on a date which  
9 does not fall within the foregoing period  
10 (e.g., participation in instructional leagues,  
11 the "All Star Game", or promotional caravans).

12 This compensation shall include, but is not  
13 limited to, salaries, wages, bonuses as described  
14 in this subpart, and any other type of compensation  
15 paid during the taxable year to a member of a  
16 professional athletic team for services performed  
17 in that year. This compensation does not include  
18 strike benefits, severance pay, termination pay,  
19 contract or option year buy-out payments,  
20 expansion or relocation payments, or any other  
21 payments not related to services performed for the  
22 team.

23 For purposes of this subparagraph, "bonuses"  
24 included in "total compensation for services  
25 performed as a member of a professional athletic  
26 team" subject to the allocation described in

1           Section 302(c)(1) are: bonuses earned as a result  
2           of play (i.e., performance bonuses) during the  
3           season, including bonuses paid for championship,  
4           playoff or "bowl" games played by a team, or for  
5           selection to all-star league or other honorary  
6           positions; and bonuses paid for signing a  
7           contract, unless the payment of the signing bonus  
8           is not conditional upon the signee playing any  
9           games for the team or performing any subsequent  
10          services for the team or even making the team, the  
11          signing bonus is payable separately from the  
12          salary and any other compensation, and the signing  
13          bonus is nonrefundable.

14          (3) Sales factor.

15           (A) The sales factor is a fraction, the numerator of  
16          which is the total sales of the person in this State during  
17          the taxable year, and the denominator of which is the total  
18          sales of the person everywhere during the taxable year.

19           (B) Sales of tangible personal property are in this  
20          State if:

21           (i) The property is delivered or shipped to a  
22          purchaser, other than the United States government,  
23          within this State regardless of the f. o. b. point or  
24          other conditions of the sale; or

25           (ii) The property is shipped from an office, store,  
26          warehouse, factory or other place of storage in this

1 State and either the purchaser is the United States  
2 government or the person is not taxable in the state of  
3 the purchaser; provided, however, that premises owned  
4 or leased by a person who has independently contracted  
5 with the seller for the printing of newspapers,  
6 periodicals or books shall not be deemed to be an  
7 office, store, warehouse, factory or other place of  
8 storage for purposes of this Section. Sales of tangible  
9 personal property are not in this State if the seller  
10 and purchaser would be members of the same unitary  
11 business group but for the fact that either the seller  
12 or purchaser is a person with 80% or more of total  
13 business activity outside of the United States and the  
14 property is purchased for resale.

15 (B-1) Patents, copyrights, trademarks, and similar  
16 items of intangible personal property.

17 (i) Gross receipts from the licensing, sale, or  
18 other disposition of a patent, copyright, trademark,  
19 or similar item of intangible personal property, other  
20 than gross receipts governed by paragraph (B-7) of this  
21 item (3), are in this State to the extent the item is  
22 utilized in this State during the year the gross  
23 receipts are included in gross income.

24 (ii) Place of utilization.

25 (I) A patent is utilized in a state to the  
26 extent that it is employed in production,



1 fabrication, manufacturing, or other processing in  
2 the state or to the extent that a patented product  
3 is produced in the state. If a patent is utilized  
4 in more than one state, the extent to which it is  
5 utilized in any one state shall be a fraction equal  
6 to the gross receipts of the licensee or purchaser  
7 from sales or leases of items produced,  
8 fabricated, manufactured, or processed within that  
9 state using the patent and of patented items  
10 produced within that state, divided by the total of  
11 such gross receipts for all states in which the  
12 patent is utilized.

13 (II) A copyright is utilized in a state to the  
14 extent that printing or other publication  
15 originates in the state. If a copyright is utilized  
16 in more than one state, the extent to which it is  
17 utilized in any one state shall be a fraction equal  
18 to the gross receipts from sales or licenses of  
19 materials printed or published in that state  
20 divided by the total of such gross receipts for all  
21 states in which the copyright is utilized.

22 (III) Trademarks and other items of intangible  
23 personal property governed by this paragraph (B-1)  
24 are utilized in the state in which the commercial  
25 domicile of the licensee or purchaser is located.

26 (iii) If the state of utilization of an item of

1 property governed by this paragraph (B-1) cannot be  
2 determined from the taxpayer's books and records or  
3 from the books and records of any person related to the  
4 taxpayer within the meaning of Section 267(b) of the  
5 Internal Revenue Code, 26 U.S.C. 267, the gross  
6 receipts attributable to that item shall be excluded  
7 from both the numerator and the denominator of the  
8 sales factor.

9 (B-2) Gross receipts from the license, sale, or other  
10 disposition of patents, copyrights, trademarks, and  
11 similar items of intangible personal property, other than  
12 gross receipts governed by paragraph (B-7) of this item  
13 (3), may be included in the numerator or denominator of the  
14 sales factor only if gross receipts from licenses, sales,  
15 or other disposition of such items comprise more than 50%  
16 of the taxpayer's total gross receipts included in gross  
17 income during the tax year and during each of the 2  
18 immediately preceding tax years; provided that, when a  
19 taxpayer is a member of a unitary business group, such  
20 determination shall be made on the basis of the gross  
21 receipts of the entire unitary business group.

22 (B-5) For taxable years ending on or after December 31,  
23 2008, except as provided in subsections (ii) through (vii),  
24 receipts from the sale of telecommunications service or  
25 mobile telecommunications service are in this State if the  
26 customer's service address is in this State.

1 (i) For purposes of this subparagraph (B-5), the  
2 following terms have the following meanings:

3 "Ancillary services" means services that are  
4 associated with or incidental to the provision of  
5 "telecommunications services", including but not  
6 limited to "detailed telecommunications billing",  
7 "directory assistance", "vertical service", and "voice  
8 mail services".

9 "Air-to-Ground Radiotelephone service" means a  
10 radio service, as that term is defined in 47 CFR 22.99,  
11 in which common carriers are authorized to offer and  
12 provide radio telecommunications service for hire to  
13 subscribers in aircraft.

14 "Call-by-call Basis" means any method of charging  
15 for telecommunications services where the price is  
16 measured by individual calls.

17 "Communications Channel" means a physical or  
18 virtual path of communications over which signals are  
19 transmitted between or among customer channel  
20 termination points.

21 "Conference bridging service" means an "ancillary  
22 service" that links two or more participants of an  
23 audio or video conference call and may include the  
24 provision of a telephone number. "Conference bridging  
25 service" does not include the "telecommunications  
26 services" used to reach the conference bridge.

1           "Customer Channel Termination Point" means the  
2           location where the customer either inputs or receives  
3           the communications.

4           "Detailed telecommunications billing service"  
5           means an "ancillary service" of separately stating  
6           information pertaining to individual calls on a  
7           customer's billing statement.

8           "Directory assistance" means an "ancillary  
9           service" of providing telephone number information,  
10          and/or address information.

11          "Home service provider" means the facilities based  
12          carrier or reseller with which the customer contracts  
13          for the provision of mobile telecommunications  
14          services.

15          "Mobile telecommunications service" means  
16          commercial mobile radio service, as defined in Section  
17          20.3 of Title 47 of the Code of Federal Regulations as  
18          in effect on June 1, 1999.

19          "Place of primary use" means the street address  
20          representative of where the customer's use of the  
21          telecommunications service primarily occurs, which  
22          must be the residential street address or the primary  
23          business street address of the customer. In the case of  
24          mobile telecommunications services, "place of primary  
25          use" must be within the licensed service area of the  
26          home service provider.

1 "Post-paid telecommunication service" means the  
2 telecommunications service obtained by making a  
3 payment on a call-by-call basis either through the use  
4 of a credit card or payment mechanism such as a bank  
5 card, travel card, credit card, or debit card, or by  
6 charge made to a telephone number which is not  
7 associated with the origination or termination of the  
8 telecommunications service. A post-paid calling  
9 service includes telecommunications service, except a  
10 prepaid wireless calling service, that would be a  
11 prepaid calling service except it is not exclusively a  
12 telecommunication service.

13 "Prepaid telecommunication service" means the  
14 right to access exclusively telecommunications  
15 services, which must be paid for in advance and which  
16 enables the origination of calls using an access number  
17 or authorization code, whether manually or  
18 electronically dialed, and that is sold in  
19 predetermined units or dollars of which the number  
20 declines with use in a known amount.

21 "Prepaid Mobile telecommunication service" means a  
22 telecommunications service that provides the right to  
23 utilize mobile wireless service as well as other  
24 non-telecommunication services, including but not  
25 limited to ancillary services, which must be paid for  
26 in advance that is sold in predetermined units or

1           dollars of which the number declines with use in a  
2           known amount.

3           "Private communication service" means a  
4           telecommunication service that entitles the customer  
5           to exclusive or priority use of a communications  
6           channel or group of channels between or among  
7           termination points, regardless of the manner in which  
8           such channel or channels are connected, and includes  
9           switching capacity, extension lines, stations, and any  
10          other associated services that are provided in  
11          connection with the use of such channel or channels.

12          "Service address" means:

13                 (a) The location of the telecommunications  
14                 equipment to which a customer's call is charged and  
15                 from which the call originates or terminates,  
16                 regardless of where the call is billed or paid;

17                 (b) If the location in line (a) is not known,  
18                 service address means the origination point of the  
19                 signal of the telecommunications services first  
20                 identified by either the seller's  
21                 telecommunications system or in information  
22                 received by the seller from its service provider  
23                 where the system used to transport such signals is  
24                 not that of the seller; and

25                 (c) If the locations in line (a) and line (b)  
26                 are not known, the service address means the

1 location of the customer's place of primary use.

2 "Telecommunications service" means the electronic  
3 transmission, conveyance, or routing of voice, data,  
4 audio, video, or any other information or signals to a  
5 point, or between or among points. The term  
6 "telecommunications service" includes such  
7 transmission, conveyance, or routing in which computer  
8 processing applications are used to act on the form,  
9 code or protocol of the content for purposes of  
10 transmission, conveyance or routing without regard to  
11 whether such service is referred to as voice over  
12 Internet protocol services or is classified by the  
13 Federal Communications Commission as enhanced or value  
14 added. "Telecommunications service" does not include:

15 (a) Data processing and information services  
16 that allow data to be generated, acquired, stored,  
17 processed, or retrieved and delivered by an  
18 electronic transmission to a purchaser when such  
19 purchaser's primary purpose for the underlying  
20 transaction is the processed data or information;

21 (b) Installation or maintenance of wiring or  
22 equipment on a customer's premises;

23 (c) Tangible personal property;

24 (d) Advertising, including but not limited to  
25 directory advertising.

26 (e) Billing and collection services provided

1 to third parties;

2 (f) Internet access service;

3 (g) Radio and television audio and video  
4 programming services, regardless of the medium,  
5 including the furnishing of transmission,  
6 conveyance and routing of such services by the  
7 programming service provider. Radio and television  
8 audio and video programming services shall include  
9 but not be limited to cable service as defined in  
10 47 USC 522(6) and audio and video programming  
11 services delivered by commercial mobile radio  
12 service providers, as defined in 47 CFR 20.3;

13 (h) "Ancillary services"; or

14 (i) Digital products "delivered  
15 electronically", including but not limited to  
16 software, music, video, reading materials or ring  
17 tones.

18 "Vertical service" means an "ancillary service"  
19 that is offered in connection with one or more  
20 "telecommunications services", which offers advanced  
21 calling features that allow customers to identify  
22 callers and to manage multiple calls and call  
23 connections, including "conference bridging services".

24 "Voice mail service" means an "ancillary service"  
25 that enables the customer to store, send or receive  
26 recorded messages. "Voice mail service" does not



1 include any "vertical services" that the customer may  
2 be required to have in order to utilize the "voice mail  
3 service".

4 (ii) Receipts from the sale of telecommunications  
5 service sold on an individual call-by-call basis are in  
6 this State if either of the following applies:

7 (a) The call both originates and terminates in  
8 this State.

9 (b) The call either originates or terminates  
10 in this State and the service address is located in  
11 this State.

12 (iii) Receipts from the sale of postpaid  
13 telecommunications service at retail are in this State  
14 if the origination point of the telecommunication  
15 signal, as first identified by the service provider's  
16 telecommunication system or as identified by  
17 information received by the seller from its service  
18 provider if the system used to transport  
19 telecommunication signals is not the seller's, is  
20 located in this State.

21 (iv) Receipts from the sale of prepaid  
22 telecommunications service or prepaid mobile  
23 telecommunications service at retail are in this State  
24 if the purchaser obtains the prepaid card or similar  
25 means of conveyance at a location in this State.  
26 Receipts from recharging a prepaid telecommunications

1 service or mobile telecommunications service is in  
2 this State if the purchaser's billing information  
3 indicates a location in this State.

4 (v) Receipts from the sale of private  
5 communication services are in this State as follows:

6 (a) 100% of receipts from charges imposed at  
7 each channel termination point in this State.

8 (b) 100% of receipts from charges for the total  
9 channel mileage between each channel termination  
10 point in this State.

11 (c) 50% of the total receipts from charges for  
12 service segments when those segments are between 2  
13 customer channel termination points, 1 of which is  
14 located in this State and the other is located  
15 outside of this State, which segments are  
16 separately charged.

17 (d) The receipts from charges for service  
18 segments with a channel termination point located  
19 in this State and in two or more other states, and  
20 which segments are not separately billed, are in  
21 this State based on a percentage determined by  
22 dividing the number of customer channel  
23 termination points in this State by the total  
24 number of customer channel termination points.

25 (vi) Receipts from charges for ancillary services  
26 for telecommunications service sold to customers at

1 retail are in this State if the customer's primary  
2 place of use of telecommunications services associated  
3 with those ancillary services is in this State. If the  
4 seller of those ancillary services cannot determine  
5 where the associated telecommunications are located,  
6 then the ancillary services shall be based on the  
7 location of the purchaser.

8 (vii) Receipts to access a carrier's network or  
9 from the sale of telecommunication services or  
10 ancillary services for resale are in this State as  
11 follows:

12 (a) 100% of the receipts from access fees  
13 attributable to intrastate telecommunications  
14 service that both originates and terminates in  
15 this State.

16 (b) 50% of the receipts from access fees  
17 attributable to interstate telecommunications  
18 service if the interstate call either originates  
19 or terminates in this State.

20 (c) 100% of the receipts from interstate end  
21 user access line charges, if the customer's  
22 service address is in this State. As used in this  
23 subdivision, "interstate end user access line  
24 charges" includes, but is not limited to, the  
25 surcharge approved by the federal communications  
26 commission and levied pursuant to 47 CFR 69.

1 (d) Gross receipts from sales of  
2 telecommunication services or from ancillary  
3 services for telecommunications services sold to  
4 other telecommunication service providers for  
5 resale shall be sourced to this State using the  
6 apportionment concepts used for non-resale  
7 receipts of telecommunications services if the  
8 information is readily available to make that  
9 determination. If the information is not readily  
10 available, then the taxpayer may use any other  
11 reasonable and consistent method.

12 (B-7) For taxable years ending on or after December 31,  
13 2008, receipts from the sale of broadcasting services are  
14 in this State if the broadcasting services are received in  
15 this State. For purposes of this paragraph (B-7), the  
16 following terms have the following meanings:

17 "Advertising revenue" means consideration received  
18 by the taxpayer in exchange for broadcasting services  
19 or allowing the broadcasting of commercials or  
20 announcements in connection with the broadcasting of  
21 film or radio programming, from sponsorships of the  
22 programming, or from product placements in the  
23 programming.

24 "Audience factor" means the ratio that the  
25 audience or subscribers located in this State of a  
26 station, a network, or a cable system bears to the

1 total audience or total subscribers for that station,  
2 network, or cable system. The audience factor for film  
3 or radio programming shall be determined by reference  
4 to the books and records of the taxpayer or by  
5 reference to published rating statistics provided the  
6 method used by the taxpayer is consistently used from  
7 year to year for this purpose and fairly represents the  
8 taxpayer's activity in this State.

9 "Broadcast" or "broadcasting" or "broadcasting  
10 services" means the transmission or provision of film  
11 or radio programming, whether through the public  
12 airwaves, by cable, by direct or indirect satellite  
13 transmission, or by any other means of communication,  
14 either through a station, a network, or a cable system.

15 "Film" or "film programming" means the broadcast  
16 on television of any and all performances, events, or  
17 productions, including but not limited to news,  
18 sporting events, plays, stories, or other literary,  
19 commercial, educational, or artistic works, either  
20 live or through the use of video tape, disc, or any  
21 other type of format or medium. Each episode of a  
22 series of films produced for television shall  
23 constitute separate "film" notwithstanding that the  
24 series relates to the same principal subject and is  
25 produced during one or more tax periods.

26 "Radio" or "radio programming" means the broadcast

1 on radio of any and all performances, events, or  
2 productions, including but not limited to news,  
3 sporting events, plays, stories, or other literary,  
4 commercial, educational, or artistic works, either  
5 live or through the use of an audio tape, disc, or any  
6 other format or medium. Each episode in a series of  
7 radio programming produced for radio broadcast shall  
8 constitute a separate "radio programming"  
9 notwithstanding that the series relates to the same  
10 principal subject and is produced during one or more  
11 tax periods.

12 (i) In the case of advertising revenue from  
13 broadcasting, the customer is the advertiser and  
14 the service is received in this State if the  
15 commercial domicile of the advertiser is in this  
16 State.

17 (ii) In the case where film or radio  
18 programming is broadcast by a station, a network,  
19 or a cable system for a fee or other remuneration  
20 received from the recipient of the broadcast, the  
21 portion of the service that is received in this  
22 State is measured by the portion of the recipients  
23 of the broadcast located in this State.  
24 Accordingly, the fee or other remuneration for  
25 such service that is included in the Illinois  
26 numerator of the sales factor is the total of those

1 fees or other remuneration received from  
2 recipients in Illinois. For purposes of this  
3 paragraph, a taxpayer may determine the location  
4 of the recipients of its broadcast using the  
5 address of the recipient shown in its contracts  
6 with the recipient or using the billing address of  
7 the recipient in the taxpayer's records.

8 (iii) In the case where film or radio  
9 programming is broadcast by a station, a network,  
10 or a cable system for a fee or other remuneration  
11 from the person providing the programming, the  
12 portion of the broadcast service that is received  
13 by such station, network, or cable system in this  
14 State is measured by the portion of recipients of  
15 the broadcast located in this State. Accordingly,  
16 the amount of revenue related to such an  
17 arrangement that is included in the Illinois  
18 numerator of the sales factor is the total fee or  
19 other total remuneration from the person providing  
20 the programming related to that broadcast  
21 multiplied by the Illinois audience factor for  
22 that broadcast.

23 (iv) In the case where film or radio  
24 programming is provided by a taxpayer that is a  
25 network or station to a customer for broadcast in  
26 exchange for a fee or other remuneration from that

1 customer the broadcasting service is received at  
2 the location of the office of the customer from  
3 which the services were ordered in the regular  
4 course of the customer's trade or business.  
5 Accordingly, in such a case the revenue derived by  
6 the taxpayer that is included in the taxpayer's  
7 Illinois numerator of the sales factor is the  
8 revenue from such customers who receive the  
9 broadcasting service in Illinois.

10 (v) In the case where film or radio programming  
11 is provided by a taxpayer that is not a network or  
12 station to another person for broadcasting in  
13 exchange for a fee or other remuneration from that  
14 person, the broadcasting service is received at  
15 the location of the office of the customer from  
16 which the services were ordered in the regular  
17 course of the customer's trade or business.  
18 Accordingly, in such a case the revenue derived by  
19 the taxpayer that is included in the taxpayer's  
20 Illinois numerator of the sales factor is the  
21 revenue from such customers who receive the  
22 broadcasting service in Illinois.

23 (B-8) Gross receipts from winnings under the Illinois  
24 Lottery Law from the assignment of a prize under Section  
25 13-1 of the Illinois Lottery Law are received in this  
26 State. This paragraph (B-8) applies only to taxable years



1 ending on or after December 31, 2013.

2 (C) For taxable years ending before December 31, 2008,  
3 sales, other than sales governed by paragraphs (B), (B-1),  
4 (B-2), and (B-8) are in this State if:

5 (i) The income-producing activity is performed in  
6 this State; or

7 (ii) The income-producing activity is performed  
8 both within and without this State and a greater  
9 proportion of the income-producing activity is  
10 performed within this State than without this State,  
11 based on performance costs.

12 (C-5) For taxable years ending on or after December 31,  
13 2008, sales, other than sales governed by paragraphs (B),  
14 (B-1), (B-2), (B-5), and (B-7), are in this State if any of  
15 the following criteria are met:

16 (i) Sales from the sale or lease of real property  
17 are in this State if the property is located in this  
18 State.

19 (ii) Sales from the lease or rental of tangible  
20 personal property are in this State if the property is  
21 located in this State during the rental period. Sales  
22 from the lease or rental of tangible personal property  
23 that is characteristically moving property, including,  
24 but not limited to, motor vehicles, rolling stock,  
25 aircraft, vessels, or mobile equipment are in this  
26 State to the extent that the property is used in this

1 State.

2 (iii) In the case of interest, net gains (but not  
3 less than zero) and other items of income from  
4 intangible personal property, the sale is in this State  
5 if:

6 (a) in the case of a taxpayer who is a dealer  
7 in the item of intangible personal property within  
8 the meaning of Section 475 of the Internal Revenue  
9 Code, the income or gain is received from a  
10 customer in this State. For purposes of this  
11 subparagraph, a customer is in this State if the  
12 customer is an individual, trust or estate who is a  
13 resident of this State and, for all other  
14 customers, if the customer's commercial domicile  
15 is in this State. Unless the dealer has actual  
16 knowledge of the residence or commercial domicile  
17 of a customer during a taxable year, the customer  
18 shall be deemed to be a customer in this State if  
19 the billing address of the customer, as shown in  
20 the records of the dealer, is in this State; or

21 (b) in all other cases, if the  
22 income-producing activity of the taxpayer is  
23 performed in this State or, if the  
24 income-producing activity of the taxpayer is  
25 performed both within and without this State, if a  
26 greater proportion of the income-producing

1 activity of the taxpayer is performed within this  
2 State than in any other state, based on performance  
3 costs.

4 (iv) Sales of services are in this State if the  
5 services are received in this State. For the purposes  
6 of this section, gross receipts from the performance of  
7 services provided to a corporation, partnership, or  
8 trust may only be attributed to a state where that  
9 corporation, partnership, or trust has a fixed place of  
10 business. If the state where the services are received  
11 is not readily determinable or is a state where the  
12 corporation, partnership, or trust receiving the  
13 service does not have a fixed place of business, the  
14 services shall be deemed to be received at the location  
15 of the office of the customer from which the services  
16 were ordered in the regular course of the customer's  
17 trade or business. If the ordering office cannot be  
18 determined, the services shall be deemed to be received  
19 at the office of the customer to which the services are  
20 billed. If the taxpayer is not taxable in the state in  
21 which the services are received, the sale must be  
22 excluded from both the numerator and the denominator of  
23 the sales factor. The Department shall adopt rules  
24 prescribing where specific types of service are  
25 received, including, but not limited to, publishing,  
26 and utility service.

1           (D) For taxable years ending on or after December 31,  
2           1995, the following items of income shall not be included  
3           in the numerator or denominator of the sales factor:  
4           dividends; amounts included under Section 78 of the  
5           Internal Revenue Code; and Subpart F income as defined in  
6           Section 952 of the Internal Revenue Code. No inference  
7           shall be drawn from the enactment of this paragraph (D) in  
8           construing this Section for taxable years ending before  
9           December 31, 1995.

10           (E) Paragraphs (B-1) and (B-2) shall apply to tax years  
11           ending on or after December 31, 1999, provided that a  
12           taxpayer may elect to apply the provisions of these  
13           paragraphs to prior tax years. Such election shall be made  
14           in the form and manner prescribed by the Department, shall  
15           be irrevocable, and shall apply to all tax years; provided  
16           that, if a taxpayer's Illinois income tax liability for any  
17           tax year, as assessed under Section 903 prior to January 1,  
18           1999, was computed in a manner contrary to the provisions  
19           of paragraphs (B-1) or (B-2), no refund shall be payable to  
20           the taxpayer for that tax year to the extent such refund is  
21           the result of applying the provisions of paragraph (B-1) or  
22           (B-2) retroactively. In the case of a unitary business  
23           group, such election shall apply to all members of such  
24           group for every tax year such group is in existence, but  
25           shall not apply to any taxpayer for any period during which  
26           that taxpayer is not a member of such group.

1 (b) Insurance companies.

2 (1) In general. Except as otherwise provided by  
3 paragraph (2), business income of an insurance company for  
4 a taxable year shall be apportioned to this State by  
5 multiplying such income by a fraction, the numerator of  
6 which is the direct premiums written for insurance upon  
7 property or risk in this State, and the denominator of  
8 which is the direct premiums written for insurance upon  
9 property or risk everywhere. For purposes of this  
10 subsection, the term "direct premiums written" means the  
11 total amount of direct premiums written, assessments and  
12 annuity considerations as reported for the taxable year on  
13 the annual statement filed by the company with the Illinois  
14 Director of Insurance in the form approved by the National  
15 Convention of Insurance Commissioners or such other form as  
16 may be prescribed in lieu thereof.

17 (2) Reinsurance. If the principal source of premiums  
18 written by an insurance company consists of premiums for  
19 reinsurance accepted by it, the business income of such  
20 company shall be apportioned to this State by multiplying  
21 such income by a fraction, the numerator of which is the  
22 sum of (i) direct premiums written for insurance upon  
23 property or risk in this State, plus (ii) premiums written  
24 for reinsurance accepted in respect of property or risk in  
25 this State, and the denominator of which is the sum of  
26 (iii) direct premiums written for insurance upon property

1 or risk everywhere, plus (iv) premiums written for  
2 reinsurance accepted in respect of property or risk  
3 everywhere. For purposes of this paragraph, premiums  
4 written for reinsurance accepted in respect of property or  
5 risk in this State, whether or not otherwise determinable,  
6 may, at the election of the company, be determined on the  
7 basis of the proportion which premiums written for  
8 reinsurance accepted from companies commercially domiciled  
9 in Illinois bears to premiums written for reinsurance  
10 accepted from all sources, or, alternatively, in the  
11 proportion which the sum of the direct premiums written for  
12 insurance upon property or risk in this State by each  
13 ceding company from which reinsurance is accepted bears to  
14 the sum of the total direct premiums written by each such  
15 ceding company for the taxable year. The election made by a  
16 company under this paragraph for its first taxable year  
17 ending on or after December 31, 2011, shall be binding for  
18 that company for that taxable year and for all subsequent  
19 taxable years, and may be altered only with the written  
20 permission of the Department, which shall not be  
21 unreasonably withheld.

22 (c) Financial organizations.

23 (1) In general. For taxable years ending before  
24 December 31, 2008, business income of a financial  
25 organization shall be apportioned to this State by  
26 multiplying such income by a fraction, the numerator of

1           which is its business income from sources within this  
2           State, and the denominator of which is its business income  
3           from all sources. For the purposes of this subsection, the  
4           business income of a financial organization from sources  
5           within this State is the sum of the amounts referred to in  
6           subparagraphs (A) through (E) following, but excluding the  
7           adjusted income of an international banking facility as  
8           determined in paragraph (2):

9                   (A) Fees, commissions or other compensation for  
10                   financial services rendered within this State;

11                   (B) Gross profits from trading in stocks, bonds or  
12                   other securities managed within this State;

13                   (C) Dividends, and interest from Illinois  
14                   customers, which are received within this State;

15                   (D) Interest charged to customers at places of  
16                   business maintained within this State for carrying  
17                   debit balances of margin accounts, without deduction  
18                   of any costs incurred in carrying such accounts; and

19                   (E) Any other gross income resulting from the  
20                   operation as a financial organization within this  
21                   State. In computing the amounts referred to in  
22                   paragraphs (A) through (E) of this subsection, any  
23                   amount received by a member of an affiliated group  
24                   (determined under Section 1504(a) of the Internal  
25                   Revenue Code but without reference to whether any such  
26                   corporation is an "includible corporation" under

1           Section 1504(b) of the Internal Revenue Code) from  
2           another member of such group shall be included only to  
3           the extent such amount exceeds expenses of the  
4           recipient directly related thereto.

5           (2) International Banking Facility. For taxable years  
6           ending before December 31, 2008:

7                   (A) Adjusted Income. The adjusted income of an  
8                   international banking facility is its income reduced  
9                   by the amount of the floor amount.

10                   (B) Floor Amount. The floor amount shall be the  
11                   amount, if any, determined by multiplying the income of  
12                   the international banking facility by a fraction, not  
13                   greater than one, which is determined as follows:

14                           (i) The numerator shall be:

15                                   The average aggregate, determined on a  
16                                   quarterly basis, of the financial organization's  
17                                   loans to banks in foreign countries, to foreign  
18                                   domiciled borrowers (except where secured  
19                                   primarily by real estate) and to foreign  
20                                   governments and other foreign official  
21                                   institutions, as reported for its branches,  
22                                   agencies and offices within the state on its  
23                                   "Consolidated Report of Condition", Schedule A,  
24                                   Lines 2.c., 5.b., and 7.a., which was filed with  
25                                   the Federal Deposit Insurance Corporation and  
26                                   other regulatory authorities, for the year 1980,



1           minus

2           The average aggregate, determined on a  
3           quarterly basis, of such loans (other than loans of  
4           an international banking facility), as reported by  
5           the financial institution for its branches,  
6           agencies and offices within the state, on the  
7           corresponding Schedule and lines of the  
8           Consolidated Report of Condition for the current  
9           taxable year, provided, however, that in no case  
10          shall the amount determined in this clause (the  
11          subtrahend) exceed the amount determined in the  
12          preceding clause (the minuend); and

13                 (ii) the denominator shall be the average  
14          aggregate, determined on a quarterly basis, of the  
15          international banking facility's loans to banks in  
16          foreign countries, to foreign domiciled borrowers  
17          (except where secured primarily by real estate)  
18          and to foreign governments and other foreign  
19          official institutions, which were recorded in its  
20          financial accounts for the current taxable year.

21                 (C) Change to Consolidated Report of Condition and  
22          in Qualification. In the event the Consolidated Report  
23          of Condition which is filed with the Federal Deposit  
24          Insurance Corporation and other regulatory authorities  
25          is altered so that the information required for  
26          determining the floor amount is not found on Schedule

1           A, lines 2.c., 5.b. and 7.a., the financial institution  
2           shall notify the Department and the Department may, by  
3           regulations or otherwise, prescribe or authorize the  
4           use of an alternative source for such information. The  
5           financial institution shall also notify the Department  
6           should its international banking facility fail to  
7           qualify as such, in whole or in part, or should there  
8           be any amendment or change to the Consolidated Report  
9           of Condition, as originally filed, to the extent such  
10          amendment or change alters the information used in  
11          determining the floor amount.

12          (3) For taxable years ending on or after December 31,  
13          2008, the business income of a financial organization shall  
14          be apportioned to this State by multiplying such income by  
15          a fraction, the numerator of which is its gross receipts  
16          from sources in this State or otherwise attributable to  
17          this State's marketplace and the denominator of which is  
18          its gross receipts everywhere during the taxable year.  
19          "Gross receipts" for purposes of this subparagraph (3)  
20          means gross income, including net taxable gain on  
21          disposition of assets, including securities and money  
22          market instruments, when derived from transactions and  
23          activities in the regular course of the financial  
24          organization's trade or business. The following examples  
25          are illustrative:

26                 (i) Receipts from the lease or rental of real or

1           tangible personal property are in this State if the  
2           property is located in this State during the rental  
3           period. Receipts from the lease or rental of tangible  
4           personal property that is characteristically moving  
5           property, including, but not limited to, motor  
6           vehicles, rolling stock, aircraft, vessels, or mobile  
7           equipment are from sources in this State to the extent  
8           that the property is used in this State.

9           (ii) Interest income, commissions, fees, gains on  
10          disposition, and other receipts from assets in the  
11          nature of loans that are secured primarily by real  
12          estate or tangible personal property are from sources  
13          in this State if the security is located in this State.

14          (iii) Interest income, commissions, fees, gains on  
15          disposition, and other receipts from consumer loans  
16          that are not secured by real or tangible personal  
17          property are from sources in this State if the debtor  
18          is a resident of this State.

19          (iv) Interest income, commissions, fees, gains on  
20          disposition, and other receipts from commercial loans  
21          and installment obligations that are not secured by  
22          real or tangible personal property are from sources in  
23          this State if the proceeds of the loan are to be  
24          applied in this State. If it cannot be determined where  
25          the funds are to be applied, the income and receipts  
26          are from sources in this State if the office of the

1 borrower from which the loan was negotiated in the  
2 regular course of business is located in this State. If  
3 the location of this office cannot be determined, the  
4 income and receipts shall be excluded from the  
5 numerator and denominator of the sales factor.

6 (v) Interest income, fees, gains on disposition,  
7 service charges, merchant discount income, and other  
8 receipts from credit card receivables are from sources  
9 in this State if the card charges are regularly billed  
10 to a customer in this State.

11 (vi) Receipts from the performance of services,  
12 including, but not limited to, fiduciary, advisory,  
13 and brokerage services, are in this State if the  
14 services are received in this State within the meaning  
15 of subparagraph (a) (3) (C-5) (iv) of this Section.

16 (vii) Receipts from the issuance of travelers  
17 checks and money orders are from sources in this State  
18 if the checks and money orders are issued from a  
19 location within this State.

20 (viii) Receipts from investment assets and  
21 activities and trading assets and activities are  
22 included in the receipts factor as follows:

23 (1) Interest, dividends, net gains (but not  
24 less than zero) and other income from investment  
25 assets and activities from trading assets and  
26 activities shall be included in the receipts

1 factor. Investment assets and activities and  
2 trading assets and activities include but are not  
3 limited to: investment securities; trading account  
4 assets; federal funds; securities purchased and  
5 sold under agreements to resell or repurchase;  
6 options; futures contracts; forward contracts;  
7 notional principal contracts such as swaps;  
8 equities; and foreign currency transactions. With  
9 respect to the investment and trading assets and  
10 activities described in subparagraphs (A) and (B)  
11 of this paragraph, the receipts factor shall  
12 include the amounts described in such  
13 subparagraphs.

14 (A) The receipts factor shall include the  
15 amount by which interest from federal funds  
16 sold and securities purchased under resale  
17 agreements exceeds interest expense on federal  
18 funds purchased and securities sold under  
19 repurchase agreements.

20 (B) The receipts factor shall include the  
21 amount by which interest, dividends, gains and  
22 other income from trading assets and  
23 activities, including but not limited to  
24 assets and activities in the matched book, in  
25 the arbitrage book, and foreign currency  
26 transactions, exceed amounts paid in lieu of

1 interest, amounts paid in lieu of dividends,  
2 and losses from such assets and activities.

3 (2) The numerator of the receipts factor  
4 includes interest, dividends, net gains (but not  
5 less than zero), and other income from investment  
6 assets and activities and from trading assets and  
7 activities described in paragraph (1) of this  
8 subsection that are attributable to this State.

9 (A) The amount of interest, dividends, net  
10 gains (but not less than zero), and other  
11 income from investment assets and activities  
12 in the investment account to be attributed to  
13 this State and included in the numerator is  
14 determined by multiplying all such income from  
15 such assets and activities by a fraction, the  
16 numerator of which is the gross income from  
17 such assets and activities which are properly  
18 assigned to a fixed place of business of the  
19 taxpayer within this State and the denominator  
20 of which is the gross income from all such  
21 assets and activities.

22 (B) The amount of interest from federal  
23 funds sold and purchased and from securities  
24 purchased under resale agreements and  
25 securities sold under repurchase agreements  
26 attributable to this State and included in the

1 numerator is determined by multiplying the  
2 amount described in subparagraph (A) of  
3 paragraph (1) of this subsection from such  
4 funds and such securities by a fraction, the  
5 numerator of which is the gross income from  
6 such funds and such securities which are  
7 properly assigned to a fixed place of business  
8 of the taxpayer within this State and the  
9 denominator of which is the gross income from  
10 all such funds and such securities.

11 (C) The amount of interest, dividends,  
12 gains, and other income from trading assets and  
13 activities, including but not limited to  
14 assets and activities in the matched book, in  
15 the arbitrage book and foreign currency  
16 transactions (but excluding amounts described  
17 in subparagraphs (A) or (B) of this paragraph),  
18 attributable to this State and included in the  
19 numerator is determined by multiplying the  
20 amount described in subparagraph (B) of  
21 paragraph (1) of this subsection by a fraction,  
22 the numerator of which is the gross income from  
23 such trading assets and activities which are  
24 properly assigned to a fixed place of business  
25 of the taxpayer within this State and the  
26 denominator of which is the gross income from

1 all such assets and activities.

2 (D) Properly assigned, for purposes of  
3 this paragraph (2) of this subsection, means  
4 the investment or trading asset or activity is  
5 assigned to the fixed place of business with  
6 which it has a preponderance of substantive  
7 contacts. An investment or trading asset or  
8 activity assigned by the taxpayer to a fixed  
9 place of business without the State shall be  
10 presumed to have been properly assigned if:

11 (i) the taxpayer has assigned, in the  
12 regular course of its business, such asset  
13 or activity on its records to a fixed place  
14 of business consistent with federal or  
15 state regulatory requirements;

16 (ii) such assignment on its records is  
17 based upon substantive contacts of the  
18 asset or activity to such fixed place of  
19 business; and

20 (iii) the taxpayer uses such records  
21 reflecting assignment of such assets or  
22 activities for the filing of all state and  
23 local tax returns for which an assignment  
24 of such assets or activities to a fixed  
25 place of business is required.

26 (E) The presumption of proper assignment



1 of an investment or trading asset or activity  
2 provided in subparagraph (D) of paragraph (2)  
3 of this subsection may be rebutted upon a  
4 showing by the Department, supported by a  
5 preponderance of the evidence, that the  
6 preponderance of substantive contacts  
7 regarding such asset or activity did not occur  
8 at the fixed place of business to which it was  
9 assigned on the taxpayer's records. If the  
10 fixed place of business that has a  
11 preponderance of substantive contacts cannot  
12 be determined for an investment or trading  
13 asset or activity to which the presumption in  
14 subparagraph (D) of paragraph (2) of this  
15 subsection does not apply or with respect to  
16 which that presumption has been rebutted, that  
17 asset or activity is properly assigned to the  
18 state in which the taxpayer's commercial  
19 domicile is located. For purposes of this  
20 subparagraph (E), it shall be presumed,  
21 subject to rebuttal, that taxpayer's  
22 commercial domicile is in the state of the  
23 United States or the District of Columbia to  
24 which the greatest number of employees are  
25 regularly connected with the management of the  
26 investment or trading income or out of which

1                   they are working, irrespective of where the  
2                   services of such employees are performed, as of  
3                   the last day of the taxable year.

4                   (4) (Blank).

5                   (5) (Blank).

6                   (c-1) Federally regulated exchanges. For taxable years  
7                   ending on or after December 31, 2012, business income of a  
8                   federally regulated exchange shall, at the option of the  
9                   federally regulated exchange, be apportioned to this State by  
10                  multiplying such income by a fraction, the numerator of which  
11                  is its business income from sources within this State, and the  
12                  denominator of which is its business income from all sources.  
13                  For purposes of this subsection, the business income within  
14                  this State of a federally regulated exchange is the sum of the  
15                  following:

16                  (1) Receipts attributable to transactions executed on  
17                  a physical trading floor if that physical trading floor is  
18                  located in this State.

19                  (2) Receipts attributable to all other matching,  
20                  execution, or clearing transactions, including without  
21                  limitation receipts from the provision of matching,  
22                  execution, or clearing services to another entity,  
23                  multiplied by (i) for taxable years ending on or after  
24                  December 31, 2012 but before December 31, 2013, 63.77%; and  
25                  (ii) for taxable years ending on or after December 31,  
26                  2013, 27.54%.

1           (3) All other receipts not governed by subparagraphs  
2           (1) or (2) of this subsection (c-1), to the extent the  
3           receipts would be characterized as "sales in this State"  
4           under item (3) of subsection (a) of this Section.

5           "Federally regulated exchange" means (i) a "registered  
6           entity" within the meaning of 7 U.S.C. Section 1a(40)(A), (B),  
7           or (C), (ii) an "exchange" or "clearing agency" within the  
8           meaning of 15 U.S.C. Section 78c (a) (1) or (23), (iii) any such  
9           entities regulated under any successor regulatory structure to  
10          the foregoing, and (iv) all taxpayers who are members of the  
11          same unitary business group as a federally regulated exchange,  
12          determined without regard to the prohibition in Section  
13          1501(a) (27) of this Act against including in a unitary business  
14          group taxpayers who are ordinarily required to apportion  
15          business income under different subsections of this Section;  
16          provided that this subparagraph (iv) shall apply only if 50% or  
17          more of the business receipts of the unitary business group  
18          determined by application of this subparagraph (iv) for the  
19          taxable year are attributable to the matching, execution, or  
20          clearing of transactions conducted by an entity described in  
21          subparagraph (i), (ii), or (iii) of this paragraph.

22          In no event shall the Illinois apportionment percentage  
23          computed in accordance with this subsection (c-1) for any  
24          taxpayer for any tax year be less than the Illinois  
25          apportionment percentage computed under this subsection (c-1)  
26          for that taxpayer for the first full tax year ending on or

1 after December 31, 2013 for which this subsection (c-1) applied  
2 to the taxpayer.

3 (d) Transportation services. For taxable years ending  
4 before December 31, 2008, business income derived from  
5 furnishing transportation services shall be apportioned to  
6 this State in accordance with paragraphs (1) and (2):

7 (1) Such business income (other than that derived from  
8 transportation by pipeline) shall be apportioned to this  
9 State by multiplying such income by a fraction, the  
10 numerator of which is the revenue miles of the person in  
11 this State, and the denominator of which is the revenue  
12 miles of the person everywhere. For purposes of this  
13 paragraph, a revenue mile is the transportation of 1  
14 passenger or 1 net ton of freight the distance of 1 mile  
15 for a consideration. Where a person is engaged in the  
16 transportation of both passengers and freight, the  
17 fraction above referred to shall be determined by means of  
18 an average of the passenger revenue mile fraction and the  
19 freight revenue mile fraction, weighted to reflect the  
20 person's

21 (A) relative railway operating income from total  
22 passenger and total freight service, as reported to the  
23 Interstate Commerce Commission, in the case of  
24 transportation by railroad, and

25 (B) relative gross receipts from passenger and  
26 freight transportation, in case of transportation

1           other than by railroad.

2           (2) Such business income derived from transportation  
3 by pipeline shall be apportioned to this State by  
4 multiplying such income by a fraction, the numerator of  
5 which is the revenue miles of the person in this State, and  
6 the denominator of which is the revenue miles of the person  
7 everywhere. For the purposes of this paragraph, a revenue  
8 mile is the transportation by pipeline of 1 barrel of oil,  
9 1,000 cubic feet of gas, or of any specified quantity of  
10 any other substance, the distance of 1 mile for a  
11 consideration.

12           (3) For taxable years ending on or after December 31,  
13 2008, business income derived from providing  
14 transportation services other than airline services shall  
15 be apportioned to this State by using a fraction, (a) the  
16 numerator of which shall be (i) all receipts from any  
17 movement or shipment of people, goods, mail, oil, gas, or  
18 any other substance (other than by airline) that both  
19 originates and terminates in this State, plus (ii) that  
20 portion of the person's gross receipts from movements or  
21 shipments of people, goods, mail, oil, gas, or any other  
22 substance (other than by airline) that originates in one  
23 state or jurisdiction and terminates in another state or  
24 jurisdiction, that is determined by the ratio that the  
25 miles traveled in this State bears to total miles  
26 everywhere and (b) the denominator of which shall be all

1 revenue derived from the movement or shipment of people,  
2 goods, mail, oil, gas, or any other substance (other than  
3 by airline). Where a taxpayer is engaged in the  
4 transportation of both passengers and freight, the  
5 fraction above referred to shall first be determined  
6 separately for passenger miles and freight miles. Then an  
7 average of the passenger miles fraction and the freight  
8 miles fraction shall be weighted to reflect the taxpayer's:

9 (A) relative railway operating income from total  
10 passenger and total freight service, as reported to the  
11 Surface Transportation Board, in the case of  
12 transportation by railroad; and

13 (B) relative gross receipts from passenger and  
14 freight transportation, in case of transportation  
15 other than by railroad.

16 (4) For taxable years ending on or after December 31,  
17 2008, business income derived from furnishing airline  
18 transportation services shall be apportioned to this State  
19 by multiplying such income by a fraction, the numerator of  
20 which is the revenue miles of the person in this State, and  
21 the denominator of which is the revenue miles of the person  
22 everywhere. For purposes of this paragraph, a revenue mile  
23 is the transportation of one passenger or one net ton of  
24 freight the distance of one mile for a consideration. If a  
25 person is engaged in the transportation of both passengers  
26 and freight, the fraction above referred to shall be

1           determined by means of an average of the passenger revenue  
2           mile fraction and the freight revenue mile fraction,  
3           weighted to reflect the person's relative gross receipts  
4           from passenger and freight airline transportation.

5           (e) Combined apportionment. Where 2 or more persons are  
6           engaged in a unitary business as described in subsection  
7           (a) (27) of Section 1501, a part of which is conducted in this  
8           State by one or more members of the group, the business income  
9           attributable to this State by any such member or members shall  
10          be apportioned by means of the combined apportionment method.

11          (f) Alternative allocation. If the allocation and  
12          apportionment provisions of subsections (a) through (e) and of  
13          subsection (h) do not, for taxable years ending before December  
14          31, 2008, fairly represent the extent of a person's business  
15          activity in this State, or, for taxable years ending on or  
16          after December 31, 2008, fairly represent the market for the  
17          person's goods, services, or other sources of business income,  
18          the person may petition for, or the Director may, without a  
19          petition, permit or require, in respect of all or any part of  
20          the person's business activity, if reasonable:

21                 (1) Separate accounting;

22                 (2) The exclusion of any one or more factors;

23                 (3) The inclusion of one or more additional factors  
24                 which will fairly represent the person's business  
25                 activities or market in this State; or

26                 (4) The employment of any other method to effectuate an

1 equitable allocation and apportionment of the person's  
2 business income.

3 (g) Cross reference. For allocation of business income by  
4 residents, see Section 301(a).

5 (h) For tax years ending on or after December 31, 1998, the  
6 apportionment factor of persons who apportion their business  
7 income to this State under subsection (a) shall be equal to:

8 (1) for tax years ending on or after December 31, 1998  
9 and before December 31, 1999, 16 2/3% of the property  
10 factor plus 16 2/3% of the payroll factor plus 66 2/3% of  
11 the sales factor;

12 (2) for tax years ending on or after December 31, 1999  
13 and before December 31, 2000, 8 1/3% of the property factor  
14 plus 8 1/3% of the payroll factor plus 83 1/3% of the sales  
15 factor;

16 (3) for tax years ending on or after December 31, 2000,  
17 the sales factor.

18 If, in any tax year ending on or after December 31, 1998 and  
19 before December 31, 2000, the denominator of the payroll,  
20 property, or sales factor is zero, the apportionment factor  
21 computed in paragraph (1) or (2) of this subsection for that  
22 year shall be divided by an amount equal to 100% minus the  
23 percentage weight given to each factor whose denominator is  
24 equal to zero.

25 (Source: P.A. 97-507, eff. 8-23-11; 97-636, eff. 6-1-12;  
26 98-478, eff. 1-1-14; 98-496, eff. 1-1-14; revised 9-9-13.)



1           Section 175. The Use Tax Act is amended by changing  
2 Sections 3-5 and 9 as follows:

3           (35 ILCS 105/3-5)

4           Sec. 3-5. Exemptions. Use of the following tangible  
5 personal property is exempt from the tax imposed by this Act:

6           (1) Personal property purchased from a corporation,  
7 society, association, foundation, institution, or  
8 organization, other than a limited liability company, that is  
9 organized and operated as a not-for-profit service enterprise  
10 for the benefit of persons 65 years of age or older if the  
11 personal property was not purchased by the enterprise for the  
12 purpose of resale by the enterprise.

13           (2) Personal property purchased by a not-for-profit  
14 Illinois county fair association for use in conducting,  
15 operating, or promoting the county fair.

16           (3) Personal property purchased by a not-for-profit arts or  
17 cultural organization that establishes, by proof required by  
18 the Department by rule, that it has received an exemption under  
19 Section 501(c)(3) of the Internal Revenue Code and that is  
20 organized and operated primarily for the presentation or  
21 support of arts or cultural programming, activities, or  
22 services. These organizations include, but are not limited to,  
23 music and dramatic arts organizations such as symphony  
24 orchestras and theatrical groups, arts and cultural service

1 organizations, local arts councils, visual arts organizations,  
2 and media arts organizations. On and after the effective date  
3 of this amendatory Act of the 92nd General Assembly, however,  
4 an entity otherwise eligible for this exemption shall not make  
5 tax-free purchases unless it has an active identification  
6 number issued by the Department.

7 (4) Personal property purchased by a governmental body, by  
8 a corporation, society, association, foundation, or  
9 institution organized and operated exclusively for charitable,  
10 religious, or educational purposes, or by a not-for-profit  
11 corporation, society, association, foundation, institution, or  
12 organization that has no compensated officers or employees and  
13 that is organized and operated primarily for the recreation of  
14 persons 55 years of age or older. A limited liability company  
15 may qualify for the exemption under this paragraph only if the  
16 limited liability company is organized and operated  
17 exclusively for educational purposes. On and after July 1,  
18 1987, however, no entity otherwise eligible for this exemption  
19 shall make tax-free purchases unless it has an active exemption  
20 identification number issued by the Department.

21 (5) Until July 1, 2003, a passenger car that is a  
22 replacement vehicle to the extent that the purchase price of  
23 the car is subject to the Replacement Vehicle Tax.

24 (6) Until July 1, 2003 and beginning again on September 1,  
25 2004 through August 30, 2014, graphic arts machinery and  
26 equipment, including repair and replacement parts, both new and

1 used, and including that manufactured on special order,  
2 certified by the purchaser to be used primarily for graphic  
3 arts production, and including machinery and equipment  
4 purchased for lease. Equipment includes chemicals or chemicals  
5 acting as catalysts but only if the chemicals or chemicals  
6 acting as catalysts effect a direct and immediate change upon a  
7 graphic arts product.

8 (7) Farm chemicals.

9 (8) Legal tender, currency, medallions, or gold or silver  
10 coinage issued by the State of Illinois, the government of the  
11 United States of America, or the government of any foreign  
12 country, and bullion.

13 (9) Personal property purchased from a teacher-sponsored  
14 student organization affiliated with an elementary or  
15 secondary school located in Illinois.

16 (10) A motor vehicle that is used for automobile renting,  
17 as defined in the Automobile Renting Occupation and Use Tax  
18 Act.

19 (11) Farm machinery and equipment, both new and used,  
20 including that manufactured on special order, certified by the  
21 purchaser to be used primarily for production agriculture or  
22 State or federal agricultural programs, including individual  
23 replacement parts for the machinery and equipment, including  
24 machinery and equipment purchased for lease, and including  
25 implements of husbandry defined in Section 1-130 of the  
26 Illinois Vehicle Code, farm machinery and agricultural

1 chemical and fertilizer spreaders, and nurse wagons required to  
2 be registered under Section 3-809 of the Illinois Vehicle Code,  
3 but excluding other motor vehicles required to be registered  
4 under the Illinois Vehicle Code. Horticultural polyhouses or  
5 hoop houses used for propagating, growing, or overwintering  
6 plants shall be considered farm machinery and equipment under  
7 this item (11). Agricultural chemical tender tanks and dry  
8 boxes shall include units sold separately from a motor vehicle  
9 required to be licensed and units sold mounted on a motor  
10 vehicle required to be licensed if the selling price of the  
11 tender is separately stated.

12 Farm machinery and equipment shall include precision  
13 farming equipment that is installed or purchased to be  
14 installed on farm machinery and equipment including, but not  
15 limited to, tractors, harvesters, sprayers, planters, seeders,  
16 or spreaders. Precision farming equipment includes, but is not  
17 limited to, soil testing sensors, computers, monitors,  
18 software, global positioning and mapping systems, and other  
19 such equipment.

20 Farm machinery and equipment also includes computers,  
21 sensors, software, and related equipment used primarily in the  
22 computer-assisted operation of production agriculture  
23 facilities, equipment, and activities such as, but not limited  
24 to, the collection, monitoring, and correlation of animal and  
25 crop data for the purpose of formulating animal diets and  
26 agricultural chemicals. This item (11) is exempt from the

1 provisions of Section 3-90.

2 (12) Until June 30, 2013, fuel and petroleum products sold  
3 to or used by an air common carrier, certified by the carrier  
4 to be used for consumption, shipment, or storage in the conduct  
5 of its business as an air common carrier, for a flight destined  
6 for or returning from a location or locations outside the  
7 United States without regard to previous or subsequent domestic  
8 stopovers.

9 Beginning July 1, 2013, fuel and petroleum products sold to  
10 or used by an air carrier, certified by the carrier to be used  
11 for consumption, shipment, or storage in the conduct of its  
12 business as an air common carrier, for a flight that (i) is  
13 engaged in foreign trade or is engaged in trade between the  
14 United States and any of its possessions and (ii) transports at  
15 least one individual or package for hire from the city of  
16 origination to the city of final destination on the same  
17 aircraft, without regard to a change in the flight number of  
18 that aircraft.

19 (13) Proceeds of mandatory service charges separately  
20 stated on customers' bills for the purchase and consumption of  
21 food and beverages purchased at retail from a retailer, to the  
22 extent that the proceeds of the service charge are in fact  
23 turned over as tips or as a substitute for tips to the  
24 employees who participate directly in preparing, serving,  
25 hosting or cleaning up the food or beverage function with  
26 respect to which the service charge is imposed.

1 (14) Until July 1, 2003, oil field exploration, drilling,  
2 and production equipment, including (i) rigs and parts of rigs,  
3 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
4 tubular goods, including casing and drill strings, (iii) pumps  
5 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
6 individual replacement part for oil field exploration,  
7 drilling, and production equipment, and (vi) machinery and  
8 equipment purchased for lease; but excluding motor vehicles  
9 required to be registered under the Illinois Vehicle Code.

10 (15) Photoprocessing machinery and equipment, including  
11 repair and replacement parts, both new and used, including that  
12 manufactured on special order, certified by the purchaser to be  
13 used primarily for photoprocessing, and including  
14 photoprocessing machinery and equipment purchased for lease.

15 (16) Coal and aggregate exploration, mining, off-highway  
16 ~~off-highway~~ hauling, processing, maintenance, and reclamation  
17 equipment, including replacement parts and equipment, and  
18 including equipment purchased for lease, but excluding motor  
19 vehicles required to be registered under the Illinois Vehicle  
20 Code. The changes made to this Section by Public Act 97-767  
21 apply on and after July 1, 2003, but no claim for credit or  
22 refund is allowed on or after August 16, 2013 (the effective  
23 date of Public Act 98-456) ~~this amendatory Act of the 98th~~  
24 ~~General Assembly~~ for such taxes paid during the period  
25 beginning July 1, 2003 and ending on August 16, 2013 (the  
26 effective date of Public Act 98-456) ~~this amendatory Act of the~~

1 ~~98th General Assembly.~~

2 (17) Until July 1, 2003, distillation machinery and  
3 equipment, sold as a unit or kit, assembled or installed by the  
4 retailer, certified by the user to be used only for the  
5 production of ethyl alcohol that will be used for consumption  
6 as motor fuel or as a component of motor fuel for the personal  
7 use of the user, and not subject to sale or resale.

8 (18) Manufacturing and assembling machinery and equipment  
9 used primarily in the process of manufacturing or assembling  
10 tangible personal property for wholesale or retail sale or  
11 lease, whether that sale or lease is made directly by the  
12 manufacturer or by some other person, whether the materials  
13 used in the process are owned by the manufacturer or some other  
14 person, or whether that sale or lease is made apart from or as  
15 an incident to the seller's engaging in the service occupation  
16 of producing machines, tools, dies, jigs, patterns, gauges, or  
17 other similar items of no commercial value on special order for  
18 a particular purchaser. The exemption provided by this  
19 paragraph (18) does not include machinery and equipment used in  
20 (i) the generation of electricity for wholesale or retail sale;  
21 (ii) the generation or treatment of natural or artificial gas  
22 for wholesale or retail sale that is delivered to customers  
23 through pipes, pipelines, or mains; or (iii) the treatment of  
24 water for wholesale or retail sale that is delivered to  
25 customers through pipes, pipelines, or mains. The provisions of  
26 Public Act 98-583 ~~this amendatory Act of the 98th General~~

1 ~~Assembly~~ are declaratory of existing law as to the meaning and  
2 scope of this exemption.

3 (19) Personal property delivered to a purchaser or  
4 purchaser's donee inside Illinois when the purchase order for  
5 that personal property was received by a florist located  
6 outside Illinois who has a florist located inside Illinois  
7 deliver the personal property.

8 (20) Semen used for artificial insemination of livestock  
9 for direct agricultural production.

10 (21) Horses, or interests in horses, registered with and  
11 meeting the requirements of any of the Arabian Horse Club  
12 Registry of America, Appaloosa Horse Club, American Quarter  
13 Horse Association, United States Trotting Association, or  
14 Jockey Club, as appropriate, used for purposes of breeding or  
15 racing for prizes. This item (21) is exempt from the provisions  
16 of Section 3-90, and the exemption provided for under this item  
17 (21) applies for all periods beginning May 30, 1995, but no  
18 claim for credit or refund is allowed on or after January 1,  
19 2008 for such taxes paid during the period beginning May 30,  
20 2000 and ending on January 1, 2008.

21 (22) Computers and communications equipment utilized for  
22 any hospital purpose and equipment used in the diagnosis,  
23 analysis, or treatment of hospital patients purchased by a  
24 lessor who leases the equipment, under a lease of one year or  
25 longer executed or in effect at the time the lessor would  
26 otherwise be subject to the tax imposed by this Act, to a



1 hospital that has been issued an active tax exemption  
2 identification number by the Department under Section 1g of the  
3 Retailers' Occupation Tax Act. If the equipment is leased in a  
4 manner that does not qualify for this exemption or is used in  
5 any other non-exempt manner, the lessor shall be liable for the  
6 tax imposed under this Act or the Service Use Tax Act, as the  
7 case may be, based on the fair market value of the property at  
8 the time the non-qualifying use occurs. No lessor shall collect  
9 or attempt to collect an amount (however designated) that  
10 purports to reimburse that lessor for the tax imposed by this  
11 Act or the Service Use Tax Act, as the case may be, if the tax  
12 has not been paid by the lessor. If a lessor improperly  
13 collects any such amount from the lessee, the lessee shall have  
14 a legal right to claim a refund of that amount from the lessor.  
15 If, however, that amount is not refunded to the lessee for any  
16 reason, the lessor is liable to pay that amount to the  
17 Department.

18 (23) Personal property purchased by a lessor who leases the  
19 property, under a lease of one year or longer executed or in  
20 effect at the time the lessor would otherwise be subject to the  
21 tax imposed by this Act, to a governmental body that has been  
22 issued an active sales tax exemption identification number by  
23 the Department under Section 1g of the Retailers' Occupation  
24 Tax Act. If the property is leased in a manner that does not  
25 qualify for this exemption or used in any other non-exempt  
26 manner, the lessor shall be liable for the tax imposed under

1 this Act or the Service Use Tax Act, as the case may be, based  
2 on the fair market value of the property at the time the  
3 non-qualifying use occurs. No lessor shall collect or attempt  
4 to collect an amount (however designated) that purports to  
5 reimburse that lessor for the tax imposed by this Act or the  
6 Service Use Tax Act, as the case may be, if the tax has not been  
7 paid by the lessor. If a lessor improperly collects any such  
8 amount from the lessee, the lessee shall have a legal right to  
9 claim a refund of that amount from the lessor. If, however,  
10 that amount is not refunded to the lessee for any reason, the  
11 lessor is liable to pay that amount to the Department.

12 (24) Beginning with taxable years ending on or after  
13 December 31, 1995 and ending with taxable years ending on or  
14 before December 31, 2004, personal property that is donated for  
15 disaster relief to be used in a State or federally declared  
16 disaster area in Illinois or bordering Illinois by a  
17 manufacturer or retailer that is registered in this State to a  
18 corporation, society, association, foundation, or institution  
19 that has been issued a sales tax exemption identification  
20 number by the Department that assists victims of the disaster  
21 who reside within the declared disaster area.

22 (25) Beginning with taxable years ending on or after  
23 December 31, 1995 and ending with taxable years ending on or  
24 before December 31, 2004, personal property that is used in the  
25 performance of infrastructure repairs in this State, including  
26 but not limited to municipal roads and streets, access roads,

1 bridges, sidewalks, waste disposal systems, water and sewer  
2 line extensions, water distribution and purification  
3 facilities, storm water drainage and retention facilities, and  
4 sewage treatment facilities, resulting from a State or  
5 federally declared disaster in Illinois or bordering Illinois  
6 when such repairs are initiated on facilities located in the  
7 declared disaster area within 6 months after the disaster.

8 (26) Beginning July 1, 1999, game or game birds purchased  
9 at a "game breeding and hunting preserve area" as that term is  
10 used in the Wildlife Code. This paragraph is exempt from the  
11 provisions of Section 3-90.

12 (27) A motor vehicle, as that term is defined in Section  
13 1-146 of the Illinois Vehicle Code, that is donated to a  
14 corporation, limited liability company, society, association,  
15 foundation, or institution that is determined by the Department  
16 to be organized and operated exclusively for educational  
17 purposes. For purposes of this exemption, "a corporation,  
18 limited liability company, society, association, foundation,  
19 or institution organized and operated exclusively for  
20 educational purposes" means all tax-supported public schools,  
21 private schools that offer systematic instruction in useful  
22 branches of learning by methods common to public schools and  
23 that compare favorably in their scope and intensity with the  
24 course of study presented in tax-supported schools, and  
25 vocational or technical schools or institutes organized and  
26 operated exclusively to provide a course of study of not less

1 than 6 weeks duration and designed to prepare individuals to  
2 follow a trade or to pursue a manual, technical, mechanical,  
3 industrial, business, or commercial occupation.

4 (28) Beginning January 1, 2000, personal property,  
5 including food, purchased through fundraising events for the  
6 benefit of a public or private elementary or secondary school,  
7 a group of those schools, or one or more school districts if  
8 the events are sponsored by an entity recognized by the school  
9 district that consists primarily of volunteers and includes  
10 parents and teachers of the school children. This paragraph  
11 does not apply to fundraising events (i) for the benefit of  
12 private home instruction or (ii) for which the fundraising  
13 entity purchases the personal property sold at the events from  
14 another individual or entity that sold the property for the  
15 purpose of resale by the fundraising entity and that profits  
16 from the sale to the fundraising entity. This paragraph is  
17 exempt from the provisions of Section 3-90.

18 (29) Beginning January 1, 2000 and through December 31,  
19 2001, new or used automatic vending machines that prepare and  
20 serve hot food and beverages, including coffee, soup, and other  
21 items, and replacement parts for these machines. Beginning  
22 January 1, 2002 and through June 30, 2003, machines and parts  
23 for machines used in commercial, coin-operated amusement and  
24 vending business if a use or occupation tax is paid on the  
25 gross receipts derived from the use of the commercial,  
26 coin-operated amusement and vending machines. This paragraph

1 is exempt from the provisions of Section 3-90.

2 (30) Beginning January 1, 2001 and through June 30, 2016,  
3 food for human consumption that is to be consumed off the  
4 premises where it is sold (other than alcoholic beverages, soft  
5 drinks, and food that has been prepared for immediate  
6 consumption) and prescription and nonprescription medicines,  
7 drugs, medical appliances, and insulin, urine testing  
8 materials, syringes, and needles used by diabetics, for human  
9 use, when purchased for use by a person receiving medical  
10 assistance under Article V of the Illinois Public Aid Code who  
11 resides in a licensed long-term care facility, as defined in  
12 the Nursing Home Care Act, or in a licensed facility as defined  
13 in the ID/DD Community Care Act or the Specialized Mental  
14 Health Rehabilitation Act of 2013.

15 (31) Beginning on the effective date of this amendatory Act  
16 of the 92nd General Assembly, computers and communications  
17 equipment utilized for any hospital purpose and equipment used  
18 in the diagnosis, analysis, or treatment of hospital patients  
19 purchased by a lessor who leases the equipment, under a lease  
20 of one year or longer executed or in effect at the time the  
21 lessor would otherwise be subject to the tax imposed by this  
22 Act, to a hospital that has been issued an active tax exemption  
23 identification number by the Department under Section 1g of the  
24 Retailers' Occupation Tax Act. If the equipment is leased in a  
25 manner that does not qualify for this exemption or is used in  
26 any other nonexempt manner, the lessor shall be liable for the

1 tax imposed under this Act or the Service Use Tax Act, as the  
2 case may be, based on the fair market value of the property at  
3 the time the nonqualifying use occurs. No lessor shall collect  
4 or attempt to collect an amount (however designated) that  
5 purports to reimburse that lessor for the tax imposed by this  
6 Act or the Service Use Tax Act, as the case may be, if the tax  
7 has not been paid by the lessor. If a lessor improperly  
8 collects any such amount from the lessee, the lessee shall have  
9 a legal right to claim a refund of that amount from the lessor.  
10 If, however, that amount is not refunded to the lessee for any  
11 reason, the lessor is liable to pay that amount to the  
12 Department. This paragraph is exempt from the provisions of  
13 Section 3-90.

14 (32) Beginning on the effective date of this amendatory Act  
15 of the 92nd General Assembly, personal property purchased by a  
16 lessor who leases the property, under a lease of one year or  
17 longer executed or in effect at the time the lessor would  
18 otherwise be subject to the tax imposed by this Act, to a  
19 governmental body that has been issued an active sales tax  
20 exemption identification number by the Department under  
21 Section 1g of the Retailers' Occupation Tax Act. If the  
22 property is leased in a manner that does not qualify for this  
23 exemption or used in any other nonexempt manner, the lessor  
24 shall be liable for the tax imposed under this Act or the  
25 Service Use Tax Act, as the case may be, based on the fair  
26 market value of the property at the time the nonqualifying use

1 occurs. No lessor shall collect or attempt to collect an amount  
2 (however designated) that purports to reimburse that lessor for  
3 the tax imposed by this Act or the Service Use Tax Act, as the  
4 case may be, if the tax has not been paid by the lessor. If a  
5 lessor improperly collects any such amount from the lessee, the  
6 lessee shall have a legal right to claim a refund of that  
7 amount from the lessor. If, however, that amount is not  
8 refunded to the lessee for any reason, the lessor is liable to  
9 pay that amount to the Department. This paragraph is exempt  
10 from the provisions of Section 3-90.

11 (33) On and after July 1, 2003 and through June 30, 2004,  
12 the use in this State of motor vehicles of the second division  
13 with a gross vehicle weight in excess of 8,000 pounds and that  
14 are subject to the commercial distribution fee imposed under  
15 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July  
16 1, 2004 and through June 30, 2005, the use in this State of  
17 motor vehicles of the second division: (i) with a gross vehicle  
18 weight rating in excess of 8,000 pounds; (ii) that are subject  
19 to the commercial distribution fee imposed under Section  
20 3-815.1 of the Illinois Vehicle Code; and (iii) that are  
21 primarily used for commercial purposes. Through June 30, 2005,  
22 this exemption applies to repair and replacement parts added  
23 after the initial purchase of such a motor vehicle if that  
24 motor vehicle is used in a manner that would qualify for the  
25 rolling stock exemption otherwise provided for in this Act. For  
26 purposes of this paragraph, the term "used for commercial

1 purposes" means the transportation of persons or property in  
2 furtherance of any commercial or industrial enterprise,  
3 whether for-hire or not.

4 (34) Beginning January 1, 2008, tangible personal property  
5 used in the construction or maintenance of a community water  
6 supply, as defined under Section 3.145 of the Environmental  
7 Protection Act, that is operated by a not-for-profit  
8 corporation that holds a valid water supply permit issued under  
9 Title IV of the Environmental Protection Act. This paragraph is  
10 exempt from the provisions of Section 3-90.

11 (35) Beginning January 1, 2010, materials, parts,  
12 equipment, components, and furnishings incorporated into or  
13 upon an aircraft as part of the modification, refurbishment,  
14 completion, replacement, repair, or maintenance of the  
15 aircraft. This exemption includes consumable supplies used in  
16 the modification, refurbishment, completion, replacement,  
17 repair, and maintenance of aircraft, but excludes any  
18 materials, parts, equipment, components, and consumable  
19 supplies used in the modification, replacement, repair, and  
20 maintenance of aircraft engines or power plants, whether such  
21 engines or power plants are installed or uninstalled upon any  
22 such aircraft. "Consumable supplies" include, but are not  
23 limited to, adhesive, tape, sandpaper, general purpose  
24 lubricants, cleaning solution, latex gloves, and protective  
25 films. This exemption applies only to the use of qualifying  
26 tangible personal property by persons who modify, refurbish,



1 complete, repair, replace, or maintain aircraft and who (i)  
2 hold an Air Agency Certificate and are empowered to operate an  
3 approved repair station by the Federal Aviation  
4 Administration, (ii) have a Class IV Rating, and (iii) conduct  
5 operations in accordance with Part 145 of the Federal Aviation  
6 Regulations. The exemption does not include aircraft operated  
7 by a commercial air carrier providing scheduled passenger air  
8 service pursuant to authority issued under Part 121 or Part 129  
9 of the Federal Aviation Regulations. The changes made to this  
10 paragraph (35) by Public Act 98-534 ~~this amendatory Act of the~~  
11 ~~98th General Assembly~~ are declarative of existing law.

12 (36) Tangible personal property purchased by a  
13 public-facilities corporation, as described in Section  
14 11-65-10 of the Illinois Municipal Code, for purposes of  
15 constructing or furnishing a municipal convention hall, but  
16 only if the legal title to the municipal convention hall is  
17 transferred to the municipality without any further  
18 consideration by or on behalf of the municipality at the time  
19 of the completion of the municipal convention hall or upon the  
20 retirement or redemption of any bonds or other debt instruments  
21 issued by the public-facilities corporation in connection with  
22 the development of the municipal convention hall. This  
23 exemption includes existing public-facilities corporations as  
24 provided in Section 11-65-25 of the Illinois Municipal Code.  
25 This paragraph is exempt from the provisions of Section 3-90.

26 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-431,

1 eff. 8-16-11; 97-636, eff. 6-1-12; 97-767, eff. 7-9-12; 98-104,  
2 eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13;  
3 98-534, eff. 8-23-13; 98-574, eff. 1-1-14; 98-583, eff. 1-1-14;  
4 revised 9-9-13.)

5 (35 ILCS 105/9) (from Ch. 120, par. 439.9)

6 Sec. 9. Except as to motor vehicles, watercraft, aircraft,  
7 and trailers that are required to be registered with an agency  
8 of this State, each retailer required or authorized to collect  
9 the tax imposed by this Act shall pay to the Department the  
10 amount of such tax (except as otherwise provided) at the time  
11 when he is required to file his return for the period during  
12 which such tax was collected, less a discount of 2.1% prior to  
13 January 1, 1990, and 1.75% on and after January 1, 1990, or \$5  
14 per calendar year, whichever is greater, which is allowed to  
15 reimburse the retailer for expenses incurred in collecting the  
16 tax, keeping records, preparing and filing returns, remitting  
17 the tax and supplying data to the Department on request. In the  
18 case of retailers who report and pay the tax on a transaction  
19 by transaction basis, as provided in this Section, such  
20 discount shall be taken with each such tax remittance instead  
21 of when such retailer files his periodic return. The Department  
22 may disallow the discount for retailers whose certificate of  
23 registration is revoked at the time the return is filed, but  
24 only if the Department's decision to revoke the certificate of  
25 registration has become final. A retailer need not remit that

1 part of any tax collected by him to the extent that he is  
2 required to remit and does remit the tax imposed by the  
3 Retailers' Occupation Tax Act, with respect to the sale of the  
4 same property.

5 Where such tangible personal property is sold under a  
6 conditional sales contract, or under any other form of sale  
7 wherein the payment of the principal sum, or a part thereof, is  
8 extended beyond the close of the period for which the return is  
9 filed, the retailer, in collecting the tax (except as to motor  
10 vehicles, watercraft, aircraft, and trailers that are required  
11 to be registered with an agency of this State), may collect for  
12 each tax return period, only the tax applicable to that part of  
13 the selling price actually received during such tax return  
14 period.

15 Except as provided in this Section, on or before the  
16 twentieth day of each calendar month, such retailer shall file  
17 a return for the preceding calendar month. Such return shall be  
18 filed on forms prescribed by the Department and shall furnish  
19 such information as the Department may reasonably require.

20 The Department may require returns to be filed on a  
21 quarterly basis. If so required, a return for each calendar  
22 quarter shall be filed on or before the twentieth day of the  
23 calendar month following the end of such calendar quarter. The  
24 taxpayer shall also file a return with the Department for each  
25 of the first two months of each calendar quarter, on or before  
26 the twentieth day of the following calendar month, stating:

- 1           1. The name of the seller;
- 2           2. The address of the principal place of business from
- 3           which he engages in the business of selling tangible
- 4           personal property at retail in this State;
- 5           3. The total amount of taxable receipts received by him
- 6           during the preceding calendar month from sales of tangible
- 7           personal property by him during such preceding calendar
- 8           month, including receipts from charge and time sales, but
- 9           less all deductions allowed by law;
- 10          4. The amount of credit provided in Section 2d of this
- 11          Act;
- 12          5. The amount of tax due;
- 13          5-5. The signature of the taxpayer; and
- 14          6. Such other reasonable information as the Department
- 15          may require.

16          If a taxpayer fails to sign a return within 30 days after  
17          the proper notice and demand for signature by the Department,  
18          the return shall be considered valid and any amount shown to be  
19          due on the return shall be deemed assessed.

20          Beginning October 1, 1993, a taxpayer who has an average  
21          monthly tax liability of \$150,000 or more shall make all  
22          payments required by rules of the Department by electronic  
23          funds transfer. Beginning October 1, 1994, a taxpayer who has  
24          an average monthly tax liability of \$100,000 or more shall make  
25          all payments required by rules of the Department by electronic  
26          funds transfer. Beginning October 1, 1995, a taxpayer who has

1 an average monthly tax liability of \$50,000 or more shall make  
2 all payments required by rules of the Department by electronic  
3 funds transfer. Beginning October 1, 2000, a taxpayer who has  
4 an annual tax liability of \$200,000 or more shall make all  
5 payments required by rules of the Department by electronic  
6 funds transfer. The term "annual tax liability" shall be the  
7 sum of the taxpayer's liabilities under this Act, and under all  
8 other State and local occupation and use tax laws administered  
9 by the Department, for the immediately preceding calendar year.  
10 The term "average monthly tax liability" means the sum of the  
11 taxpayer's liabilities under this Act, and under all other  
12 State and local occupation and use tax laws administered by the  
13 Department, for the immediately preceding calendar year  
14 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
15 a tax liability in the amount set forth in subsection (b) of  
16 Section 2505-210 of the Department of Revenue Law shall make  
17 all payments required by rules of the Department by electronic  
18 funds transfer.

19 Before August 1 of each year beginning in 1993, the  
20 Department shall notify all taxpayers required to make payments  
21 by electronic funds transfer. All taxpayers required to make  
22 payments by electronic funds transfer shall make those payments  
23 for a minimum of one year beginning on October 1.

24 Any taxpayer not required to make payments by electronic  
25 funds transfer may make payments by electronic funds transfer  
26 with the permission of the Department.

1 All taxpayers required to make payment by electronic funds  
2 transfer and any taxpayers authorized to voluntarily make  
3 payments by electronic funds transfer shall make those payments  
4 in the manner authorized by the Department.

5 The Department shall adopt such rules as are necessary to  
6 effectuate a program of electronic funds transfer and the  
7 requirements of this Section.

8 Before October 1, 2000, if the taxpayer's average monthly  
9 tax liability to the Department under this Act, the Retailers'  
10 Occupation Tax Act, the Service Occupation Tax Act, the Service  
11 Use Tax Act was \$10,000 or more during the preceding 4 complete  
12 calendar quarters, he shall file a return with the Department  
13 each month by the 20th day of the month next following the  
14 month during which such tax liability is incurred and shall  
15 make payments to the Department on or before the 7th, 15th,  
16 22nd and last day of the month during which such liability is  
17 incurred. On and after October 1, 2000, if the taxpayer's  
18 average monthly tax liability to the Department under this Act,  
19 the Retailers' Occupation Tax Act, the Service Occupation Tax  
20 Act, and the Service Use Tax Act was \$20,000 or more during the  
21 preceding 4 complete calendar quarters, he shall file a return  
22 with the Department each month by the 20th day of the month  
23 next following the month during which such tax liability is  
24 incurred and shall make payment to the Department on or before  
25 the 7th, 15th, 22nd and last day of the month during which such  
26 liability is incurred. If the month during which such tax

1 liability is incurred began prior to January 1, 1985, each  
2 payment shall be in an amount equal to 1/4 of the taxpayer's  
3 actual liability for the month or an amount set by the  
4 Department not to exceed 1/4 of the average monthly liability  
5 of the taxpayer to the Department for the preceding 4 complete  
6 calendar quarters (excluding the month of highest liability and  
7 the month of lowest liability in such 4 quarter period). If the  
8 month during which such tax liability is incurred begins on or  
9 after January 1, 1985, and prior to January 1, 1987, each  
10 payment shall be in an amount equal to 22.5% of the taxpayer's  
11 actual liability for the month or 27.5% of the taxpayer's  
12 liability for the same calendar month of the preceding year. If  
13 the month during which such tax liability is incurred begins on  
14 or after January 1, 1987, and prior to January 1, 1988, each  
15 payment shall be in an amount equal to 22.5% of the taxpayer's  
16 actual liability for the month or 26.25% of the taxpayer's  
17 liability for the same calendar month of the preceding year. If  
18 the month during which such tax liability is incurred begins on  
19 or after January 1, 1988, and prior to January 1, 1989, or  
20 begins on or after January 1, 1996, each payment shall be in an  
21 amount equal to 22.5% of the taxpayer's actual liability for  
22 the month or 25% of the taxpayer's liability for the same  
23 calendar month of the preceding year. If the month during which  
24 such tax liability is incurred begins on or after January 1,  
25 1989, and prior to January 1, 1996, each payment shall be in an  
26 amount equal to 22.5% of the taxpayer's actual liability for

1 the month or 25% of the taxpayer's liability for the same  
2 calendar month of the preceding year or 100% of the taxpayer's  
3 actual liability for the quarter monthly reporting period. The  
4 amount of such quarter monthly payments shall be credited  
5 against the final tax liability of the taxpayer's return for  
6 that month. Before October 1, 2000, once applicable, the  
7 requirement of the making of quarter monthly payments to the  
8 Department shall continue until such taxpayer's average  
9 monthly liability to the Department during the preceding 4  
10 complete calendar quarters (excluding the month of highest  
11 liability and the month of lowest liability) is less than  
12 \$9,000, or until such taxpayer's average monthly liability to  
13 the Department as computed for each calendar quarter of the 4  
14 preceding complete calendar quarter period is less than  
15 \$10,000. However, if a taxpayer can show the Department that a  
16 substantial change in the taxpayer's business has occurred  
17 which causes the taxpayer to anticipate that his average  
18 monthly tax liability for the reasonably foreseeable future  
19 will fall below the \$10,000 threshold stated above, then such  
20 taxpayer may petition the Department for change in such  
21 taxpayer's reporting status. On and after October 1, 2000, once  
22 applicable, the requirement of the making of quarter monthly  
23 payments to the Department shall continue until such taxpayer's  
24 average monthly liability to the Department during the  
25 preceding 4 complete calendar quarters (excluding the month of  
26 highest liability and the month of lowest liability) is less



1 than \$19,000 or until such taxpayer's average monthly liability  
2 to the Department as computed for each calendar quarter of the  
3 4 preceding complete calendar quarter period is less than  
4 \$20,000. However, if a taxpayer can show the Department that a  
5 substantial change in the taxpayer's business has occurred  
6 which causes the taxpayer to anticipate that his average  
7 monthly tax liability for the reasonably foreseeable future  
8 will fall below the \$20,000 threshold stated above, then such  
9 taxpayer may petition the Department for a change in such  
10 taxpayer's reporting status. The Department shall change such  
11 taxpayer's reporting status unless it finds that such change is  
12 seasonal in nature and not likely to be long term. If any such  
13 quarter monthly payment is not paid at the time or in the  
14 amount required by this Section, then the taxpayer shall be  
15 liable for penalties and interest on the difference between the  
16 minimum amount due and the amount of such quarter monthly  
17 payment actually and timely paid, except insofar as the  
18 taxpayer has previously made payments for that month to the  
19 Department in excess of the minimum payments previously due as  
20 provided in this Section. The Department shall make reasonable  
21 rules and regulations to govern the quarter monthly payment  
22 amount and quarter monthly payment dates for taxpayers who file  
23 on other than a calendar monthly basis.

24 If any such payment provided for in this Section exceeds  
25 the taxpayer's liabilities under this Act, the Retailers'  
26 Occupation Tax Act, the Service Occupation Tax Act and the

1 Service Use Tax Act, as shown by an original monthly return,  
2 the Department shall issue to the taxpayer a credit memorandum  
3 no later than 30 days after the date of payment, which  
4 memorandum may be submitted by the taxpayer to the Department  
5 in payment of tax liability subsequently to be remitted by the  
6 taxpayer to the Department or be assigned by the taxpayer to a  
7 similar taxpayer under this Act, the Retailers' Occupation Tax  
8 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
9 in accordance with reasonable rules and regulations to be  
10 prescribed by the Department, except that if such excess  
11 payment is shown on an original monthly return and is made  
12 after December 31, 1986, no credit memorandum shall be issued,  
13 unless requested by the taxpayer. If no such request is made,  
14 the taxpayer may credit such excess payment against tax  
15 liability subsequently to be remitted by the taxpayer to the  
16 Department under this Act, the Retailers' Occupation Tax Act,  
17 the Service Occupation Tax Act or the Service Use Tax Act, in  
18 accordance with reasonable rules and regulations prescribed by  
19 the Department. If the Department subsequently determines that  
20 all or any part of the credit taken was not actually due to the  
21 taxpayer, the taxpayer's 2.1% or 1.75% vendor's discount shall  
22 be reduced by 2.1% or 1.75% of the difference between the  
23 credit taken and that actually due, and the taxpayer shall be  
24 liable for penalties and interest on such difference.

25 If the retailer is otherwise required to file a monthly  
26 return and if the retailer's average monthly tax liability to

1 the Department does not exceed \$200, the Department may  
2 authorize his returns to be filed on a quarter annual basis,  
3 with the return for January, February, and March of a given  
4 year being due by April 20 of such year; with the return for  
5 April, May and June of a given year being due by July 20 of such  
6 year; with the return for July, August and September of a given  
7 year being due by October 20 of such year, and with the return  
8 for October, November and December of a given year being due by  
9 January 20 of the following year.

10 If the retailer is otherwise required to file a monthly or  
11 quarterly return and if the retailer's average monthly tax  
12 liability to the Department does not exceed \$50, the Department  
13 may authorize his returns to be filed on an annual basis, with  
14 the return for a given year being due by January 20 of the  
15 following year.

16 Such quarter annual and annual returns, as to form and  
17 substance, shall be subject to the same requirements as monthly  
18 returns.

19 Notwithstanding any other provision in this Act concerning  
20 the time within which a retailer may file his return, in the  
21 case of any retailer who ceases to engage in a kind of business  
22 which makes him responsible for filing returns under this Act,  
23 such retailer shall file a final return under this Act with the  
24 Department not more than one month after discontinuing such  
25 business.

26 In addition, with respect to motor vehicles, watercraft,

1 aircraft, and trailers that are required to be registered with  
2 an agency of this State, every retailer selling this kind of  
3 tangible personal property shall file, with the Department,  
4 upon a form to be prescribed and supplied by the Department, a  
5 separate return for each such item of tangible personal  
6 property which the retailer sells, except that if, in the same  
7 transaction, (i) a retailer of aircraft, watercraft, motor  
8 vehicles or trailers transfers more than one aircraft,  
9 watercraft, motor vehicle or trailer to another aircraft,  
10 watercraft, motor vehicle or trailer retailer for the purpose  
11 of resale or (ii) a retailer of aircraft, watercraft, motor  
12 vehicles, or trailers transfers more than one aircraft,  
13 watercraft, motor vehicle, or trailer to a purchaser for use as  
14 a qualifying rolling stock as provided in Section 3-55 of this  
15 Act, then that seller may report the transfer of all the  
16 aircraft, watercraft, motor vehicles or trailers involved in  
17 that transaction to the Department on the same uniform  
18 invoice-transaction reporting return form. For purposes of  
19 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
20 watercraft as defined in Section 3-2 of the Boat Registration  
21 and Safety Act, a personal watercraft, or any boat equipped  
22 with an inboard motor.

23 The transaction reporting return in the case of motor  
24 vehicles or trailers that are required to be registered with an  
25 agency of this State, shall be the same document as the Uniform  
26 Invoice referred to in Section 5-402 of the Illinois Vehicle

1 Code and must show the name and address of the seller; the name  
2 and address of the purchaser; the amount of the selling price  
3 including the amount allowed by the retailer for traded-in  
4 property, if any; the amount allowed by the retailer for the  
5 traded-in tangible personal property, if any, to the extent to  
6 which Section 2 of this Act allows an exemption for the value  
7 of traded-in property; the balance payable after deducting such  
8 trade-in allowance from the total selling price; the amount of  
9 tax due from the retailer with respect to such transaction; the  
10 amount of tax collected from the purchaser by the retailer on  
11 such transaction (or satisfactory evidence that such tax is not  
12 due in that particular instance, if that is claimed to be the  
13 fact); the place and date of the sale; a sufficient  
14 identification of the property sold; such other information as  
15 is required in Section 5-402 of the Illinois Vehicle Code, and  
16 such other information as the Department may reasonably  
17 require.

18 The transaction reporting return in the case of watercraft  
19 and aircraft must show the name and address of the seller; the  
20 name and address of the purchaser; the amount of the selling  
21 price including the amount allowed by the retailer for  
22 traded-in property, if any; the amount allowed by the retailer  
23 for the traded-in tangible personal property, if any, to the  
24 extent to which Section 2 of this Act allows an exemption for  
25 the value of traded-in property; the balance payable after  
26 deducting such trade-in allowance from the total selling price;

1 the amount of tax due from the retailer with respect to such  
2 transaction; the amount of tax collected from the purchaser by  
3 the retailer on such transaction (or satisfactory evidence that  
4 such tax is not due in that particular instance, if that is  
5 claimed to be the fact); the place and date of the sale, a  
6 sufficient identification of the property sold, and such other  
7 information as the Department may reasonably require.

8 Such transaction reporting return shall be filed not later  
9 than 20 days after the date of delivery of the item that is  
10 being sold, but may be filed by the retailer at any time sooner  
11 than that if he chooses to do so. The transaction reporting  
12 return and tax remittance or proof of exemption from the tax  
13 that is imposed by this Act may be transmitted to the  
14 Department by way of the State agency with which, or State  
15 officer with whom, the tangible personal property must be  
16 titled or registered (if titling or registration is required)  
17 if the Department and such agency or State officer determine  
18 that this procedure will expedite the processing of  
19 applications for title or registration.

20 With each such transaction reporting return, the retailer  
21 shall remit the proper amount of tax due (or shall submit  
22 satisfactory evidence that the sale is not taxable if that is  
23 the case), to the Department or its agents, whereupon the  
24 Department shall issue, in the purchaser's name, a tax receipt  
25 (or a certificate of exemption if the Department is satisfied  
26 that the particular sale is tax exempt) which such purchaser

1 may submit to the agency with which, or State officer with  
2 whom, he must title or register the tangible personal property  
3 that is involved (if titling or registration is required) in  
4 support of such purchaser's application for an Illinois  
5 certificate or other evidence of title or registration to such  
6 tangible personal property.

7 No retailer's failure or refusal to remit tax under this  
8 Act precludes a user, who has paid the proper tax to the  
9 retailer, from obtaining his certificate of title or other  
10 evidence of title or registration (if titling or registration  
11 is required) upon satisfying the Department that such user has  
12 paid the proper tax (if tax is due) to the retailer. The  
13 Department shall adopt appropriate rules to carry out the  
14 mandate of this paragraph.

15 If the user who would otherwise pay tax to the retailer  
16 wants the transaction reporting return filed and the payment of  
17 tax or proof of exemption made to the Department before the  
18 retailer is willing to take these actions and such user has not  
19 paid the tax to the retailer, such user may certify to the fact  
20 of such delay by the retailer, and may (upon the Department  
21 being satisfied of the truth of such certification) transmit  
22 the information required by the transaction reporting return  
23 and the remittance for tax or proof of exemption directly to  
24 the Department and obtain his tax receipt or exemption  
25 determination, in which event the transaction reporting return  
26 and tax remittance (if a tax payment was required) shall be

1 credited by the Department to the proper retailer's account  
2 with the Department, but without the 2.1% or 1.75% discount  
3 provided for in this Section being allowed. When the user pays  
4 the tax directly to the Department, he shall pay the tax in the  
5 same amount and in the same form in which it would be remitted  
6 if the tax had been remitted to the Department by the retailer.

7 Where a retailer collects the tax with respect to the  
8 selling price of tangible personal property which he sells and  
9 the purchaser thereafter returns such tangible personal  
10 property and the retailer refunds the selling price thereof to  
11 the purchaser, such retailer shall also refund, to the  
12 purchaser, the tax so collected from the purchaser. When filing  
13 his return for the period in which he refunds such tax to the  
14 purchaser, the retailer may deduct the amount of the tax so  
15 refunded by him to the purchaser from any other use tax which  
16 such retailer may be required to pay or remit to the  
17 Department, as shown by such return, if the amount of the tax  
18 to be deducted was previously remitted to the Department by  
19 such retailer. If the retailer has not previously remitted the  
20 amount of such tax to the Department, he is entitled to no  
21 deduction under this Act upon refunding such tax to the  
22 purchaser.

23 Any retailer filing a return under this Section shall also  
24 include (for the purpose of paying tax thereon) the total tax  
25 covered by such return upon the selling price of tangible  
26 personal property purchased by him at retail from a retailer,



1 but as to which the tax imposed by this Act was not collected  
2 from the retailer filing such return, and such retailer shall  
3 remit the amount of such tax to the Department when filing such  
4 return.

5 If experience indicates such action to be practicable, the  
6 Department may prescribe and furnish a combination or joint  
7 return which will enable retailers, who are required to file  
8 returns hereunder and also under the Retailers' Occupation Tax  
9 Act, to furnish all the return information required by both  
10 Acts on the one form.

11 Where the retailer has more than one business registered  
12 with the Department under separate registration under this Act,  
13 such retailer may not file each return that is due as a single  
14 return covering all such registered businesses, but shall file  
15 separate returns for each such registered business.

16 Beginning January 1, 1990, each month the Department shall  
17 pay into the State and Local Sales Tax Reform Fund, a special  
18 fund in the State Treasury which is hereby created, the net  
19 revenue realized for the preceding month from the 1% tax on  
20 sales of food for human consumption which is to be consumed off  
21 the premises where it is sold (other than alcoholic beverages,  
22 soft drinks and food which has been prepared for immediate  
23 consumption) and prescription and nonprescription medicines,  
24 drugs, medical appliances and insulin, urine testing  
25 materials, syringes and needles used by diabetics.

26 Beginning January 1, 1990, each month the Department shall

1 pay into the County and Mass Transit District Fund 4% of the  
2 net revenue realized for the preceding month from the 6.25%  
3 general rate on the selling price of tangible personal property  
4 which is purchased outside Illinois at retail from a retailer  
5 and which is titled or registered by an agency of this State's  
6 government.

7 Beginning January 1, 1990, each month the Department shall  
8 pay into the State and Local Sales Tax Reform Fund, a special  
9 fund in the State Treasury, 20% of the net revenue realized for  
10 the preceding month from the 6.25% general rate on the selling  
11 price of tangible personal property, other than tangible  
12 personal property which is purchased outside Illinois at retail  
13 from a retailer and which is titled or registered by an agency  
14 of this State's government.

15 Beginning August 1, 2000, each month the Department shall  
16 pay into the State and Local Sales Tax Reform Fund 100% of the  
17 net revenue realized for the preceding month from the 1.25%  
18 rate on the selling price of motor fuel and gasohol. Beginning  
19 September 1, 2010, each month the Department shall pay into the  
20 State and Local Sales Tax Reform Fund 100% of the net revenue  
21 realized for the preceding month from the 1.25% rate on the  
22 selling price of sales tax holiday items.

23 Beginning January 1, 1990, each month the Department shall  
24 pay into the Local Government Tax Fund 16% of the net revenue  
25 realized for the preceding month from the 6.25% general rate on  
26 the selling price of tangible personal property which is

1 purchased outside Illinois at retail from a retailer and which  
2 is titled or registered by an agency of this State's  
3 government.

4 Beginning October 1, 2009, each month the Department shall  
5 pay into the Capital Projects Fund an amount that is equal to  
6 an amount estimated by the Department to represent 80% of the  
7 net revenue realized for the preceding month from the sale of  
8 candy, grooming and hygiene products, and soft drinks that had  
9 been taxed at a rate of 1% prior to September 1, 2009 but that  
10 are ~~is~~ now taxed at 6.25%.

11 Beginning July 1, 2011, each month the Department shall pay  
12 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue  
13 realized for the preceding month from the 6.25% general rate on  
14 the selling price of sorbents used in Illinois in the process  
15 of sorbent injection as used to comply with the Environmental  
16 Protection Act or the federal Clean Air Act, but the total  
17 payment into the Clean Air Act (CAA) Permit Fund under this Act  
18 and the Retailers' Occupation Tax Act shall not exceed  
19 \$2,000,000 in any fiscal year.

20 Beginning July 1, 2013, each month the Department shall pay  
21 into the Underground Storage Tank Fund from the proceeds  
22 collected under this Act, the Service Use Tax Act, the Service  
23 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
24 amount equal to the average monthly deficit in the Underground  
25 Storage Tank Fund during the prior year, as certified annually  
26 by the Illinois Environmental Protection Agency, but the total

1 payment into the Underground Storage Tank Fund under this Act,  
2 the Service Use Tax Act, the Service Occupation Tax Act, and  
3 the Retailers' Occupation Tax Act shall not exceed \$18,000,000  
4 in any State fiscal year. As used in this paragraph, the  
5 "average monthly deficit" shall be equal to the difference  
6 between the average monthly claims for payment by the fund and  
7 the average monthly revenues deposited into the fund, excluding  
8 payments made pursuant to this paragraph.

9 Of the remainder of the moneys received by the Department  
10 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
11 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
12 and after July 1, 1989, 3.8% thereof shall be paid into the  
13 Build Illinois Fund; provided, however, that if in any fiscal  
14 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
15 may be, of the moneys received by the Department and required  
16 to be paid into the Build Illinois Fund pursuant to Section 3  
17 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
18 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
19 Service Occupation Tax Act, such Acts being hereinafter called  
20 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
21 may be, of moneys being hereinafter called the "Tax Act  
22 Amount", and (2) the amount transferred to the Build Illinois  
23 Fund from the State and Local Sales Tax Reform Fund shall be  
24 less than the Annual Specified Amount (as defined in Section 3  
25 of the Retailers' Occupation Tax Act), an amount equal to the  
26 difference shall be immediately paid into the Build Illinois

1 Fund from other moneys received by the Department pursuant to  
2 the Tax Acts; and further provided, that if on the last  
3 business day of any month the sum of (1) the Tax Act Amount  
4 required to be deposited into the Build Illinois Bond Account  
5 in the Build Illinois Fund during such month and (2) the amount  
6 transferred during such month to the Build Illinois Fund from  
7 the State and Local Sales Tax Reform Fund shall have been less  
8 than 1/12 of the Annual Specified Amount, an amount equal to  
9 the difference shall be immediately paid into the Build  
10 Illinois Fund from other moneys received by the Department  
11 pursuant to the Tax Acts; and, further provided, that in no  
12 event shall the payments required under the preceding proviso  
13 result in aggregate payments into the Build Illinois Fund  
14 pursuant to this clause (b) for any fiscal year in excess of  
15 the greater of (i) the Tax Act Amount or (ii) the Annual  
16 Specified Amount for such fiscal year; and, further provided,  
17 that the amounts payable into the Build Illinois Fund under  
18 this clause (b) shall be payable only until such time as the  
19 aggregate amount on deposit under each trust indenture securing  
20 Bonds issued and outstanding pursuant to the Build Illinois  
21 Bond Act is sufficient, taking into account any future  
22 investment income, to fully provide, in accordance with such  
23 indenture, for the defeasance of or the payment of the  
24 principal of, premium, if any, and interest on the Bonds  
25 secured by such indenture and on any Bonds expected to be  
26 issued thereafter and all fees and costs payable with respect

1 thereto, all as certified by the Director of the Bureau of the  
2 Budget (now Governor's Office of Management and Budget). If on  
3 the last business day of any month in which Bonds are  
4 outstanding pursuant to the Build Illinois Bond Act, the  
5 aggregate of the moneys deposited in the Build Illinois Bond  
6 Account in the Build Illinois Fund in such month shall be less  
7 than the amount required to be transferred in such month from  
8 the Build Illinois Bond Account to the Build Illinois Bond  
9 Retirement and Interest Fund pursuant to Section 13 of the  
10 Build Illinois Bond Act, an amount equal to such deficiency  
11 shall be immediately paid from other moneys received by the  
12 Department pursuant to the Tax Acts to the Build Illinois Fund;  
13 provided, however, that any amounts paid to the Build Illinois  
14 Fund in any fiscal year pursuant to this sentence shall be  
15 deemed to constitute payments pursuant to clause (b) of the  
16 preceding sentence and shall reduce the amount otherwise  
17 payable for such fiscal year pursuant to clause (b) of the  
18 preceding sentence. The moneys received by the Department  
19 pursuant to this Act and required to be deposited into the  
20 Build Illinois Fund are subject to the pledge, claim and charge  
21 set forth in Section 12 of the Build Illinois Bond Act.

22 Subject to payment of amounts into the Build Illinois Fund  
23 as provided in the preceding paragraph or in any amendment  
24 thereto hereafter enacted, the following specified monthly  
25 installment of the amount requested in the certificate of the  
26 Chairman of the Metropolitan Pier and Exposition Authority

1 provided under Section 8.25f of the State Finance Act, but not  
2 in excess of the sums designated as "Total Deposit", shall be  
3 deposited in the aggregate from collections under Section 9 of  
4 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
5 9 of the Service Occupation Tax Act, and Section 3 of the  
6 Retailers' Occupation Tax Act into the McCormick Place  
7 Expansion Project Fund in the specified fiscal years.

8	Fiscal Year	Total Deposit
9	1993	\$0
10	1994	53,000,000
11	1995	58,000,000
12	1996	61,000,000
13	1997	64,000,000
14	1998	68,000,000
15	1999	71,000,000
16	2000	75,000,000
17	2001	80,000,000
18	2002	93,000,000
19	2003	99,000,000
20	2004	103,000,000
21	2005	108,000,000
22	2006	113,000,000
23	2007	119,000,000
24	2008	126,000,000
25	2009	132,000,000
26	2010	139,000,000

1	2011	146,000,000
2	2012	153,000,000
3	2013	161,000,000
4	2014	170,000,000
5	2015	179,000,000
6	2016	189,000,000
7	2017	199,000,000
8	2018	210,000,000
9	2019	221,000,000
10	2020	233,000,000
11	2021	246,000,000
12	2022	260,000,000
13	2023	275,000,000
14	2024	275,000,000
15	2025	275,000,000
16	2026	279,000,000
17	2027	292,000,000
18	2028	307,000,000
19	2029	322,000,000
20	2030	338,000,000
21	2031	350,000,000
22	2032	350,000,000

23                   and  
24                    each fiscal year  
25                   thereafter that bonds  
26                   are outstanding under



1           Section 13.2 of the  
2           Metropolitan Pier and  
3           Exposition Authority Act,  
4           but not after fiscal year 2060.

5           Beginning July 20, 1993 and in each month of each fiscal  
6           year thereafter, one-eighth of the amount requested in the  
7           certificate of the Chairman of the Metropolitan Pier and  
8           Exposition Authority for that fiscal year, less the amount  
9           deposited into the McCormick Place Expansion Project Fund by  
10          the State Treasurer in the respective month under subsection  
11          (g) of Section 13 of the Metropolitan Pier and Exposition  
12          Authority Act, plus cumulative deficiencies in the deposits  
13          required under this Section for previous months and years,  
14          shall be deposited into the McCormick Place Expansion Project  
15          Fund, until the full amount requested for the fiscal year, but  
16          not in excess of the amount specified above as "Total Deposit",  
17          has been deposited.

18          Subject to payment of amounts into the Build Illinois Fund  
19          and the McCormick Place Expansion Project Fund pursuant to the  
20          preceding paragraphs or in any amendments thereto hereafter  
21          enacted, beginning July 1, 1993 and ending on September 30,  
22          2013, the Department shall each month pay into the Illinois Tax  
23          Increment Fund 0.27% of 80% of the net revenue realized for the  
24          preceding month from the 6.25% general rate on the selling  
25          price of tangible personal property.

26          Subject to payment of amounts into the Build Illinois Fund

1 and the McCormick Place Expansion Project Fund pursuant to the  
2 preceding paragraphs or in any amendments thereto hereafter  
3 enacted, beginning with the receipt of the first report of  
4 taxes paid by an eligible business and continuing for a 25-year  
5 period, the Department shall each month pay into the Energy  
6 Infrastructure Fund 80% of the net revenue realized from the  
7 6.25% general rate on the selling price of Illinois-mined coal  
8 that was sold to an eligible business. For purposes of this  
9 paragraph, the term "eligible business" means a new electric  
10 generating facility certified pursuant to Section 605-332 of  
11 the Department of Commerce and Economic Opportunity Law of the  
12 Civil Administrative Code of Illinois.

13 Of the remainder of the moneys received by the Department  
14 pursuant to this Act, 75% thereof shall be paid into the State  
15 Treasury and 25% shall be reserved in a special account and  
16 used only for the transfer to the Common School Fund as part of  
17 the monthly transfer from the General Revenue Fund in  
18 accordance with Section 8a of the State Finance Act.

19 As soon as possible after the first day of each month, upon  
20 certification of the Department of Revenue, the Comptroller  
21 shall order transferred and the Treasurer shall transfer from  
22 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
23 equal to 1.7% of 80% of the net revenue realized under this Act  
24 for the second preceding month. Beginning April 1, 2000, this  
25 transfer is no longer required and shall not be made.

26 Net revenue realized for a month shall be the revenue

1 collected by the State pursuant to this Act, less the amount  
2 paid out during that month as refunds to taxpayers for  
3 overpayment of liability.

4 For greater simplicity of administration, manufacturers,  
5 importers and wholesalers whose products are sold at retail in  
6 Illinois by numerous retailers, and who wish to do so, may  
7 assume the responsibility for accounting and paying to the  
8 Department all tax accruing under this Act with respect to such  
9 sales, if the retailers who are affected do not make written  
10 objection to the Department to this arrangement.

11 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,  
12 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;  
13 revised 9-9-13.)

14 Section 180. The Service Use Tax Act is amended by changing  
15 Sections 3-5, 3-10, and 9 as follows:

16 (35 ILCS 110/3-5)

17 Sec. 3-5. Exemptions. Use of the following tangible  
18 personal property is exempt from the tax imposed by this Act:

19 (1) Personal property purchased from a corporation,  
20 society, association, foundation, institution, or  
21 organization, other than a limited liability company, that is  
22 organized and operated as a not-for-profit service enterprise  
23 for the benefit of persons 65 years of age or older if the  
24 personal property was not purchased by the enterprise for the

1 purpose of resale by the enterprise.

2 (2) Personal property purchased by a non-profit Illinois  
3 county fair association for use in conducting, operating, or  
4 promoting the county fair.

5 (3) Personal property purchased by a not-for-profit arts or  
6 cultural organization that establishes, by proof required by  
7 the Department by rule, that it has received an exemption under  
8 Section 501(c)(3) of the Internal Revenue Code and that is  
9 organized and operated primarily for the presentation or  
10 support of arts or cultural programming, activities, or  
11 services. These organizations include, but are not limited to,  
12 music and dramatic arts organizations such as symphony  
13 orchestras and theatrical groups, arts and cultural service  
14 organizations, local arts councils, visual arts organizations,  
15 and media arts organizations. On and after the effective date  
16 of this amendatory Act of the 92nd General Assembly, however,  
17 an entity otherwise eligible for this exemption shall not make  
18 tax-free purchases unless it has an active identification  
19 number issued by the Department.

20 (4) Legal tender, currency, medallions, or gold or silver  
21 coinage issued by the State of Illinois, the government of the  
22 United States of America, or the government of any foreign  
23 country, and bullion.

24 (5) Until July 1, 2003 and beginning again on September 1,  
25 2004 through August 30, 2014, graphic arts machinery and  
26 equipment, including repair and replacement parts, both new and

1 used, and including that manufactured on special order or  
2 purchased for lease, certified by the purchaser to be used  
3 primarily for graphic arts production. Equipment includes  
4 chemicals or chemicals acting as catalysts but only if the  
5 chemicals or chemicals acting as catalysts effect a direct and  
6 immediate change upon a graphic arts product.

7 (6) Personal property purchased from a teacher-sponsored  
8 student organization affiliated with an elementary or  
9 secondary school located in Illinois.

10 (7) Farm machinery and equipment, both new and used,  
11 including that manufactured on special order, certified by the  
12 purchaser to be used primarily for production agriculture or  
13 State or federal agricultural programs, including individual  
14 replacement parts for the machinery and equipment, including  
15 machinery and equipment purchased for lease, and including  
16 implements of husbandry defined in Section 1-130 of the  
17 Illinois Vehicle Code, farm machinery and agricultural  
18 chemical and fertilizer spreaders, and nurse wagons required to  
19 be registered under Section 3-809 of the Illinois Vehicle Code,  
20 but excluding other motor vehicles required to be registered  
21 under the Illinois Vehicle Code. Horticultural polyhouses or  
22 hoop houses used for propagating, growing, or overwintering  
23 plants shall be considered farm machinery and equipment under  
24 this item (7). Agricultural chemical tender tanks and dry boxes  
25 shall include units sold separately from a motor vehicle  
26 required to be licensed and units sold mounted on a motor

1 vehicle required to be licensed if the selling price of the  
2 tender is separately stated.

3 Farm machinery and equipment shall include precision  
4 farming equipment that is installed or purchased to be  
5 installed on farm machinery and equipment including, but not  
6 limited to, tractors, harvesters, sprayers, planters, seeders,  
7 or spreaders. Precision farming equipment includes, but is not  
8 limited to, soil testing sensors, computers, monitors,  
9 software, global positioning and mapping systems, and other  
10 such equipment.

11 Farm machinery and equipment also includes computers,  
12 sensors, software, and related equipment used primarily in the  
13 computer-assisted operation of production agriculture  
14 facilities, equipment, and activities such as, but not limited  
15 to, the collection, monitoring, and correlation of animal and  
16 crop data for the purpose of formulating animal diets and  
17 agricultural chemicals. This item (7) is exempt from the  
18 provisions of Section 3-75.

19 (8) Until June 30, 2013, fuel and petroleum products sold  
20 to or used by an air common carrier, certified by the carrier  
21 to be used for consumption, shipment, or storage in the conduct  
22 of its business as an air common carrier, for a flight destined  
23 for or returning from a location or locations outside the  
24 United States without regard to previous or subsequent domestic  
25 stopovers.

26 Beginning July 1, 2013, fuel and petroleum products sold to

1 or used by an air carrier, certified by the carrier to be used  
2 for consumption, shipment, or storage in the conduct of its  
3 business as an air common carrier, for a flight that (i) is  
4 engaged in foreign trade or is engaged in trade between the  
5 United States and any of its possessions and (ii) transports at  
6 least one individual or package for hire from the city of  
7 origination to the city of final destination on the same  
8 aircraft, without regard to a change in the flight number of  
9 that aircraft.

10 (9) Proceeds of mandatory service charges separately  
11 stated on customers' bills for the purchase and consumption of  
12 food and beverages acquired as an incident to the purchase of a  
13 service from a serviceman, to the extent that the proceeds of  
14 the service charge are in fact turned over as tips or as a  
15 substitute for tips to the employees who participate directly  
16 in preparing, serving, hosting or cleaning up the food or  
17 beverage function with respect to which the service charge is  
18 imposed.

19 (10) Until July 1, 2003, oil field exploration, drilling,  
20 and production equipment, including (i) rigs and parts of rigs,  
21 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
22 tubular goods, including casing and drill strings, (iii) pumps  
23 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
24 individual replacement part for oil field exploration,  
25 drilling, and production equipment, and (vi) machinery and  
26 equipment purchased for lease; but excluding motor vehicles

1 required to be registered under the Illinois Vehicle Code.

2 (11) Proceeds from the sale of photoprocessing machinery  
3 and equipment, including repair and replacement parts, both new  
4 and used, including that manufactured on special order,  
5 certified by the purchaser to be used primarily for  
6 photoprocessing, and including photoprocessing machinery and  
7 equipment purchased for lease.

8 (12) Coal and aggregate exploration, mining, off-highway  
9 ~~offhighway~~ hauling, processing, maintenance, and reclamation  
10 equipment, including replacement parts and equipment, and  
11 including equipment purchased for lease, but excluding motor  
12 vehicles required to be registered under the Illinois Vehicle  
13 Code. The changes made to this Section by Public Act 97-767  
14 apply on and after July 1, 2003, but no claim for credit or  
15 refund is allowed on or after August 16, 2013 (the effective  
16 date of Public Act 98-456) ~~this amendatory Act of the 98th~~  
17 ~~General Assembly~~ for such taxes paid during the period  
18 beginning July 1, 2003 and ending on August 16, 2013 (the  
19 effective date of Public Act 98-456) ~~this amendatory Act of the~~  
20 ~~98th General Assembly~~.

21 (13) Semen used for artificial insemination of livestock  
22 for direct agricultural production.

23 (14) Horses, or interests in horses, registered with and  
24 meeting the requirements of any of the Arabian Horse Club  
25 Registry of America, Appaloosa Horse Club, American Quarter  
26 Horse Association, United States Trotting Association, or



1 Jockey Club, as appropriate, used for purposes of breeding or  
2 racing for prizes. This item (14) is exempt from the provisions  
3 of Section 3-75, and the exemption provided for under this item  
4 (14) applies for all periods beginning May 30, 1995, but no  
5 claim for credit or refund is allowed on or after the effective  
6 date of this amendatory Act of the 95th General Assembly for  
7 such taxes paid during the period beginning May 30, 2000 and  
8 ending on the effective date of this amendatory Act of the 95th  
9 General Assembly.

10 (15) Computers and communications equipment utilized for  
11 any hospital purpose and equipment used in the diagnosis,  
12 analysis, or treatment of hospital patients purchased by a  
13 lessor who leases the equipment, under a lease of one year or  
14 longer executed or in effect at the time the lessor would  
15 otherwise be subject to the tax imposed by this Act, to a  
16 hospital that has been issued an active tax exemption  
17 identification number by the Department under Section 1g of the  
18 Retailers' Occupation Tax Act. If the equipment is leased in a  
19 manner that does not qualify for this exemption or is used in  
20 any other non-exempt manner, the lessor shall be liable for the  
21 tax imposed under this Act or the Use Tax Act, as the case may  
22 be, based on the fair market value of the property at the time  
23 the non-qualifying use occurs. No lessor shall collect or  
24 attempt to collect an amount (however designated) that purports  
25 to reimburse that lessor for the tax imposed by this Act or the  
26 Use Tax Act, as the case may be, if the tax has not been paid by

1 the lessor. If a lessor improperly collects any such amount  
2 from the lessee, the lessee shall have a legal right to claim a  
3 refund of that amount from the lessor. If, however, that amount  
4 is not refunded to the lessee for any reason, the lessor is  
5 liable to pay that amount to the Department.

6 (16) Personal property purchased by a lessor who leases the  
7 property, under a lease of one year or longer executed or in  
8 effect at the time the lessor would otherwise be subject to the  
9 tax imposed by this Act, to a governmental body that has been  
10 issued an active tax exemption identification number by the  
11 Department under Section 1g of the Retailers' Occupation Tax  
12 Act. If the property is leased in a manner that does not  
13 qualify for this exemption or is used in any other non-exempt  
14 manner, the lessor shall be liable for the tax imposed under  
15 this Act or the Use Tax Act, as the case may be, based on the  
16 fair market value of the property at the time the  
17 non-qualifying use occurs. No lessor shall collect or attempt  
18 to collect an amount (however designated) that purports to  
19 reimburse that lessor for the tax imposed by this Act or the  
20 Use Tax Act, as the case may be, if the tax has not been paid by  
21 the lessor. If a lessor improperly collects any such amount  
22 from the lessee, the lessee shall have a legal right to claim a  
23 refund of that amount from the lessor. If, however, that amount  
24 is not refunded to the lessee for any reason, the lessor is  
25 liable to pay that amount to the Department.

26 (17) Beginning with taxable years ending on or after

1 December 31, 1995 and ending with taxable years ending on or  
2 before December 31, 2004, personal property that is donated for  
3 disaster relief to be used in a State or federally declared  
4 disaster area in Illinois or bordering Illinois by a  
5 manufacturer or retailer that is registered in this State to a  
6 corporation, society, association, foundation, or institution  
7 that has been issued a sales tax exemption identification  
8 number by the Department that assists victims of the disaster  
9 who reside within the declared disaster area.

10 (18) Beginning with taxable years ending on or after  
11 December 31, 1995 and ending with taxable years ending on or  
12 before December 31, 2004, personal property that is used in the  
13 performance of infrastructure repairs in this State, including  
14 but not limited to municipal roads and streets, access roads,  
15 bridges, sidewalks, waste disposal systems, water and sewer  
16 line extensions, water distribution and purification  
17 facilities, storm water drainage and retention facilities, and  
18 sewage treatment facilities, resulting from a State or  
19 federally declared disaster in Illinois or bordering Illinois  
20 when such repairs are initiated on facilities located in the  
21 declared disaster area within 6 months after the disaster.

22 (19) Beginning July 1, 1999, game or game birds purchased  
23 at a "game breeding and hunting preserve area" as that term is  
24 used in the Wildlife Code. This paragraph is exempt from the  
25 provisions of Section 3-75.

26 (20) A motor vehicle, as that term is defined in Section

1 1-146 of the Illinois Vehicle Code, that is donated to a  
2 corporation, limited liability company, society, association,  
3 foundation, or institution that is determined by the Department  
4 to be organized and operated exclusively for educational  
5 purposes. For purposes of this exemption, "a corporation,  
6 limited liability company, society, association, foundation,  
7 or institution organized and operated exclusively for  
8 educational purposes" means all tax-supported public schools,  
9 private schools that offer systematic instruction in useful  
10 branches of learning by methods common to public schools and  
11 that compare favorably in their scope and intensity with the  
12 course of study presented in tax-supported schools, and  
13 vocational or technical schools or institutes organized and  
14 operated exclusively to provide a course of study of not less  
15 than 6 weeks duration and designed to prepare individuals to  
16 follow a trade or to pursue a manual, technical, mechanical,  
17 industrial, business, or commercial occupation.

18 (21) Beginning January 1, 2000, personal property,  
19 including food, purchased through fundraising events for the  
20 benefit of a public or private elementary or secondary school,  
21 a group of those schools, or one or more school districts if  
22 the events are sponsored by an entity recognized by the school  
23 district that consists primarily of volunteers and includes  
24 parents and teachers of the school children. This paragraph  
25 does not apply to fundraising events (i) for the benefit of  
26 private home instruction or (ii) for which the fundraising

1 entity purchases the personal property sold at the events from  
2 another individual or entity that sold the property for the  
3 purpose of resale by the fundraising entity and that profits  
4 from the sale to the fundraising entity. This paragraph is  
5 exempt from the provisions of Section 3-75.

6 (22) Beginning January 1, 2000 and through December 31,  
7 2001, new or used automatic vending machines that prepare and  
8 serve hot food and beverages, including coffee, soup, and other  
9 items, and replacement parts for these machines. Beginning  
10 January 1, 2002 and through June 30, 2003, machines and parts  
11 for machines used in commercial, coin-operated amusement and  
12 vending business if a use or occupation tax is paid on the  
13 gross receipts derived from the use of the commercial,  
14 coin-operated amusement and vending machines. This paragraph  
15 is exempt from the provisions of Section 3-75.

16 (23) Beginning August 23, 2001 and through June 30, 2016,  
17 food for human consumption that is to be consumed off the  
18 premises where it is sold (other than alcoholic beverages, soft  
19 drinks, and food that has been prepared for immediate  
20 consumption) and prescription and nonprescription medicines,  
21 drugs, medical appliances, and insulin, urine testing  
22 materials, syringes, and needles used by diabetics, for human  
23 use, when purchased for use by a person receiving medical  
24 assistance under Article V of the Illinois Public Aid Code who  
25 resides in a licensed long-term care facility, as defined in  
26 the Nursing Home Care Act, or in a licensed facility as defined

1 in the ID/DD Community Care Act or the Specialized Mental  
2 Health Rehabilitation Act of 2013.

3 (24) Beginning on the effective date of this amendatory Act  
4 of the 92nd General Assembly, computers and communications  
5 equipment utilized for any hospital purpose and equipment used  
6 in the diagnosis, analysis, or treatment of hospital patients  
7 purchased by a lessor who leases the equipment, under a lease  
8 of one year or longer executed or in effect at the time the  
9 lessor would otherwise be subject to the tax imposed by this  
10 Act, to a hospital that has been issued an active tax exemption  
11 identification number by the Department under Section 1g of the  
12 Retailers' Occupation Tax Act. If the equipment is leased in a  
13 manner that does not qualify for this exemption or is used in  
14 any other nonexempt manner, the lessor shall be liable for the  
15 tax imposed under this Act or the Use Tax Act, as the case may  
16 be, based on the fair market value of the property at the time  
17 the nonqualifying use occurs. No lessor shall collect or  
18 attempt to collect an amount (however designated) that purports  
19 to reimburse that lessor for the tax imposed by this Act or the  
20 Use Tax Act, as the case may be, if the tax has not been paid by  
21 the lessor. If a lessor improperly collects any such amount  
22 from the lessee, the lessee shall have a legal right to claim a  
23 refund of that amount from the lessor. If, however, that amount  
24 is not refunded to the lessee for any reason, the lessor is  
25 liable to pay that amount to the Department. This paragraph is  
26 exempt from the provisions of Section 3-75.

1           (25) Beginning on the effective date of this amendatory Act  
2 of the 92nd General Assembly, personal property purchased by a  
3 lessor who leases the property, under a lease of one year or  
4 longer executed or in effect at the time the lessor would  
5 otherwise be subject to the tax imposed by this Act, to a  
6 governmental body that has been issued an active tax exemption  
7 identification number by the Department under Section 1g of the  
8 Retailers' Occupation Tax Act. If the property is leased in a  
9 manner that does not qualify for this exemption or is used in  
10 any other nonexempt manner, the lessor shall be liable for the  
11 tax imposed under this Act or the Use Tax Act, as the case may  
12 be, based on the fair market value of the property at the time  
13 the nonqualifying use occurs. No lessor shall collect or  
14 attempt to collect an amount (however designated) that purports  
15 to reimburse that lessor for the tax imposed by this Act or the  
16 Use Tax Act, as the case may be, if the tax has not been paid by  
17 the lessor. If a lessor improperly collects any such amount  
18 from the lessee, the lessee shall have a legal right to claim a  
19 refund of that amount from the lessor. If, however, that amount  
20 is not refunded to the lessee for any reason, the lessor is  
21 liable to pay that amount to the Department. This paragraph is  
22 exempt from the provisions of Section 3-75.

23           (26) Beginning January 1, 2008, tangible personal property  
24 used in the construction or maintenance of a community water  
25 supply, as defined under Section 3.145 of the Environmental  
26 Protection Act, that is operated by a not-for-profit

1 corporation that holds a valid water supply permit issued under  
2 Title IV of the Environmental Protection Act. This paragraph is  
3 exempt from the provisions of Section 3-75.

4 (27) Beginning January 1, 2010, materials, parts,  
5 equipment, components, and furnishings incorporated into or  
6 upon an aircraft as part of the modification, refurbishment,  
7 completion, replacement, repair, or maintenance of the  
8 aircraft. This exemption includes consumable supplies used in  
9 the modification, refurbishment, completion, replacement,  
10 repair, and maintenance of aircraft, but excludes any  
11 materials, parts, equipment, components, and consumable  
12 supplies used in the modification, replacement, repair, and  
13 maintenance of aircraft engines or power plants, whether such  
14 engines or power plants are installed or uninstalled upon any  
15 such aircraft. "Consumable supplies" include, but are not  
16 limited to, adhesive, tape, sandpaper, general purpose  
17 lubricants, cleaning solution, latex gloves, and protective  
18 films. This exemption applies only to the use of qualifying  
19 tangible personal property transferred incident to the  
20 modification, refurbishment, completion, replacement, repair,  
21 or maintenance of aircraft by persons who (i) hold an Air  
22 Agency Certificate and are empowered to operate an approved  
23 repair station by the Federal Aviation Administration, (ii)  
24 have a Class IV Rating, and (iii) conduct operations in  
25 accordance with Part 145 of the Federal Aviation Regulations.  
26 The exemption does not include aircraft operated by a



1 commercial air carrier providing scheduled passenger air  
2 service pursuant to authority issued under Part 121 or Part 129  
3 of the Federal Aviation Regulations. The changes made to this  
4 paragraph (27) by Public Act 98-534 ~~this amendatory Act of the~~  
5 ~~98th General Assembly~~ are declarative of existing law.

6 (28) Tangible personal property purchased by a  
7 public-facilities corporation, as described in Section  
8 11-65-10 of the Illinois Municipal Code, for purposes of  
9 constructing or furnishing a municipal convention hall, but  
10 only if the legal title to the municipal convention hall is  
11 transferred to the municipality without any further  
12 consideration by or on behalf of the municipality at the time  
13 of the completion of the municipal convention hall or upon the  
14 retirement or redemption of any bonds or other debt instruments  
15 issued by the public-facilities corporation in connection with  
16 the development of the municipal convention hall. This  
17 exemption includes existing public-facilities corporations as  
18 provided in Section 11-65-25 of the Illinois Municipal Code.  
19 This paragraph is exempt from the provisions of Section 3-75.

20 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-431,  
21 eff. 8-16-11; 97-636, eff. 6-1-12; 97-767, eff. 7-9-12; 98-104,  
22 eff. 7-22-13; 98-422, eff. 8-16-13; 98-456, eff. 8-16-13;  
23 98-534, eff. 8-23-13; revised 9-9-13.)

24 (35 ILCS 110/3-10) (from Ch. 120, par. 439.33-10)

25 Sec. 3-10. Rate of tax. Unless otherwise provided in this

1 Section, the tax imposed by this Act is at the rate of 6.25% of  
2 the selling price of tangible personal property transferred as  
3 an incident to the sale of service, but, for the purpose of  
4 computing this tax, in no event shall the selling price be less  
5 than the cost price of the property to the serviceman.

6 Beginning on July 1, 2000 and through December 31, 2000,  
7 with respect to motor fuel, as defined in Section 1.1 of the  
8 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
9 the Use Tax Act, the tax is imposed at the rate of 1.25%.

10 With respect to gasohol, as defined in the Use Tax Act, the  
11 tax imposed by this Act applies to (i) 70% of the selling price  
12 of property transferred as an incident to the sale of service  
13 on or after January 1, 1990, and before July 1, 2003, (ii) 80%  
14 of the selling price of property transferred as an incident to  
15 the sale of service on or after July 1, 2003 and on or before  
16 December 31, 2018, and (iii) 100% of the selling price  
17 thereafter. If, at any time, however, the tax under this Act on  
18 sales of gasohol, as defined in the Use Tax Act, is imposed at  
19 the rate of 1.25%, then the tax imposed by this Act applies to  
20 100% of the proceeds of sales of gasohol made during that time.

21 With respect to majority blended ethanol fuel, as defined  
22 in the Use Tax Act, the tax imposed by this Act does not apply  
23 to the selling price of property transferred as an incident to  
24 the sale of service on or after July 1, 2003 and on or before  
25 December 31, 2018 but applies to 100% of the selling price  
26 thereafter.

1           With respect to biodiesel blends, as defined in the Use Tax  
2 Act, with no less than 1% and no more than 10% biodiesel, the  
3 tax imposed by this Act applies to (i) 80% of the selling price  
4 of property transferred as an incident to the sale of service  
5 on or after July 1, 2003 and on or before December 31, 2018 and  
6 (ii) 100% of the proceeds of the selling price thereafter. If,  
7 at any time, however, the tax under this Act on sales of  
8 biodiesel blends, as defined in the Use Tax Act, with no less  
9 than 1% and no more than 10% biodiesel is imposed at the rate  
10 of 1.25%, then the tax imposed by this Act applies to 100% of  
11 the proceeds of sales of biodiesel blends with no less than 1%  
12 and no more than 10% biodiesel made during that time.

13           With respect to 100% biodiesel, as defined in the Use Tax  
14 Act, and biodiesel blends, as defined in the Use Tax Act, with  
15 more than 10% but no more than 99% biodiesel, the tax imposed  
16 by this Act does not apply to the proceeds of the selling price  
17 of property transferred as an incident to the sale of service  
18 on or after July 1, 2003 and on or before December 31, 2018 but  
19 applies to 100% of the selling price thereafter.

20           At the election of any registered serviceman made for each  
21 fiscal year, sales of service in which the aggregate annual  
22 cost price of tangible personal property transferred as an  
23 incident to the sales of service is less than 35%, or 75% in  
24 the case of servicemen transferring prescription drugs or  
25 servicemen engaged in graphic arts production, of the aggregate  
26 annual total gross receipts from all sales of service, the tax

1 imposed by this Act shall be based on the serviceman's cost  
2 price of the tangible personal property transferred as an  
3 incident to the sale of those services.

4 The tax shall be imposed at the rate of 1% on food prepared  
5 for immediate consumption and transferred incident to a sale of  
6 service subject to this Act or the Service Occupation Tax Act  
7 by an entity licensed under the Hospital Licensing Act, the  
8 Nursing Home Care Act, the ID/DD Community Care Act, the  
9 Specialized Mental Health Rehabilitation Act of 2013, or the  
10 Child Care Act of 1969. The tax shall also be imposed at the  
11 rate of 1% on food for human consumption that is to be consumed  
12 off the premises where it is sold (other than alcoholic  
13 beverages, soft drinks, and food that has been prepared for  
14 immediate consumption and is not otherwise included in this  
15 paragraph) and prescription and nonprescription medicines,  
16 drugs, medical appliances, modifications to a motor vehicle for  
17 the purpose of rendering it usable by a disabled person, and  
18 insulin, urine testing materials, syringes, and needles used by  
19 diabetics, for human use. For the purposes of this Section,  
20 until September 1, 2009: the term "soft drinks" means any  
21 complete, finished, ready-to-use, non-alcoholic drink, whether  
22 carbonated or not, including but not limited to soda water,  
23 cola, fruit juice, vegetable juice, carbonated water, and all  
24 other preparations commonly known as soft drinks of whatever  
25 kind or description that are contained in any closed or sealed  
26 bottle, can, carton, or container, regardless of size; but

1 "soft drinks" does not include coffee, tea, non-carbonated  
2 water, infant formula, milk or milk products as defined in the  
3 Grade A Pasteurized Milk and Milk Products Act, or drinks  
4 containing 50% or more natural fruit or vegetable juice.

5 Notwithstanding any other provisions of this Act,  
6 beginning September 1, 2009, "soft drinks" means non-alcoholic  
7 beverages that contain natural or artificial sweeteners. "Soft  
8 drinks" do not include beverages that contain milk or milk  
9 products, soy, rice or similar milk substitutes, or greater  
10 than 50% of vegetable or fruit juice by volume.

11 Until August 1, 2009, and notwithstanding any other  
12 provisions of this Act, "food for human consumption that is to  
13 be consumed off the premises where it is sold" includes all  
14 food sold through a vending machine, except soft drinks and  
15 food products that are dispensed hot from a vending machine,  
16 regardless of the location of the vending machine. Beginning  
17 August 1, 2009, and notwithstanding any other provisions of  
18 this Act, "food for human consumption that is to be consumed  
19 off the premises where it is sold" includes all food sold  
20 through a vending machine, except soft drinks, candy, and food  
21 products that are dispensed hot from a vending machine,  
22 regardless of the location of the vending machine.

23 Notwithstanding any other provisions of this Act,  
24 beginning September 1, 2009, "food for human consumption that  
25 is to be consumed off the premises where it is sold" does not  
26 include candy. For purposes of this Section, "candy" means a

1 preparation of sugar, honey, or other natural or artificial  
2 sweeteners in combination with chocolate, fruits, nuts or other  
3 ingredients or flavorings in the form of bars, drops, or  
4 pieces. "Candy" does not include any preparation that contains  
5 flour or requires refrigeration.

6 Notwithstanding any other provisions of this Act,  
7 beginning September 1, 2009, "nonprescription medicines and  
8 drugs" does not include grooming and hygiene products. For  
9 purposes of this Section, "grooming and hygiene products"  
10 includes, but is not limited to, soaps and cleaning solutions,  
11 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
12 lotions and screens, unless those products are available by  
13 prescription only, regardless of whether the products meet the  
14 definition of "over-the-counter-drugs". For the purposes of  
15 this paragraph, "over-the-counter-drug" means a drug for human  
16 use that contains a label that identifies the product as a drug  
17 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
18 label includes:

19 (A) A "Drug Facts" panel; or

20 (B) A statement of the "active ingredient(s)" with a  
21 list of those ingredients contained in the compound,  
22 substance or preparation.

23 Beginning on January 1, 2014 (the effective date of Public  
24 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~  
25 "prescription and nonprescription medicines and drugs"  
26 includes medical cannabis purchased from a registered

1 dispensing organization under the Compassionate Use of Medical  
2 Cannabis Pilot Program Act.

3 If the property that is acquired from a serviceman is  
4 acquired outside Illinois and used outside Illinois before  
5 being brought to Illinois for use here and is taxable under  
6 this Act, the "selling price" on which the tax is computed  
7 shall be reduced by an amount that represents a reasonable  
8 allowance for depreciation for the period of prior out-of-state  
9 use.

10 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,  
11 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; revised  
12 8-9-13.)

13 (35 ILCS 110/9) (from Ch. 120, par. 439.39)

14 Sec. 9. Each serviceman required or authorized to collect  
15 the tax herein imposed shall pay to the Department the amount  
16 of such tax (except as otherwise provided) at the time when he  
17 is required to file his return for the period during which such  
18 tax was collected, less a discount of 2.1% prior to January 1,  
19 1990 and 1.75% on and after January 1, 1990, or \$5 per calendar  
20 year, whichever is greater, which is allowed to reimburse the  
21 serviceman for expenses incurred in collecting the tax, keeping  
22 records, preparing and filing returns, remitting the tax and  
23 supplying data to the Department on request. The Department may  
24 disallow the discount for servicemen whose certificate of  
25 registration is revoked at the time the return is filed, but

1 only if the Department's decision to revoke the certificate of  
2 registration has become final. A serviceman need not remit that  
3 part of any tax collected by him to the extent that he is  
4 required to pay and does pay the tax imposed by the Service  
5 Occupation Tax Act with respect to his sale of service  
6 involving the incidental transfer by him of the same property.

7 Except as provided hereinafter in this Section, on or  
8 before the twentieth day of each calendar month, such  
9 serviceman shall file a return for the preceding calendar month  
10 in accordance with reasonable Rules and Regulations to be  
11 promulgated by the Department. Such return shall be filed on a  
12 form prescribed by the Department and shall contain such  
13 information as the Department may reasonably require.

14 The Department may require returns to be filed on a  
15 quarterly basis. If so required, a return for each calendar  
16 quarter shall be filed on or before the twentieth day of the  
17 calendar month following the end of such calendar quarter. The  
18 taxpayer shall also file a return with the Department for each  
19 of the first two months of each calendar quarter, on or before  
20 the twentieth day of the following calendar month, stating:

21 1. The name of the seller;

22 2. The address of the principal place of business from  
23 which he engages in business as a serviceman in this State;

24 3. The total amount of taxable receipts received by him  
25 during the preceding calendar month, including receipts  
26 from charge and time sales, but less all deductions allowed



1 by law;

2 4. The amount of credit provided in Section 2d of this  
3 Act;

4 5. The amount of tax due;

5 5-5. The signature of the taxpayer; and

6 6. Such other reasonable information as the Department  
7 may require.

8 If a taxpayer fails to sign a return within 30 days after  
9 the proper notice and demand for signature by the Department,  
10 the return shall be considered valid and any amount shown to be  
11 due on the return shall be deemed assessed.

12 Beginning October 1, 1993, a taxpayer who has an average  
13 monthly tax liability of \$150,000 or more shall make all  
14 payments required by rules of the Department by electronic  
15 funds transfer. Beginning October 1, 1994, a taxpayer who has  
16 an average monthly tax liability of \$100,000 or more shall make  
17 all payments required by rules of the Department by electronic  
18 funds transfer. Beginning October 1, 1995, a taxpayer who has  
19 an average monthly tax liability of \$50,000 or more shall make  
20 all payments required by rules of the Department by electronic  
21 funds transfer. Beginning October 1, 2000, a taxpayer who has  
22 an annual tax liability of \$200,000 or more shall make all  
23 payments required by rules of the Department by electronic  
24 funds transfer. The term "annual tax liability" shall be the  
25 sum of the taxpayer's liabilities under this Act, and under all  
26 other State and local occupation and use tax laws administered

1 by the Department, for the immediately preceding calendar year.  
2 The term "average monthly tax liability" means the sum of the  
3 taxpayer's liabilities under this Act, and under all other  
4 State and local occupation and use tax laws administered by the  
5 Department, for the immediately preceding calendar year  
6 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
7 a tax liability in the amount set forth in subsection (b) of  
8 Section 2505-210 of the Department of Revenue Law shall make  
9 all payments required by rules of the Department by electronic  
10 funds transfer.

11 Before August 1 of each year beginning in 1993, the  
12 Department shall notify all taxpayers required to make payments  
13 by electronic funds transfer. All taxpayers required to make  
14 payments by electronic funds transfer shall make those payments  
15 for a minimum of one year beginning on October 1.

16 Any taxpayer not required to make payments by electronic  
17 funds transfer may make payments by electronic funds transfer  
18 with the permission of the Department.

19 All taxpayers required to make payment by electronic funds  
20 transfer and any taxpayers authorized to voluntarily make  
21 payments by electronic funds transfer shall make those payments  
22 in the manner authorized by the Department.

23 The Department shall adopt such rules as are necessary to  
24 effectuate a program of electronic funds transfer and the  
25 requirements of this Section.

26 If the serviceman is otherwise required to file a monthly

1 return and if the serviceman's average monthly tax liability to  
2 the Department does not exceed \$200, the Department may  
3 authorize his returns to be filed on a quarter annual basis,  
4 with the return for January, February and March of a given year  
5 being due by April 20 of such year; with the return for April,  
6 May and June of a given year being due by July 20 of such year;  
7 with the return for July, August and September of a given year  
8 being due by October 20 of such year, and with the return for  
9 October, November and December of a given year being due by  
10 January 20 of the following year.

11 If the serviceman is otherwise required to file a monthly  
12 or quarterly return and if the serviceman's average monthly tax  
13 liability to the Department does not exceed \$50, the Department  
14 may authorize his returns to be filed on an annual basis, with  
15 the return for a given year being due by January 20 of the  
16 following year.

17 Such quarter annual and annual returns, as to form and  
18 substance, shall be subject to the same requirements as monthly  
19 returns.

20 Notwithstanding any other provision in this Act concerning  
21 the time within which a serviceman may file his return, in the  
22 case of any serviceman who ceases to engage in a kind of  
23 business which makes him responsible for filing returns under  
24 this Act, such serviceman shall file a final return under this  
25 Act with the Department not more than 1 month after  
26 discontinuing such business.

1           Where a serviceman collects the tax with respect to the  
2 selling price of property which he sells and the purchaser  
3 thereafter returns such property and the serviceman refunds the  
4 selling price thereof to the purchaser, such serviceman shall  
5 also refund, to the purchaser, the tax so collected from the  
6 purchaser. When filing his return for the period in which he  
7 refunds such tax to the purchaser, the serviceman may deduct  
8 the amount of the tax so refunded by him to the purchaser from  
9 any other Service Use Tax, Service Occupation Tax, retailers'  
10 occupation tax or use tax which such serviceman may be required  
11 to pay or remit to the Department, as shown by such return,  
12 provided that the amount of the tax to be deducted shall  
13 previously have been remitted to the Department by such  
14 serviceman. If the serviceman shall not previously have  
15 remitted the amount of such tax to the Department, he shall be  
16 entitled to no deduction hereunder upon refunding such tax to  
17 the purchaser.

18           Any serviceman filing a return hereunder shall also include  
19 the total tax upon the selling price of tangible personal  
20 property purchased for use by him as an incident to a sale of  
21 service, and such serviceman shall remit the amount of such tax  
22 to the Department when filing such return.

23           If experience indicates such action to be practicable, the  
24 Department may prescribe and furnish a combination or joint  
25 return which will enable servicemen, who are required to file  
26 returns hereunder and also under the Service Occupation Tax

1 Act, to furnish all the return information required by both  
2 Acts on the one form.

3 Where the serviceman has more than one business registered  
4 with the Department under separate registration hereunder,  
5 such serviceman shall not file each return that is due as a  
6 single return covering all such registered businesses, but  
7 shall file separate returns for each such registered business.

8 Beginning January 1, 1990, each month the Department shall  
9 pay into the State and Local Tax Reform Fund, a special fund in  
10 the State Treasury, the net revenue realized for the preceding  
11 month from the 1% tax on sales of food for human consumption  
12 which is to be consumed off the premises where it is sold  
13 (other than alcoholic beverages, soft drinks and food which has  
14 been prepared for immediate consumption) and prescription and  
15 nonprescription medicines, drugs, medical appliances and  
16 insulin, urine testing materials, syringes and needles used by  
17 diabetics.

18 Beginning January 1, 1990, each month the Department shall  
19 pay into the State and Local Sales Tax Reform Fund 20% of the  
20 net revenue realized for the preceding month from the 6.25%  
21 general rate on transfers of tangible personal property, other  
22 than tangible personal property which is purchased outside  
23 Illinois at retail from a retailer and which is titled or  
24 registered by an agency of this State's government.

25 Beginning August 1, 2000, each month the Department shall  
26 pay into the State and Local Sales Tax Reform Fund 100% of the

1 net revenue realized for the preceding month from the 1.25%  
2 rate on the selling price of motor fuel and gasohol.

3 Beginning October 1, 2009, each month the Department shall  
4 pay into the Capital Projects Fund an amount that is equal to  
5 an amount estimated by the Department to represent 80% of the  
6 net revenue realized for the preceding month from the sale of  
7 candy, grooming and hygiene products, and soft drinks that had  
8 been taxed at a rate of 1% prior to September 1, 2009 but that  
9 are ~~is~~ now taxed at 6.25%.

10 Beginning July 1, 2013, each month the Department shall pay  
11 into the Underground Storage Tank Fund from the proceeds  
12 collected under this Act, the Use Tax Act, the Service  
13 Occupation Tax Act, and the Retailers' Occupation Tax Act an  
14 amount equal to the average monthly deficit in the Underground  
15 Storage Tank Fund during the prior year, as certified annually  
16 by the Illinois Environmental Protection Agency, but the total  
17 payment into the Underground Storage Tank Fund under this Act,  
18 the Use Tax Act, the Service Occupation Tax Act, and the  
19 Retailers' Occupation Tax Act shall not exceed \$18,000,000 in  
20 any State fiscal year. As used in this paragraph, the "average  
21 monthly deficit" shall be equal to the difference between the  
22 average monthly claims for payment by the fund and the average  
23 monthly revenues deposited into the fund, excluding payments  
24 made pursuant to this paragraph.

25 Of the remainder of the moneys received by the Department  
26 pursuant to this Act, (a) 1.75% thereof shall be paid into the

1 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
2 and after July 1, 1989, 3.8% thereof shall be paid into the  
3 Build Illinois Fund; provided, however, that if in any fiscal  
4 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
5 may be, of the moneys received by the Department and required  
6 to be paid into the Build Illinois Fund pursuant to Section 3  
7 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
8 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
9 Service Occupation Tax Act, such Acts being hereinafter called  
10 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
11 may be, of moneys being hereinafter called the "Tax Act  
12 Amount", and (2) the amount transferred to the Build Illinois  
13 Fund from the State and Local Sales Tax Reform Fund shall be  
14 less than the Annual Specified Amount (as defined in Section 3  
15 of the Retailers' Occupation Tax Act), an amount equal to the  
16 difference shall be immediately paid into the Build Illinois  
17 Fund from other moneys received by the Department pursuant to  
18 the Tax Acts; and further provided, that if on the last  
19 business day of any month the sum of (1) the Tax Act Amount  
20 required to be deposited into the Build Illinois Bond Account  
21 in the Build Illinois Fund during such month and (2) the amount  
22 transferred during such month to the Build Illinois Fund from  
23 the State and Local Sales Tax Reform Fund shall have been less  
24 than 1/12 of the Annual Specified Amount, an amount equal to  
25 the difference shall be immediately paid into the Build  
26 Illinois Fund from other moneys received by the Department

1 pursuant to the Tax Acts; and, further provided, that in no  
2 event shall the payments required under the preceding proviso  
3 result in aggregate payments into the Build Illinois Fund  
4 pursuant to this clause (b) for any fiscal year in excess of  
5 the greater of (i) the Tax Act Amount or (ii) the Annual  
6 Specified Amount for such fiscal year; and, further provided,  
7 that the amounts payable into the Build Illinois Fund under  
8 this clause (b) shall be payable only until such time as the  
9 aggregate amount on deposit under each trust indenture securing  
10 Bonds issued and outstanding pursuant to the Build Illinois  
11 Bond Act is sufficient, taking into account any future  
12 investment income, to fully provide, in accordance with such  
13 indenture, for the defeasance of or the payment of the  
14 principal of, premium, if any, and interest on the Bonds  
15 secured by such indenture and on any Bonds expected to be  
16 issued thereafter and all fees and costs payable with respect  
17 thereto, all as certified by the Director of the Bureau of the  
18 Budget (now Governor's Office of Management and Budget). If on  
19 the last business day of any month in which Bonds are  
20 outstanding pursuant to the Build Illinois Bond Act, the  
21 aggregate of the moneys deposited in the Build Illinois Bond  
22 Account in the Build Illinois Fund in such month shall be less  
23 than the amount required to be transferred in such month from  
24 the Build Illinois Bond Account to the Build Illinois Bond  
25 Retirement and Interest Fund pursuant to Section 13 of the  
26 Build Illinois Bond Act, an amount equal to such deficiency



1 shall be immediately paid from other moneys received by the  
 2 Department pursuant to the Tax Acts to the Build Illinois Fund;  
 3 provided, however, that any amounts paid to the Build Illinois  
 4 Fund in any fiscal year pursuant to this sentence shall be  
 5 deemed to constitute payments pursuant to clause (b) of the  
 6 preceding sentence and shall reduce the amount otherwise  
 7 payable for such fiscal year pursuant to clause (b) of the  
 8 preceding sentence. The moneys received by the Department  
 9 pursuant to this Act and required to be deposited into the  
 10 Build Illinois Fund are subject to the pledge, claim and charge  
 11 set forth in Section 12 of the Build Illinois Bond Act.

12 Subject to payment of amounts into the Build Illinois Fund  
 13 as provided in the preceding paragraph or in any amendment  
 14 thereto hereafter enacted, the following specified monthly  
 15 installment of the amount requested in the certificate of the  
 16 Chairman of the Metropolitan Pier and Exposition Authority  
 17 provided under Section 8.25f of the State Finance Act, but not  
 18 in excess of the sums designated as "Total Deposit", shall be  
 19 deposited in the aggregate from collections under Section 9 of  
 20 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
 21 9 of the Service Occupation Tax Act, and Section 3 of the  
 22 Retailers' Occupation Tax Act into the McCormick Place  
 23 Expansion Project Fund in the specified fiscal years.

Fiscal Year	Total Deposit
1993	\$0

1	1994	53,000,000
2	1995	58,000,000
3	1996	61,000,000
4	1997	64,000,000
5	1998	68,000,000
6	1999	71,000,000
7	2000	75,000,000
8	2001	80,000,000
9	2002	93,000,000
10	2003	99,000,000
11	2004	103,000,000
12	2005	108,000,000
13	2006	113,000,000
14	2007	119,000,000
15	2008	126,000,000
16	2009	132,000,000
17	2010	139,000,000
18	2011	146,000,000
19	2012	153,000,000
20	2013	161,000,000
21	2014	170,000,000
22	2015	179,000,000
23	2016	189,000,000
24	2017	199,000,000
25	2018	210,000,000
26	2019	221,000,000

1	2020	233,000,000
2	2021	246,000,000
3	2022	260,000,000
4	2023	275,000,000
5	2024	275,000,000
6	2025	275,000,000
7	2026	279,000,000
8	2027	292,000,000
9	2028	307,000,000
10	2029	322,000,000
11	2030	338,000,000
12	2031	350,000,000
13	2032	350,000,000

14                   and  
15                    each fiscal year  
16                   thereafter that bonds  
17                   are outstanding under  
18                   Section 13.2 of the  
19                   Metropolitan Pier and  
20                   Exposition Authority Act,  
21                   but not after fiscal year 2060.

22                   Beginning July 20, 1993 and in each month of each fiscal  
23                   year thereafter, one-eighth of the amount requested in the  
24                   certificate of the Chairman of the Metropolitan Pier and  
25                   Exposition Authority for that fiscal year, less the amount  
26                   deposited into the McCormick Place Expansion Project Fund by

1 the State Treasurer in the respective month under subsection  
2 (g) of Section 13 of the Metropolitan Pier and Exposition  
3 Authority Act, plus cumulative deficiencies in the deposits  
4 required under this Section for previous months and years,  
5 shall be deposited into the McCormick Place Expansion Project  
6 Fund, until the full amount requested for the fiscal year, but  
7 not in excess of the amount specified above as "Total Deposit",  
8 has been deposited.

9 Subject to payment of amounts into the Build Illinois Fund  
10 and the McCormick Place Expansion Project Fund pursuant to the  
11 preceding paragraphs or in any amendments thereto hereafter  
12 enacted, beginning July 1, 1993 and ending on September 30,  
13 2013, the Department shall each month pay into the Illinois Tax  
14 Increment Fund 0.27% of 80% of the net revenue realized for the  
15 preceding month from the 6.25% general rate on the selling  
16 price of tangible personal property.

17 Subject to payment of amounts into the Build Illinois Fund  
18 and the McCormick Place Expansion Project Fund pursuant to the  
19 preceding paragraphs or in any amendments thereto hereafter  
20 enacted, beginning with the receipt of the first report of  
21 taxes paid by an eligible business and continuing for a 25-year  
22 period, the Department shall each month pay into the Energy  
23 Infrastructure Fund 80% of the net revenue realized from the  
24 6.25% general rate on the selling price of Illinois-mined coal  
25 that was sold to an eligible business. For purposes of this  
26 paragraph, the term "eligible business" means a new electric

1 generating facility certified pursuant to Section 605-332 of  
2 the Department of Commerce and Economic Opportunity Law of the  
3 Civil Administrative Code of Illinois.

4 Of the remainder of the moneys received by the Department  
5 pursuant to this Act, 75% thereof shall be paid into the  
6 General Revenue Fund of the State Treasury and 25% shall be  
7 reserved in a special account and used only for the transfer to  
8 the Common School Fund as part of the monthly transfer from the  
9 General Revenue Fund in accordance with Section 8a of the State  
10 Finance Act.

11 As soon as possible after the first day of each month, upon  
12 certification of the Department of Revenue, the Comptroller  
13 shall order transferred and the Treasurer shall transfer from  
14 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
15 equal to 1.7% of 80% of the net revenue realized under this Act  
16 for the second preceding month. Beginning April 1, 2000, this  
17 transfer is no longer required and shall not be made.

18 Net revenue realized for a month shall be the revenue  
19 collected by the State pursuant to this Act, less the amount  
20 paid out during that month as refunds to taxpayers for  
21 overpayment of liability.

22 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
23 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; revised 9-9-13.)

24 Section 185. The Service Occupation Tax Act is amended by  
25 changing Sections 3-5, 3-10, and 9 as follows:

1 (35 ILCS 115/3-5)

2 Sec. 3-5. Exemptions. The following tangible personal  
3 property is exempt from the tax imposed by this Act:

4 (1) Personal property sold by a corporation, society,  
5 association, foundation, institution, or organization, other  
6 than a limited liability company, that is organized and  
7 operated as a not-for-profit service enterprise for the benefit  
8 of persons 65 years of age or older if the personal property  
9 was not purchased by the enterprise for the purpose of resale  
10 by the enterprise.

11 (2) Personal property purchased by a not-for-profit  
12 Illinois county fair association for use in conducting,  
13 operating, or promoting the county fair.

14 (3) Personal property purchased by any not-for-profit arts  
15 or cultural organization that establishes, by proof required by  
16 the Department by rule, that it has received an exemption under  
17 Section 501(c)(3) of the Internal Revenue Code and that is  
18 organized and operated primarily for the presentation or  
19 support of arts or cultural programming, activities, or  
20 services. These organizations include, but are not limited to,  
21 music and dramatic arts organizations such as symphony  
22 orchestras and theatrical groups, arts and cultural service  
23 organizations, local arts councils, visual arts organizations,  
24 and media arts organizations. On and after the effective date  
25 of this amendatory Act of the 92nd General Assembly, however,

1 an entity otherwise eligible for this exemption shall not make  
2 tax-free purchases unless it has an active identification  
3 number issued by the Department.

4 (4) Legal tender, currency, medallions, or gold or silver  
5 coinage issued by the State of Illinois, the government of the  
6 United States of America, or the government of any foreign  
7 country, and bullion.

8 (5) Until July 1, 2003 and beginning again on September 1,  
9 2004 through August 30, 2014, graphic arts machinery and  
10 equipment, including repair and replacement parts, both new and  
11 used, and including that manufactured on special order or  
12 purchased for lease, certified by the purchaser to be used  
13 primarily for graphic arts production. Equipment includes  
14 chemicals or chemicals acting as catalysts but only if the  
15 chemicals or chemicals acting as catalysts effect a direct and  
16 immediate change upon a graphic arts product.

17 (6) Personal property sold by a teacher-sponsored student  
18 organization affiliated with an elementary or secondary school  
19 located in Illinois.

20 (7) Farm machinery and equipment, both new and used,  
21 including that manufactured on special order, certified by the  
22 purchaser to be used primarily for production agriculture or  
23 State or federal agricultural programs, including individual  
24 replacement parts for the machinery and equipment, including  
25 machinery and equipment purchased for lease, and including  
26 implements of husbandry defined in Section 1-130 of the

1 Illinois Vehicle Code, farm machinery and agricultural  
2 chemical and fertilizer spreaders, and nurse wagons required to  
3 be registered under Section 3-809 of the Illinois Vehicle Code,  
4 but excluding other motor vehicles required to be registered  
5 under the Illinois Vehicle Code. Horticultural polyhouses or  
6 hoop houses used for propagating, growing, or overwintering  
7 plants shall be considered farm machinery and equipment under  
8 this item (7). Agricultural chemical tender tanks and dry boxes  
9 shall include units sold separately from a motor vehicle  
10 required to be licensed and units sold mounted on a motor  
11 vehicle required to be licensed if the selling price of the  
12 tender is separately stated.

13 Farm machinery and equipment shall include precision  
14 farming equipment that is installed or purchased to be  
15 installed on farm machinery and equipment including, but not  
16 limited to, tractors, harvesters, sprayers, planters, seeders,  
17 or spreaders. Precision farming equipment includes, but is not  
18 limited to, soil testing sensors, computers, monitors,  
19 software, global positioning and mapping systems, and other  
20 such equipment.

21 Farm machinery and equipment also includes computers,  
22 sensors, software, and related equipment used primarily in the  
23 computer-assisted operation of production agriculture  
24 facilities, equipment, and activities such as, but not limited  
25 to, the collection, monitoring, and correlation of animal and  
26 crop data for the purpose of formulating animal diets and



1 agricultural chemicals. This item (7) is exempt from the  
2 provisions of Section 3-55.

3 (8) Until June 30, 2013, fuel and petroleum products sold  
4 to or used by an air common carrier, certified by the carrier  
5 to be used for consumption, shipment, or storage in the conduct  
6 of its business as an air common carrier, for a flight destined  
7 for or returning from a location or locations outside the  
8 United States without regard to previous or subsequent domestic  
9 stopovers.

10 Beginning July 1, 2013, fuel and petroleum products sold to  
11 or used by an air carrier, certified by the carrier to be used  
12 for consumption, shipment, or storage in the conduct of its  
13 business as an air common carrier, for a flight that (i) is  
14 engaged in foreign trade or is engaged in trade between the  
15 United States and any of its possessions and (ii) transports at  
16 least one individual or package for hire from the city of  
17 origination to the city of final destination on the same  
18 aircraft, without regard to a change in the flight number of  
19 that aircraft.

20 (9) Proceeds of mandatory service charges separately  
21 stated on customers' bills for the purchase and consumption of  
22 food and beverages, to the extent that the proceeds of the  
23 service charge are in fact turned over as tips or as a  
24 substitute for tips to the employees who participate directly  
25 in preparing, serving, hosting or cleaning up the food or  
26 beverage function with respect to which the service charge is

1 imposed.

2 (10) Until July 1, 2003, oil field exploration, drilling,  
3 and production equipment, including (i) rigs and parts of rigs,  
4 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
5 tubular goods, including casing and drill strings, (iii) pumps  
6 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
7 individual replacement part for oil field exploration,  
8 drilling, and production equipment, and (vi) machinery and  
9 equipment purchased for lease; but excluding motor vehicles  
10 required to be registered under the Illinois Vehicle Code.

11 (11) Photoprocessing machinery and equipment, including  
12 repair and replacement parts, both new and used, including that  
13 manufactured on special order, certified by the purchaser to be  
14 used primarily for photoprocessing, and including  
15 photoprocessing machinery and equipment purchased for lease.

16 (12) Coal and aggregate exploration, mining, off-highway  
17 ~~offhighway~~ hauling, processing, maintenance, and reclamation  
18 equipment, including replacement parts and equipment, and  
19 including equipment purchased for lease, but excluding motor  
20 vehicles required to be registered under the Illinois Vehicle  
21 Code. The changes made to this Section by Public Act 97-767  
22 apply on and after July 1, 2003, but no claim for credit or  
23 refund is allowed on or after August 16, 2013 (the effective  
24 date of Public Act 98-456) ~~this amendatory Act of the 98th~~  
25 ~~General Assembly~~ for such taxes paid during the period  
26 beginning July 1, 2003 and ending on August 16, 2013 (the

1 effective date of Public Act 98-456) ~~this amendatory Act of the~~  
2 ~~98th General Assembly.~~

3 (13) Beginning January 1, 1992 and through June 30, 2016,  
4 food for human consumption that is to be consumed off the  
5 premises where it is sold (other than alcoholic beverages, soft  
6 drinks and food that has been prepared for immediate  
7 consumption) and prescription and non-prescription medicines,  
8 drugs, medical appliances, and insulin, urine testing  
9 materials, syringes, and needles used by diabetics, for human  
10 use, when purchased for use by a person receiving medical  
11 assistance under Article V of the Illinois Public Aid Code who  
12 resides in a licensed long-term care facility, as defined in  
13 the Nursing Home Care Act, or in a licensed facility as defined  
14 in the ID/DD Community Care Act or the Specialized Mental  
15 Health Rehabilitation Act of 2013.

16 (14) Semen used for artificial insemination of livestock  
17 for direct agricultural production.

18 (15) Horses, or interests in horses, registered with and  
19 meeting the requirements of any of the Arabian Horse Club  
20 Registry of America, Appaloosa Horse Club, American Quarter  
21 Horse Association, United States Trotting Association, or  
22 Jockey Club, as appropriate, used for purposes of breeding or  
23 racing for prizes. This item (15) is exempt from the provisions  
24 of Section 3-55, and the exemption provided for under this item  
25 (15) applies for all periods beginning May 30, 1995, but no  
26 claim for credit or refund is allowed on or after January 1,

1 2008 (the effective date of Public Act 95-88) for such taxes  
2 paid during the period beginning May 30, 2000 and ending on  
3 January 1, 2008 (the effective date of Public Act 95-88).

4 (16) Computers and communications equipment utilized for  
5 any hospital purpose and equipment used in the diagnosis,  
6 analysis, or treatment of hospital patients sold to a lessor  
7 who leases the equipment, under a lease of one year or longer  
8 executed or in effect at the time of the purchase, to a  
9 hospital that has been issued an active tax exemption  
10 identification number by the Department under Section 1g of the  
11 Retailers' Occupation Tax Act.

12 (17) Personal property sold to a lessor who leases the  
13 property, under a lease of one year or longer executed or in  
14 effect at the time of the purchase, to a governmental body that  
15 has been issued an active tax exemption identification number  
16 by the Department under Section 1g of the Retailers' Occupation  
17 Tax Act.

18 (18) Beginning with taxable years ending on or after  
19 December 31, 1995 and ending with taxable years ending on or  
20 before December 31, 2004, personal property that is donated for  
21 disaster relief to be used in a State or federally declared  
22 disaster area in Illinois or bordering Illinois by a  
23 manufacturer or retailer that is registered in this State to a  
24 corporation, society, association, foundation, or institution  
25 that has been issued a sales tax exemption identification  
26 number by the Department that assists victims of the disaster

1 who reside within the declared disaster area.

2 (19) Beginning with taxable years ending on or after  
3 December 31, 1995 and ending with taxable years ending on or  
4 before December 31, 2004, personal property that is used in the  
5 performance of infrastructure repairs in this State, including  
6 but not limited to municipal roads and streets, access roads,  
7 bridges, sidewalks, waste disposal systems, water and sewer  
8 line extensions, water distribution and purification  
9 facilities, storm water drainage and retention facilities, and  
10 sewage treatment facilities, resulting from a State or  
11 federally declared disaster in Illinois or bordering Illinois  
12 when such repairs are initiated on facilities located in the  
13 declared disaster area within 6 months after the disaster.

14 (20) Beginning July 1, 1999, game or game birds sold at a  
15 "game breeding and hunting preserve area" as that term is used  
16 in the Wildlife Code. This paragraph is exempt from the  
17 provisions of Section 3-55.

18 (21) A motor vehicle, as that term is defined in Section  
19 1-146 of the Illinois Vehicle Code, that is donated to a  
20 corporation, limited liability company, society, association,  
21 foundation, or institution that is determined by the Department  
22 to be organized and operated exclusively for educational  
23 purposes. For purposes of this exemption, "a corporation,  
24 limited liability company, society, association, foundation,  
25 or institution organized and operated exclusively for  
26 educational purposes" means all tax-supported public schools,

1 private schools that offer systematic instruction in useful  
2 branches of learning by methods common to public schools and  
3 that compare favorably in their scope and intensity with the  
4 course of study presented in tax-supported schools, and  
5 vocational or technical schools or institutes organized and  
6 operated exclusively to provide a course of study of not less  
7 than 6 weeks duration and designed to prepare individuals to  
8 follow a trade or to pursue a manual, technical, mechanical,  
9 industrial, business, or commercial occupation.

10 (22) Beginning January 1, 2000, personal property,  
11 including food, purchased through fundraising events for the  
12 benefit of a public or private elementary or secondary school,  
13 a group of those schools, or one or more school districts if  
14 the events are sponsored by an entity recognized by the school  
15 district that consists primarily of volunteers and includes  
16 parents and teachers of the school children. This paragraph  
17 does not apply to fundraising events (i) for the benefit of  
18 private home instruction or (ii) for which the fundraising  
19 entity purchases the personal property sold at the events from  
20 another individual or entity that sold the property for the  
21 purpose of resale by the fundraising entity and that profits  
22 from the sale to the fundraising entity. This paragraph is  
23 exempt from the provisions of Section 3-55.

24 (23) Beginning January 1, 2000 and through December 31,  
25 2001, new or used automatic vending machines that prepare and  
26 serve hot food and beverages, including coffee, soup, and other

1 items, and replacement parts for these machines. Beginning  
2 January 1, 2002 and through June 30, 2003, machines and parts  
3 for machines used in commercial, coin-operated amusement and  
4 vending business if a use or occupation tax is paid on the  
5 gross receipts derived from the use of the commercial,  
6 coin-operated amusement and vending machines. This paragraph  
7 is exempt from the provisions of Section 3-55.

8 (24) Beginning on the effective date of this amendatory Act  
9 of the 92nd General Assembly, computers and communications  
10 equipment utilized for any hospital purpose and equipment used  
11 in the diagnosis, analysis, or treatment of hospital patients  
12 sold to a lessor who leases the equipment, under a lease of one  
13 year or longer executed or in effect at the time of the  
14 purchase, to a hospital that has been issued an active tax  
15 exemption identification number by the Department under  
16 Section 1g of the Retailers' Occupation Tax Act. This paragraph  
17 is exempt from the provisions of Section 3-55.

18 (25) Beginning on the effective date of this amendatory Act  
19 of the 92nd General Assembly, personal property sold to a  
20 lessor who leases the property, under a lease of one year or  
21 longer executed or in effect at the time of the purchase, to a  
22 governmental body that has been issued an active tax exemption  
23 identification number by the Department under Section 1g of the  
24 Retailers' Occupation Tax Act. This paragraph is exempt from  
25 the provisions of Section 3-55.

26 (26) Beginning on January 1, 2002 and through June 30,

1 2016, tangible personal property purchased from an Illinois  
2 retailer by a taxpayer engaged in centralized purchasing  
3 activities in Illinois who will, upon receipt of the property  
4 in Illinois, temporarily store the property in Illinois (i) for  
5 the purpose of subsequently transporting it outside this State  
6 for use or consumption thereafter solely outside this State or  
7 (ii) for the purpose of being processed, fabricated, or  
8 manufactured into, attached to, or incorporated into other  
9 tangible personal property to be transported outside this State  
10 and thereafter used or consumed solely outside this State. The  
11 Director of Revenue shall, pursuant to rules adopted in  
12 accordance with the Illinois Administrative Procedure Act,  
13 issue a permit to any taxpayer in good standing with the  
14 Department who is eligible for the exemption under this  
15 paragraph (26). The permit issued under this paragraph (26)  
16 shall authorize the holder, to the extent and in the manner  
17 specified in the rules adopted under this Act, to purchase  
18 tangible personal property from a retailer exempt from the  
19 taxes imposed by this Act. Taxpayers shall maintain all  
20 necessary books and records to substantiate the use and  
21 consumption of all such tangible personal property outside of  
22 the State of Illinois.

23 (27) Beginning January 1, 2008, tangible personal property  
24 used in the construction or maintenance of a community water  
25 supply, as defined under Section 3.145 of the Environmental  
26 Protection Act, that is operated by a not-for-profit



1 corporation that holds a valid water supply permit issued under  
2 Title IV of the Environmental Protection Act. This paragraph is  
3 exempt from the provisions of Section 3-55.

4 (28) Tangible personal property sold to a  
5 public-facilities corporation, as described in Section  
6 11-65-10 of the Illinois Municipal Code, for purposes of  
7 constructing or furnishing a municipal convention hall, but  
8 only if the legal title to the municipal convention hall is  
9 transferred to the municipality without any further  
10 consideration by or on behalf of the municipality at the time  
11 of the completion of the municipal convention hall or upon the  
12 retirement or redemption of any bonds or other debt instruments  
13 issued by the public-facilities corporation in connection with  
14 the development of the municipal convention hall. This  
15 exemption includes existing public-facilities corporations as  
16 provided in Section 11-65-25 of the Illinois Municipal Code.  
17 This paragraph is exempt from the provisions of Section 3-55.

18 (29) Beginning January 1, 2010, materials, parts,  
19 equipment, components, and furnishings incorporated into or  
20 upon an aircraft as part of the modification, refurbishment,  
21 completion, replacement, repair, or maintenance of the  
22 aircraft. This exemption includes consumable supplies used in  
23 the modification, refurbishment, completion, replacement,  
24 repair, and maintenance of aircraft, but excludes any  
25 materials, parts, equipment, components, and consumable  
26 supplies used in the modification, replacement, repair, and

1 maintenance of aircraft engines or power plants, whether such  
2 engines or power plants are installed or uninstalled upon any  
3 such aircraft. "Consumable supplies" include, but are not  
4 limited to, adhesive, tape, sandpaper, general purpose  
5 lubricants, cleaning solution, latex gloves, and protective  
6 films. This exemption applies only to the transfer of  
7 qualifying tangible personal property incident to the  
8 modification, refurbishment, completion, replacement, repair,  
9 or maintenance of an aircraft by persons who (i) hold an Air  
10 Agency Certificate and are empowered to operate an approved  
11 repair station by the Federal Aviation Administration, (ii)  
12 have a Class IV Rating, and (iii) conduct operations in  
13 accordance with Part 145 of the Federal Aviation Regulations.  
14 The exemption does not include aircraft operated by a  
15 commercial air carrier providing scheduled passenger air  
16 service pursuant to authority issued under Part 121 or Part 129  
17 of the Federal Aviation Regulations. The changes made to this  
18 paragraph (29) by Public Act 98-534 ~~this amendatory Act of the~~  
19 ~~98th General Assembly~~ are declarative of existing law.

20 (Source: P.A. 97-38, eff. 6-28-11; 97-73, eff. 6-30-11; 97-227,  
21 eff. 1-1-12; 97-431, eff. 8-16-11; 97-636, eff. 6-1-12; 97-767,  
22 eff. 7-9-12; 98-104, eff. 7-22-13; 98-422, eff. 8-16-13;  
23 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; revised 9-9-13.)

24 (35 ILCS 115/3-10) (from Ch. 120, par. 439.103-10)

25 Sec. 3-10. Rate of tax. Unless otherwise provided in this

1 Section, the tax imposed by this Act is at the rate of 6.25% of  
2 the "selling price", as defined in Section 2 of the Service Use  
3 Tax Act, of the tangible personal property. For the purpose of  
4 computing this tax, in no event shall the "selling price" be  
5 less than the cost price to the serviceman of the tangible  
6 personal property transferred. The selling price of each item  
7 of tangible personal property transferred as an incident of a  
8 sale of service may be shown as a distinct and separate item on  
9 the serviceman's billing to the service customer. If the  
10 selling price is not so shown, the selling price of the  
11 tangible personal property is deemed to be 50% of the  
12 serviceman's entire billing to the service customer. When,  
13 however, a serviceman contracts to design, develop, and produce  
14 special order machinery or equipment, the tax imposed by this  
15 Act shall be based on the serviceman's cost price of the  
16 tangible personal property transferred incident to the  
17 completion of the contract.

18 Beginning on July 1, 2000 and through December 31, 2000,  
19 with respect to motor fuel, as defined in Section 1.1 of the  
20 Motor Fuel Tax Law, and gasohol, as defined in Section 3-40 of  
21 the Use Tax Act, the tax is imposed at the rate of 1.25%.

22 With respect to gasohol, as defined in the Use Tax Act, the  
23 tax imposed by this Act shall apply to (i) 70% of the cost  
24 price of property transferred as an incident to the sale of  
25 service on or after January 1, 1990, and before July 1, 2003,  
26 (ii) 80% of the selling price of property transferred as an

1 incident to the sale of service on or after July 1, 2003 and on  
2 or before December 31, 2018, and (iii) 100% of the cost price  
3 thereafter. If, at any time, however, the tax under this Act on  
4 sales of gasohol, as defined in the Use Tax Act, is imposed at  
5 the rate of 1.25%, then the tax imposed by this Act applies to  
6 100% of the proceeds of sales of gasohol made during that time.

7 With respect to majority blended ethanol fuel, as defined  
8 in the Use Tax Act, the tax imposed by this Act does not apply  
9 to the selling price of property transferred as an incident to  
10 the sale of service on or after July 1, 2003 and on or before  
11 December 31, 2018 but applies to 100% of the selling price  
12 thereafter.

13 With respect to biodiesel blends, as defined in the Use Tax  
14 Act, with no less than 1% and no more than 10% biodiesel, the  
15 tax imposed by this Act applies to (i) 80% of the selling price  
16 of property transferred as an incident to the sale of service  
17 on or after July 1, 2003 and on or before December 31, 2018 and  
18 (ii) 100% of the proceeds of the selling price thereafter. If,  
19 at any time, however, the tax under this Act on sales of  
20 biodiesel blends, as defined in the Use Tax Act, with no less  
21 than 1% and no more than 10% biodiesel is imposed at the rate  
22 of 1.25%, then the tax imposed by this Act applies to 100% of  
23 the proceeds of sales of biodiesel blends with no less than 1%  
24 and no more than 10% biodiesel made during that time.

25 With respect to 100% biodiesel, as defined in the Use Tax  
26 Act, and biodiesel blends, as defined in the Use Tax Act, with

1 more than 10% but no more than 99% biodiesel material, the tax  
2 imposed by this Act does not apply to the proceeds of the  
3 selling price of property transferred as an incident to the  
4 sale of service on or after July 1, 2003 and on or before  
5 December 31, 2018 but applies to 100% of the selling price  
6 thereafter.

7 At the election of any registered serviceman made for each  
8 fiscal year, sales of service in which the aggregate annual  
9 cost price of tangible personal property transferred as an  
10 incident to the sales of service is less than 35%, or 75% in  
11 the case of servicemen transferring prescription drugs or  
12 servicemen engaged in graphic arts production, of the aggregate  
13 annual total gross receipts from all sales of service, the tax  
14 imposed by this Act shall be based on the serviceman's cost  
15 price of the tangible personal property transferred incident to  
16 the sale of those services.

17 The tax shall be imposed at the rate of 1% on food prepared  
18 for immediate consumption and transferred incident to a sale of  
19 service subject to this Act or the Service Occupation Tax Act  
20 by an entity licensed under the Hospital Licensing Act, the  
21 Nursing Home Care Act, the ID/DD Community Care Act, the  
22 Specialized Mental Health Rehabilitation Act of 2013, or the  
23 Child Care Act of 1969. The tax shall also be imposed at the  
24 rate of 1% on food for human consumption that is to be consumed  
25 off the premises where it is sold (other than alcoholic  
26 beverages, soft drinks, and food that has been prepared for

1 immediate consumption and is not otherwise included in this  
2 paragraph) and prescription and nonprescription medicines,  
3 drugs, medical appliances, modifications to a motor vehicle for  
4 the purpose of rendering it usable by a disabled person, and  
5 insulin, urine testing materials, syringes, and needles used by  
6 diabetics, for human use. For the purposes of this Section,  
7 until September 1, 2009: the term "soft drinks" means any  
8 complete, finished, ready-to-use, non-alcoholic drink, whether  
9 carbonated or not, including but not limited to soda water,  
10 cola, fruit juice, vegetable juice, carbonated water, and all  
11 other preparations commonly known as soft drinks of whatever  
12 kind or description that are contained in any closed or sealed  
13 can, carton, or container, regardless of size; but "soft  
14 drinks" does not include coffee, tea, non-carbonated water,  
15 infant formula, milk or milk products as defined in the Grade A  
16 Pasteurized Milk and Milk Products Act, or drinks containing  
17 50% or more natural fruit or vegetable juice.

18 Notwithstanding any other provisions of this Act,  
19 beginning September 1, 2009, "soft drinks" means non-alcoholic  
20 beverages that contain natural or artificial sweeteners. "Soft  
21 drinks" do not include beverages that contain milk or milk  
22 products, soy, rice or similar milk substitutes, or greater  
23 than 50% of vegetable or fruit juice by volume.

24 Until August 1, 2009, and notwithstanding any other  
25 provisions of this Act, "food for human consumption that is to  
26 be consumed off the premises where it is sold" includes all

1 food sold through a vending machine, except soft drinks and  
2 food products that are dispensed hot from a vending machine,  
3 regardless of the location of the vending machine. Beginning  
4 August 1, 2009, and notwithstanding any other provisions of  
5 this Act, "food for human consumption that is to be consumed  
6 off the premises where it is sold" includes all food sold  
7 through a vending machine, except soft drinks, candy, and food  
8 products that are dispensed hot from a vending machine,  
9 regardless of the location of the vending machine.

10 Notwithstanding any other provisions of this Act,  
11 beginning September 1, 2009, "food for human consumption that  
12 is to be consumed off the premises where it is sold" does not  
13 include candy. For purposes of this Section, "candy" means a  
14 preparation of sugar, honey, or other natural or artificial  
15 sweeteners in combination with chocolate, fruits, nuts or other  
16 ingredients or flavorings in the form of bars, drops, or  
17 pieces. "Candy" does not include any preparation that contains  
18 flour or requires refrigeration.

19 Notwithstanding any other provisions of this Act,  
20 beginning September 1, 2009, "nonprescription medicines and  
21 drugs" does not include grooming and hygiene products. For  
22 purposes of this Section, "grooming and hygiene products"  
23 includes, but is not limited to, soaps and cleaning solutions,  
24 shampoo, toothpaste, mouthwash, antiperspirants, and sun tan  
25 lotions and screens, unless those products are available by  
26 prescription only, regardless of whether the products meet the

1 definition of "over-the-counter-drugs". For the purposes of  
2 this paragraph, "over-the-counter-drug" means a drug for human  
3 use that contains a label that identifies the product as a drug  
4 as required by 21 C.F.R. § 201.66. The "over-the-counter-drug"  
5 label includes:

6 (A) A "Drug Facts" panel; or

7 (B) A statement of the "active ingredient(s)" with a  
8 list of those ingredients contained in the compound,  
9 substance or preparation.

10 Beginning on January 1, 2014 (the effective date of Public  
11 Act 98-122) ~~this amendatory Act of the 98th General Assembly,~~  
12 "prescription and nonprescription medicines and drugs"  
13 includes medical cannabis purchased from a registered  
14 dispensing organization under the Compassionate Use of Medical  
15 Cannabis Pilot Program Act.

16 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-636,  
17 eff. 6-1-12; 98-104, eff. 7-22-13; 98-122, eff. 1-1-14; revised  
18 8-9-13.)

19 (35 ILCS 115/9) (from Ch. 120, par. 439.109)

20 Sec. 9. Each serviceman required or authorized to collect  
21 the tax herein imposed shall pay to the Department the amount  
22 of such tax at the time when he is required to file his return  
23 for the period during which such tax was collectible, less a  
24 discount of 2.1% prior to January 1, 1990, and 1.75% on and  
25 after January 1, 1990, or \$5 per calendar year, whichever is



1 greater, which is allowed to reimburse the serviceman for  
2 expenses incurred in collecting the tax, keeping records,  
3 preparing and filing returns, remitting the tax and supplying  
4 data to the Department on request. The Department may disallow  
5 the discount for servicemen whose certificate of registration  
6 is revoked at the time the return is filed, but only if the  
7 Department's decision to revoke the certificate of  
8 registration has become final.

9 Where such tangible personal property is sold under a  
10 conditional sales contract, or under any other form of sale  
11 wherein the payment of the principal sum, or a part thereof, is  
12 extended beyond the close of the period for which the return is  
13 filed, the serviceman, in collecting the tax may collect, for  
14 each tax return period, only the tax applicable to the part of  
15 the selling price actually received during such tax return  
16 period.

17 Except as provided hereinafter in this Section, on or  
18 before the twentieth day of each calendar month, such  
19 serviceman shall file a return for the preceding calendar month  
20 in accordance with reasonable rules and regulations to be  
21 promulgated by the Department of Revenue. Such return shall be  
22 filed on a form prescribed by the Department and shall contain  
23 such information as the Department may reasonably require.

24 The Department may require returns to be filed on a  
25 quarterly basis. If so required, a return for each calendar  
26 quarter shall be filed on or before the twentieth day of the

1 calendar month following the end of such calendar quarter. The  
2 taxpayer shall also file a return with the Department for each  
3 of the first two months of each calendar quarter, on or before  
4 the twentieth day of the following calendar month, stating:

5 1. The name of the seller;

6 2. The address of the principal place of business from  
7 which he engages in business as a serviceman in this State;

8 3. The total amount of taxable receipts received by him  
9 during the preceding calendar month, including receipts  
10 from charge and time sales, but less all deductions allowed  
11 by law;

12 4. The amount of credit provided in Section 2d of this  
13 Act;

14 5. The amount of tax due;

15 5-5. The signature of the taxpayer; and

16 6. Such other reasonable information as the Department  
17 may require.

18 If a taxpayer fails to sign a return within 30 days after  
19 the proper notice and demand for signature by the Department,  
20 the return shall be considered valid and any amount shown to be  
21 due on the return shall be deemed assessed.

22 Prior to October 1, 2003, and on and after September 1,  
23 2004 a serviceman may accept a Manufacturer's Purchase Credit  
24 certification from a purchaser in satisfaction of Service Use  
25 Tax as provided in Section 3-70 of the Service Use Tax Act if  
26 the purchaser provides the appropriate documentation as

1 required by Section 3-70 of the Service Use Tax Act. A  
2 Manufacturer's Purchase Credit certification, accepted prior  
3 to October 1, 2003 or on or after September 1, 2004 by a  
4 serviceman as provided in Section 3-70 of the Service Use Tax  
5 Act, may be used by that serviceman to satisfy Service  
6 Occupation Tax liability in the amount claimed in the  
7 certification, not to exceed 6.25% of the receipts subject to  
8 tax from a qualifying purchase. A Manufacturer's Purchase  
9 Credit reported on any original or amended return filed under  
10 this Act after October 20, 2003 for reporting periods prior to  
11 September 1, 2004 shall be disallowed. Manufacturer's Purchase  
12 Credit reported on annual returns due on or after January 1,  
13 2005 will be disallowed for periods prior to September 1, 2004.  
14 No Manufacturer's Purchase Credit may be used after September  
15 30, 2003 through August 31, 2004 to satisfy any tax liability  
16 imposed under this Act, including any audit liability.

17 If the serviceman's average monthly tax liability to the  
18 Department does not exceed \$200, the Department may authorize  
19 his returns to be filed on a quarter annual basis, with the  
20 return for January, February and March of a given year being  
21 due by April 20 of such year; with the return for April, May  
22 and June of a given year being due by July 20 of such year; with  
23 the return for July, August and September of a given year being  
24 due by October 20 of such year, and with the return for  
25 October, November and December of a given year being due by  
26 January 20 of the following year.

1           If the serviceman's average monthly tax liability to the  
2 Department does not exceed \$50, the Department may authorize  
3 his returns to be filed on an annual basis, with the return for  
4 a given year being due by January 20 of the following year.

5           Such quarter annual and annual returns, as to form and  
6 substance, shall be subject to the same requirements as monthly  
7 returns.

8           Notwithstanding any other provision in this Act concerning  
9 the time within which a serviceman may file his return, in the  
10 case of any serviceman who ceases to engage in a kind of  
11 business which makes him responsible for filing returns under  
12 this Act, such serviceman shall file a final return under this  
13 Act with the Department not more than 1 month after  
14 discontinuing such business.

15           Beginning October 1, 1993, a taxpayer who has an average  
16 monthly tax liability of \$150,000 or more shall make all  
17 payments required by rules of the Department by electronic  
18 funds transfer. Beginning October 1, 1994, a taxpayer who has  
19 an average monthly tax liability of \$100,000 or more shall make  
20 all payments required by rules of the Department by electronic  
21 funds transfer. Beginning October 1, 1995, a taxpayer who has  
22 an average monthly tax liability of \$50,000 or more shall make  
23 all payments required by rules of the Department by electronic  
24 funds transfer. Beginning October 1, 2000, a taxpayer who has  
25 an annual tax liability of \$200,000 or more shall make all  
26 payments required by rules of the Department by electronic

1 funds transfer. The term "annual tax liability" shall be the  
2 sum of the taxpayer's liabilities under this Act, and under all  
3 other State and local occupation and use tax laws administered  
4 by the Department, for the immediately preceding calendar year.  
5 The term "average monthly tax liability" means the sum of the  
6 taxpayer's liabilities under this Act, and under all other  
7 State and local occupation and use tax laws administered by the  
8 Department, for the immediately preceding calendar year  
9 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
10 a tax liability in the amount set forth in subsection (b) of  
11 Section 2505-210 of the Department of Revenue Law shall make  
12 all payments required by rules of the Department by electronic  
13 funds transfer.

14 Before August 1 of each year beginning in 1993, the  
15 Department shall notify all taxpayers required to make payments  
16 by electronic funds transfer. All taxpayers required to make  
17 payments by electronic funds transfer shall make those payments  
18 for a minimum of one year beginning on October 1.

19 Any taxpayer not required to make payments by electronic  
20 funds transfer may make payments by electronic funds transfer  
21 with the permission of the Department.

22 All taxpayers required to make payment by electronic funds  
23 transfer and any taxpayers authorized to voluntarily make  
24 payments by electronic funds transfer shall make those payments  
25 in the manner authorized by the Department.

26 The Department shall adopt such rules as are necessary to

1 effectuate a program of electronic funds transfer and the  
2 requirements of this Section.

3 Where a serviceman collects the tax with respect to the  
4 selling price of tangible personal property which he sells and  
5 the purchaser thereafter returns such tangible personal  
6 property and the serviceman refunds the selling price thereof  
7 to the purchaser, such serviceman shall also refund, to the  
8 purchaser, the tax so collected from the purchaser. When filing  
9 his return for the period in which he refunds such tax to the  
10 purchaser, the serviceman may deduct the amount of the tax so  
11 refunded by him to the purchaser from any other Service  
12 Occupation Tax, Service Use Tax, Retailers' Occupation Tax or  
13 Use Tax which such serviceman may be required to pay or remit  
14 to the Department, as shown by such return, provided that the  
15 amount of the tax to be deducted shall previously have been  
16 remitted to the Department by such serviceman. If the  
17 serviceman shall not previously have remitted the amount of  
18 such tax to the Department, he shall be entitled to no  
19 deduction hereunder upon refunding such tax to the purchaser.

20 If experience indicates such action to be practicable, the  
21 Department may prescribe and furnish a combination or joint  
22 return which will enable servicemen, who are required to file  
23 returns hereunder and also under the Retailers' Occupation Tax  
24 Act, the Use Tax Act or the Service Use Tax Act, to furnish all  
25 the return information required by all said Acts on the one  
26 form.

1           Where the serviceman has more than one business registered  
2 with the Department under separate registrations hereunder,  
3 such serviceman shall file separate returns for each registered  
4 business.

5           Beginning January 1, 1990, each month the Department shall  
6 pay into the Local Government Tax Fund the revenue realized for  
7 the preceding month from the 1% tax on sales of food for human  
8 consumption which is to be consumed off the premises where it  
9 is sold (other than alcoholic beverages, soft drinks and food  
10 which has been prepared for immediate consumption) and  
11 prescription and nonprescription medicines, drugs, medical  
12 appliances and insulin, urine testing materials, syringes and  
13 needles used by diabetics.

14           Beginning January 1, 1990, each month the Department shall  
15 pay into the County and Mass Transit District Fund 4% of the  
16 revenue realized for the preceding month from the 6.25% general  
17 rate.

18           Beginning August 1, 2000, each month the Department shall  
19 pay into the County and Mass Transit District Fund 20% of the  
20 net revenue realized for the preceding month from the 1.25%  
21 rate on the selling price of motor fuel and gasohol.

22           Beginning January 1, 1990, each month the Department shall  
23 pay into the Local Government Tax Fund 16% of the revenue  
24 realized for the preceding month from the 6.25% general rate on  
25 transfers of tangible personal property.

26           Beginning August 1, 2000, each month the Department shall

1 pay into the Local Government Tax Fund 80% of the net revenue  
2 realized for the preceding month from the 1.25% rate on the  
3 selling price of motor fuel and gasohol.

4 Beginning October 1, 2009, each month the Department shall  
5 pay into the Capital Projects Fund an amount that is equal to  
6 an amount estimated by the Department to represent 80% of the  
7 net revenue realized for the preceding month from the sale of  
8 candy, grooming and hygiene products, and soft drinks that had  
9 been taxed at a rate of 1% prior to September 1, 2009 but that  
10 are ~~is~~ now taxed at 6.25%.

11 Beginning July 1, 2013, each month the Department shall pay  
12 into the Underground Storage Tank Fund from the proceeds  
13 collected under this Act, the Use Tax Act, the Service Use Tax  
14 Act, and the Retailers' Occupation Tax Act an amount equal to  
15 the average monthly deficit in the Underground Storage Tank  
16 Fund during the prior year, as certified annually by the  
17 Illinois Environmental Protection Agency, but the total  
18 payment into the Underground Storage Tank Fund under this Act,  
19 the Use Tax Act, the Service Use Tax Act, and the Retailers'  
20 Occupation Tax Act shall not exceed \$18,000,000 in any State  
21 fiscal year. As used in this paragraph, the "average monthly  
22 deficit" shall be equal to the difference between the average  
23 monthly claims for payment by the fund and the average monthly  
24 revenues deposited into the fund, excluding payments made  
25 pursuant to this paragraph.

26 Of the remainder of the moneys received by the Department



1 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
2 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
3 and after July 1, 1989, 3.8% thereof shall be paid into the  
4 Build Illinois Fund; provided, however, that if in any fiscal  
5 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
6 may be, of the moneys received by the Department and required  
7 to be paid into the Build Illinois Fund pursuant to Section 3  
8 of the Retailers' Occupation Tax Act, Section 9 of the Use Tax  
9 Act, Section 9 of the Service Use Tax Act, and Section 9 of the  
10 Service Occupation Tax Act, such Acts being hereinafter called  
11 the "Tax Acts" and such aggregate of 2.2% or 3.8%, as the case  
12 may be, of moneys being hereinafter called the "Tax Act  
13 Amount", and (2) the amount transferred to the Build Illinois  
14 Fund from the State and Local Sales Tax Reform Fund shall be  
15 less than the Annual Specified Amount (as defined in Section 3  
16 of the Retailers' Occupation Tax Act), an amount equal to the  
17 difference shall be immediately paid into the Build Illinois  
18 Fund from other moneys received by the Department pursuant to  
19 the Tax Acts; and further provided, that if on the last  
20 business day of any month the sum of (1) the Tax Act Amount  
21 required to be deposited into the Build Illinois Account in the  
22 Build Illinois Fund during such month and (2) the amount  
23 transferred during such month to the Build Illinois Fund from  
24 the State and Local Sales Tax Reform Fund shall have been less  
25 than 1/12 of the Annual Specified Amount, an amount equal to  
26 the difference shall be immediately paid into the Build

1 Illinois Fund from other moneys received by the Department  
2 pursuant to the Tax Acts; and, further provided, that in no  
3 event shall the payments required under the preceding proviso  
4 result in aggregate payments into the Build Illinois Fund  
5 pursuant to this clause (b) for any fiscal year in excess of  
6 the greater of (i) the Tax Act Amount or (ii) the Annual  
7 Specified Amount for such fiscal year; and, further provided,  
8 that the amounts payable into the Build Illinois Fund under  
9 this clause (b) shall be payable only until such time as the  
10 aggregate amount on deposit under each trust indenture securing  
11 Bonds issued and outstanding pursuant to the Build Illinois  
12 Bond Act is sufficient, taking into account any future  
13 investment income, to fully provide, in accordance with such  
14 indenture, for the defeasance of or the payment of the  
15 principal of, premium, if any, and interest on the Bonds  
16 secured by such indenture and on any Bonds expected to be  
17 issued thereafter and all fees and costs payable with respect  
18 thereto, all as certified by the Director of the Bureau of the  
19 Budget (now Governor's Office of Management and Budget). If on  
20 the last business day of any month in which Bonds are  
21 outstanding pursuant to the Build Illinois Bond Act, the  
22 aggregate of the moneys deposited in the Build Illinois Bond  
23 Account in the Build Illinois Fund in such month shall be less  
24 than the amount required to be transferred in such month from  
25 the Build Illinois Bond Account to the Build Illinois Bond  
26 Retirement and Interest Fund pursuant to Section 13 of the

1 Build Illinois Bond Act, an amount equal to such deficiency  
2 shall be immediately paid from other moneys received by the  
3 Department pursuant to the Tax Acts to the Build Illinois Fund;  
4 provided, however, that any amounts paid to the Build Illinois  
5 Fund in any fiscal year pursuant to this sentence shall be  
6 deemed to constitute payments pursuant to clause (b) of the  
7 preceding sentence and shall reduce the amount otherwise  
8 payable for such fiscal year pursuant to clause (b) of the  
9 preceding sentence. The moneys received by the Department  
10 pursuant to this Act and required to be deposited into the  
11 Build Illinois Fund are subject to the pledge, claim and charge  
12 set forth in Section 12 of the Build Illinois Bond Act.

13 Subject to payment of amounts into the Build Illinois Fund  
14 as provided in the preceding paragraph or in any amendment  
15 thereto hereafter enacted, the following specified monthly  
16 installment of the amount requested in the certificate of the  
17 Chairman of the Metropolitan Pier and Exposition Authority  
18 provided under Section 8.25f of the State Finance Act, but not  
19 in excess of the sums designated as "Total Deposit", shall be  
20 deposited in the aggregate from collections under Section 9 of  
21 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
22 9 of the Service Occupation Tax Act, and Section 3 of the  
23 Retailers' Occupation Tax Act into the McCormick Place  
24 Expansion Project Fund in the specified fiscal years.

25

Fiscal Year

Total  
Deposit

1	1993	\$0
2	1994	53,000,000
3	1995	58,000,000
4	1996	61,000,000
5	1997	64,000,000
6	1998	68,000,000
7	1999	71,000,000
8	2000	75,000,000
9	2001	80,000,000
10	2002	93,000,000
11	2003	99,000,000
12	2004	103,000,000
13	2005	108,000,000
14	2006	113,000,000
15	2007	119,000,000
16	2008	126,000,000
17	2009	132,000,000
18	2010	139,000,000
19	2011	146,000,000
20	2012	153,000,000
21	2013	161,000,000
22	2014	170,000,000
23	2015	179,000,000
24	2016	189,000,000
25	2017	199,000,000
26	2018	210,000,000

1	2019	221,000,000
2	2020	233,000,000
3	2021	246,000,000
4	2022	260,000,000
5	2023	275,000,000
6	2024	275,000,000
7	2025	275,000,000
8	2026	279,000,000
9	2027	292,000,000
10	2028	307,000,000
11	2029	322,000,000
12	2030	338,000,000
13	2031	350,000,000
14	2032	350,000,000

15                   and  
16                    each fiscal year  
17                   thereafter that bonds  
18                   are outstanding under  
19                   Section 13.2 of the  
20                   Metropolitan Pier and  
21                   Exposition Authority Act,  
22                   but not after fiscal year 2060.

23                   Beginning July 20, 1993 and in each month of each fiscal  
24                   year thereafter, one-eighth of the amount requested in the  
25                   certificate of the Chairman of the Metropolitan Pier and  
26                   Exposition Authority for that fiscal year, less the amount

1 deposited into the McCormick Place Expansion Project Fund by  
2 the State Treasurer in the respective month under subsection  
3 (g) of Section 13 of the Metropolitan Pier and Exposition  
4 Authority Act, plus cumulative deficiencies in the deposits  
5 required under this Section for previous months and years,  
6 shall be deposited into the McCormick Place Expansion Project  
7 Fund, until the full amount requested for the fiscal year, but  
8 not in excess of the amount specified above as "Total Deposit",  
9 has been deposited.

10 Subject to payment of amounts into the Build Illinois Fund  
11 and the McCormick Place Expansion Project Fund pursuant to the  
12 preceding paragraphs or in any amendments thereto hereafter  
13 enacted, beginning July 1, 1993 and ending on September 30,  
14 2013, the Department shall each month pay into the Illinois Tax  
15 Increment Fund 0.27% of 80% of the net revenue realized for the  
16 preceding month from the 6.25% general rate on the selling  
17 price of tangible personal property.

18 Subject to payment of amounts into the Build Illinois Fund  
19 and the McCormick Place Expansion Project Fund pursuant to the  
20 preceding paragraphs or in any amendments thereto hereafter  
21 enacted, beginning with the receipt of the first report of  
22 taxes paid by an eligible business and continuing for a 25-year  
23 period, the Department shall each month pay into the Energy  
24 Infrastructure Fund 80% of the net revenue realized from the  
25 6.25% general rate on the selling price of Illinois-mined coal  
26 that was sold to an eligible business. For purposes of this

1 paragraph, the term "eligible business" means a new electric  
2 generating facility certified pursuant to Section 605-332 of  
3 the Department of Commerce and Economic Opportunity Law of the  
4 Civil Administrative Code of Illinois.

5 Of the remainder of the moneys received by the Department  
6 pursuant to this Act, 75% shall be paid into the General  
7 Revenue Fund of the State Treasury and 25% shall be reserved in  
8 a special account and used only for the transfer to the Common  
9 School Fund as part of the monthly transfer from the General  
10 Revenue Fund in accordance with Section 8a of the State Finance  
11 Act.

12 The Department may, upon separate written notice to a  
13 taxpayer, require the taxpayer to prepare and file with the  
14 Department on a form prescribed by the Department within not  
15 less than 60 days after receipt of the notice an annual  
16 information return for the tax year specified in the notice.  
17 Such annual return to the Department shall include a statement  
18 of gross receipts as shown by the taxpayer's last Federal  
19 income tax return. If the total receipts of the business as  
20 reported in the Federal income tax return do not agree with the  
21 gross receipts reported to the Department of Revenue for the  
22 same period, the taxpayer shall attach to his annual return a  
23 schedule showing a reconciliation of the 2 amounts and the  
24 reasons for the difference. The taxpayer's annual return to the  
25 Department shall also disclose the cost of goods sold by the  
26 taxpayer during the year covered by such return, opening and

1 closing inventories of such goods for such year, cost of goods  
2 used from stock or taken from stock and given away by the  
3 taxpayer during such year, pay roll information of the  
4 taxpayer's business during such year and any additional  
5 reasonable information which the Department deems would be  
6 helpful in determining the accuracy of the monthly, quarterly  
7 or annual returns filed by such taxpayer as hereinbefore  
8 provided for in this Section.

9 If the annual information return required by this Section  
10 is not filed when and as required, the taxpayer shall be liable  
11 as follows:

12 (i) Until January 1, 1994, the taxpayer shall be liable  
13 for a penalty equal to 1/6 of 1% of the tax due from such  
14 taxpayer under this Act during the period to be covered by  
15 the annual return for each month or fraction of a month  
16 until such return is filed as required, the penalty to be  
17 assessed and collected in the same manner as any other  
18 penalty provided for in this Act.

19 (ii) On and after January 1, 1994, the taxpayer shall  
20 be liable for a penalty as described in Section 3-4 of the  
21 Uniform Penalty and Interest Act.

22 The chief executive officer, proprietor, owner or highest  
23 ranking manager shall sign the annual return to certify the  
24 accuracy of the information contained therein. Any person who  
25 willfully signs the annual return containing false or  
26 inaccurate information shall be guilty of perjury and punished



1 accordingly. The annual return form prescribed by the  
2 Department shall include a warning that the person signing the  
3 return may be liable for perjury.

4 The foregoing portion of this Section concerning the filing  
5 of an annual information return shall not apply to a serviceman  
6 who is not required to file an income tax return with the  
7 United States Government.

8 As soon as possible after the first day of each month, upon  
9 certification of the Department of Revenue, the Comptroller  
10 shall order transferred and the Treasurer shall transfer from  
11 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
12 equal to 1.7% of 80% of the net revenue realized under this Act  
13 for the second preceding month. Beginning April 1, 2000, this  
14 transfer is no longer required and shall not be made.

15 Net revenue realized for a month shall be the revenue  
16 collected by the State pursuant to this Act, less the amount  
17 paid out during that month as refunds to taxpayers for  
18 overpayment of liability.

19 For greater simplicity of administration, it shall be  
20 permissible for manufacturers, importers and wholesalers whose  
21 products are sold by numerous servicemen in Illinois, and who  
22 wish to do so, to assume the responsibility for accounting and  
23 paying to the Department all tax accruing under this Act with  
24 respect to such sales, if the servicemen who are affected do  
25 not make written objection to the Department to this  
26 arrangement.

1 (Source: P.A. 98-24, eff. 6-19-13; 98-109, eff. 7-25-13;  
2 98-298, eff. 8-9-13; 98-496, eff. 1-1-14; revised 9-9-13.)

3 Section 190. The Retailers' Occupation Tax Act is amended  
4 by changing Sections 2-5, 2a, and 3 as follows:

5 (35 ILCS 120/2-5)

6 Sec. 2-5. Exemptions. Gross receipts from proceeds from the  
7 sale of the following tangible personal property are exempt  
8 from the tax imposed by this Act:

9 (1) Farm chemicals.

10 (2) Farm machinery and equipment, both new and used,  
11 including that manufactured on special order, certified by the  
12 purchaser to be used primarily for production agriculture or  
13 State or federal agricultural programs, including individual  
14 replacement parts for the machinery and equipment, including  
15 machinery and equipment purchased for lease, and including  
16 implements of husbandry defined in Section 1-130 of the  
17 Illinois Vehicle Code, farm machinery and agricultural  
18 chemical and fertilizer spreaders, and nurse wagons required to  
19 be registered under Section 3-809 of the Illinois Vehicle Code,  
20 but excluding other motor vehicles required to be registered  
21 under the Illinois Vehicle Code. Horticultural polyhouses or  
22 hoop houses used for propagating, growing, or overwintering  
23 plants shall be considered farm machinery and equipment under  
24 this item (2). Agricultural chemical tender tanks and dry boxes

1 shall include units sold separately from a motor vehicle  
2 required to be licensed and units sold mounted on a motor  
3 vehicle required to be licensed, if the selling price of the  
4 tender is separately stated.

5 Farm machinery and equipment shall include precision  
6 farming equipment that is installed or purchased to be  
7 installed on farm machinery and equipment including, but not  
8 limited to, tractors, harvesters, sprayers, planters, seeders,  
9 or spreaders. Precision farming equipment includes, but is not  
10 limited to, soil testing sensors, computers, monitors,  
11 software, global positioning and mapping systems, and other  
12 such equipment.

13 Farm machinery and equipment also includes computers,  
14 sensors, software, and related equipment used primarily in the  
15 computer-assisted operation of production agriculture  
16 facilities, equipment, and activities such as, but not limited  
17 to, the collection, monitoring, and correlation of animal and  
18 crop data for the purpose of formulating animal diets and  
19 agricultural chemicals. This item (2) is exempt from the  
20 provisions of Section 2-70.

21 (3) Until July 1, 2003, distillation machinery and  
22 equipment, sold as a unit or kit, assembled or installed by the  
23 retailer, certified by the user to be used only for the  
24 production of ethyl alcohol that will be used for consumption  
25 as motor fuel or as a component of motor fuel for the personal  
26 use of the user, and not subject to sale or resale.

1           (4) Until July 1, 2003 and beginning again September 1,  
2           2004 through August 30, 2014, graphic arts machinery and  
3           equipment, including repair and replacement parts, both new and  
4           used, and including that manufactured on special order or  
5           purchased for lease, certified by the purchaser to be used  
6           primarily for graphic arts production. Equipment includes  
7           chemicals or chemicals acting as catalysts but only if the  
8           chemicals or chemicals acting as catalysts effect a direct and  
9           immediate change upon a graphic arts product.

10          (5) A motor vehicle that is used for automobile renting, as  
11          defined in the Automobile Renting Occupation and Use Tax Act.  
12          This paragraph is exempt from the provisions of Section 2-70.

13          (6) Personal property sold by a teacher-sponsored student  
14          organization affiliated with an elementary or secondary school  
15          located in Illinois.

16          (7) Until July 1, 2003, proceeds of that portion of the  
17          selling price of a passenger car the sale of which is subject  
18          to the Replacement Vehicle Tax.

19          (8) Personal property sold to an Illinois county fair  
20          association for use in conducting, operating, or promoting the  
21          county fair.

22          (9) Personal property sold to a not-for-profit arts or  
23          cultural organization that establishes, by proof required by  
24          the Department by rule, that it has received an exemption under  
25          Section 501(c)(3) of the Internal Revenue Code and that is  
26          organized and operated primarily for the presentation or

1 support of arts or cultural programming, activities, or  
2 services. These organizations include, but are not limited to,  
3 music and dramatic arts organizations such as symphony  
4 orchestras and theatrical groups, arts and cultural service  
5 organizations, local arts councils, visual arts organizations,  
6 and media arts organizations. On and after the effective date  
7 of this amendatory Act of the 92nd General Assembly, however,  
8 an entity otherwise eligible for this exemption shall not make  
9 tax-free purchases unless it has an active identification  
10 number issued by the Department.

11 (10) Personal property sold by a corporation, society,  
12 association, foundation, institution, or organization, other  
13 than a limited liability company, that is organized and  
14 operated as a not-for-profit service enterprise for the benefit  
15 of persons 65 years of age or older if the personal property  
16 was not purchased by the enterprise for the purpose of resale  
17 by the enterprise.

18 (11) Personal property sold to a governmental body, to a  
19 corporation, society, association, foundation, or institution  
20 organized and operated exclusively for charitable, religious,  
21 or educational purposes, or to a not-for-profit corporation,  
22 society, association, foundation, institution, or organization  
23 that has no compensated officers or employees and that is  
24 organized and operated primarily for the recreation of persons  
25 55 years of age or older. A limited liability company may  
26 qualify for the exemption under this paragraph only if the

1 limited liability company is organized and operated  
2 exclusively for educational purposes. On and after July 1,  
3 1987, however, no entity otherwise eligible for this exemption  
4 shall make tax-free purchases unless it has an active  
5 identification number issued by the Department.

6 (12) Tangible personal property sold to interstate  
7 carriers for hire for use as rolling stock moving in interstate  
8 commerce or to lessors under leases of one year or longer  
9 executed or in effect at the time of purchase by interstate  
10 carriers for hire for use as rolling stock moving in interstate  
11 commerce and equipment operated by a telecommunications  
12 provider, licensed as a common carrier by the Federal  
13 Communications Commission, which is permanently installed in  
14 or affixed to aircraft moving in interstate commerce.

15 (12-5) On and after July 1, 2003 and through June 30, 2004,  
16 motor vehicles of the second division with a gross vehicle  
17 weight in excess of 8,000 pounds that are subject to the  
18 commercial distribution fee imposed under Section 3-815.1 of  
19 the Illinois Vehicle Code. Beginning on July 1, 2004 and  
20 through June 30, 2005, the use in this State of motor vehicles  
21 of the second division: (i) with a gross vehicle weight rating  
22 in excess of 8,000 pounds; (ii) that are subject to the  
23 commercial distribution fee imposed under Section 3-815.1 of  
24 the Illinois Vehicle Code; and (iii) that are primarily used  
25 for commercial purposes. Through June 30, 2005, this exemption  
26 applies to repair and replacement parts added after the initial

1 purchase of such a motor vehicle if that motor vehicle is used  
2 in a manner that would qualify for the rolling stock exemption  
3 otherwise provided for in this Act. For purposes of this  
4 paragraph, "used for commercial purposes" means the  
5 transportation of persons or property in furtherance of any  
6 commercial or industrial enterprise whether for-hire or not.

7 (13) Proceeds from sales to owners, lessors, or shippers of  
8 tangible personal property that is utilized by interstate  
9 carriers for hire for use as rolling stock moving in interstate  
10 commerce and equipment operated by a telecommunications  
11 provider, licensed as a common carrier by the Federal  
12 Communications Commission, which is permanently installed in  
13 or affixed to aircraft moving in interstate commerce.

14 (14) Machinery and equipment that will be used by the  
15 purchaser, or a lessee of the purchaser, primarily in the  
16 process of manufacturing or assembling tangible personal  
17 property for wholesale or retail sale or lease, whether the  
18 sale or lease is made directly by the manufacturer or by some  
19 other person, whether the materials used in the process are  
20 owned by the manufacturer or some other person, or whether the  
21 sale or lease is made apart from or as an incident to the  
22 seller's engaging in the service occupation of producing  
23 machines, tools, dies, jigs, patterns, gauges, or other similar  
24 items of no commercial value on special order for a particular  
25 purchaser. The exemption provided by this paragraph (14) does  
26 not include machinery and equipment used in (i) the generation

1 of electricity for wholesale or retail sale; (ii) the  
2 generation or treatment of natural or artificial gas for  
3 wholesale or retail sale that is delivered to customers through  
4 pipes, pipelines, or mains; or (iii) the treatment of water for  
5 wholesale or retail sale that is delivered to customers through  
6 pipes, pipelines, or mains. The provisions of Public Act 98-583  
7 ~~this amendatory Act of the 98th General Assembly~~ are  
8 declaratory of existing law as to the meaning and scope of this  
9 exemption.

10 (15) Proceeds of mandatory service charges separately  
11 stated on customers' bills for purchase and consumption of food  
12 and beverages, to the extent that the proceeds of the service  
13 charge are in fact turned over as tips or as a substitute for  
14 tips to the employees who participate directly in preparing,  
15 serving, hosting or cleaning up the food or beverage function  
16 with respect to which the service charge is imposed.

17 (16) Petroleum products sold to a purchaser if the seller  
18 is prohibited by federal law from charging tax to the  
19 purchaser.

20 (17) Tangible personal property sold to a common carrier by  
21 rail or motor that receives the physical possession of the  
22 property in Illinois and that transports the property, or  
23 shares with another common carrier in the transportation of the  
24 property, out of Illinois on a standard uniform bill of lading  
25 showing the seller of the property as the shipper or consignor  
26 of the property to a destination outside Illinois, for use



1 outside Illinois.

2 (18) Legal tender, currency, medallions, or gold or silver  
3 coinage issued by the State of Illinois, the government of the  
4 United States of America, or the government of any foreign  
5 country, and bullion.

6 (19) Until July 1 2003, oil field exploration, drilling,  
7 and production equipment, including (i) rigs and parts of rigs,  
8 rotary rigs, cable tool rigs, and workover rigs, (ii) pipe and  
9 tubular goods, including casing and drill strings, (iii) pumps  
10 and pump-jack units, (iv) storage tanks and flow lines, (v) any  
11 individual replacement part for oil field exploration,  
12 drilling, and production equipment, and (vi) machinery and  
13 equipment purchased for lease; but excluding motor vehicles  
14 required to be registered under the Illinois Vehicle Code.

15 (20) Photoprocessing machinery and equipment, including  
16 repair and replacement parts, both new and used, including that  
17 manufactured on special order, certified by the purchaser to be  
18 used primarily for photoprocessing, and including  
19 photoprocessing machinery and equipment purchased for lease.

20 (21) Coal and aggregate exploration, mining, off-highway  
21 ~~off-highway~~ hauling, processing, maintenance, and reclamation  
22 equipment, including replacement parts and equipment, and  
23 including equipment purchased for lease, but excluding motor  
24 vehicles required to be registered under the Illinois Vehicle  
25 Code. The changes made to this Section by Public Act 97-767  
26 apply on and after July 1, 2003, but no claim for credit or

1 refund is allowed on or after August 16, 2013 (the effective  
2 date of Public Act 98-456) ~~this amendatory Act of the 98th~~  
3 ~~General Assembly~~ for such taxes paid during the period  
4 beginning July 1, 2003 and ending on August 16, 2013 (the  
5 effective date of Public Act 98-456) ~~this amendatory Act of the~~  
6 ~~98th General Assembly~~.

7 (22) Until June 30, 2013, fuel and petroleum products sold  
8 to or used by an air carrier, certified by the carrier to be  
9 used for consumption, shipment, or storage in the conduct of  
10 its business as an air common carrier, for a flight destined  
11 for or returning from a location or locations outside the  
12 United States without regard to previous or subsequent domestic  
13 stopovers.

14 Beginning July 1, 2013, fuel and petroleum products sold to  
15 or used by an air carrier, certified by the carrier to be used  
16 for consumption, shipment, or storage in the conduct of its  
17 business as an air common carrier, for a flight that (i) is  
18 engaged in foreign trade or is engaged in trade between the  
19 United States and any of its possessions and (ii) transports at  
20 least one individual or package for hire from the city of  
21 origination to the city of final destination on the same  
22 aircraft, without regard to a change in the flight number of  
23 that aircraft.

24 (23) A transaction in which the purchase order is received  
25 by a florist who is located outside Illinois, but who has a  
26 florist located in Illinois deliver the property to the

1 purchaser or the purchaser's donee in Illinois.

2 (24) Fuel consumed or used in the operation of ships,  
3 barges, or vessels that are used primarily in or for the  
4 transportation of property or the conveyance of persons for  
5 hire on rivers bordering on this State if the fuel is delivered  
6 by the seller to the purchaser's barge, ship, or vessel while  
7 it is afloat upon that bordering river.

8 (25) Except as provided in item (25-5) of this Section, a  
9 motor vehicle sold in this State to a nonresident even though  
10 the motor vehicle is delivered to the nonresident in this  
11 State, if the motor vehicle is not to be titled in this State,  
12 and if a drive-away permit is issued to the motor vehicle as  
13 provided in Section 3-603 of the Illinois Vehicle Code or if  
14 the nonresident purchaser has vehicle registration plates to  
15 transfer to the motor vehicle upon returning to his or her home  
16 state. The issuance of the drive-away permit or having the  
17 out-of-state registration plates to be transferred is prima  
18 facie evidence that the motor vehicle will not be titled in  
19 this State.

20 (25-5) The exemption under item (25) does not apply if the  
21 state in which the motor vehicle will be titled does not allow  
22 a reciprocal exemption for a motor vehicle sold and delivered  
23 in that state to an Illinois resident but titled in Illinois.  
24 The tax collected under this Act on the sale of a motor vehicle  
25 in this State to a resident of another state that does not  
26 allow a reciprocal exemption shall be imposed at a rate equal

1 to the state's rate of tax on taxable property in the state in  
2 which the purchaser is a resident, except that the tax shall  
3 not exceed the tax that would otherwise be imposed under this  
4 Act. At the time of the sale, the purchaser shall execute a  
5 statement, signed under penalty of perjury, of his or her  
6 intent to title the vehicle in the state in which the purchaser  
7 is a resident within 30 days after the sale and of the fact of  
8 the payment to the State of Illinois of tax in an amount  
9 equivalent to the state's rate of tax on taxable property in  
10 his or her state of residence and shall submit the statement to  
11 the appropriate tax collection agency in his or her state of  
12 residence. In addition, the retailer must retain a signed copy  
13 of the statement in his or her records. Nothing in this item  
14 shall be construed to require the removal of the vehicle from  
15 this state following the filing of an intent to title the  
16 vehicle in the purchaser's state of residence if the purchaser  
17 titles the vehicle in his or her state of residence within 30  
18 days after the date of sale. The tax collected under this Act  
19 in accordance with this item (25-5) shall be proportionately  
20 distributed as if the tax were collected at the 6.25% general  
21 rate imposed under this Act.

22 (25-7) Beginning on July 1, 2007, no tax is imposed under  
23 this Act on the sale of an aircraft, as defined in Section 3 of  
24 the Illinois Aeronautics Act, if all of the following  
25 conditions are met:

26 (1) the aircraft leaves this State within 15 days after

1 the later of either the issuance of the final billing for  
2 the sale of the aircraft, or the authorized approval for  
3 return to service, completion of the maintenance record  
4 entry, and completion of the test flight and ground test  
5 for inspection, as required by 14 C.F.R. 91.407;

6 (2) the aircraft is not based or registered in this  
7 State after the sale of the aircraft; and

8 (3) the seller retains in his or her books and records  
9 and provides to the Department a signed and dated  
10 certification from the purchaser, on a form prescribed by  
11 the Department, certifying that the requirements of this  
12 item (25-7) are met. The certificate must also include the  
13 name and address of the purchaser, the address of the  
14 location where the aircraft is to be titled or registered,  
15 the address of the primary physical location of the  
16 aircraft, and other information that the Department may  
17 reasonably require.

18 For purposes of this item (25-7):

19 "Based in this State" means hangared, stored, or otherwise  
20 used, excluding post-sale customizations as defined in this  
21 Section, for 10 or more days in each 12-month period  
22 immediately following the date of the sale of the aircraft.

23 "Registered in this State" means an aircraft registered  
24 with the Department of Transportation, Aeronautics Division,  
25 or titled or registered with the Federal Aviation  
26 Administration to an address located in this State.

1           This paragraph (25-7) is exempt from the provisions of  
2 Section 2-70.

3           (26) Semen used for artificial insemination of livestock  
4 for direct agricultural production.

5           (27) Horses, or interests in horses, registered with and  
6 meeting the requirements of any of the Arabian Horse Club  
7 Registry of America, Appaloosa Horse Club, American Quarter  
8 Horse Association, United States Trotting Association, or  
9 Jockey Club, as appropriate, used for purposes of breeding or  
10 racing for prizes. This item (27) is exempt from the provisions  
11 of Section 2-70, and the exemption provided for under this item  
12 (27) applies for all periods beginning May 30, 1995, but no  
13 claim for credit or refund is allowed on or after January 1,  
14 2008 (the effective date of Public Act 95-88) for such taxes  
15 paid during the period beginning May 30, 2000 and ending on  
16 January 1, 2008 (the effective date of Public Act 95-88).

17           (28) Computers and communications equipment utilized for  
18 any hospital purpose and equipment used in the diagnosis,  
19 analysis, or treatment of hospital patients sold to a lessor  
20 who leases the equipment, under a lease of one year or longer  
21 executed or in effect at the time of the purchase, to a  
22 hospital that has been issued an active tax exemption  
23 identification number by the Department under Section 1g of  
24 this Act.

25           (29) Personal property sold to a lessor who leases the  
26 property, under a lease of one year or longer executed or in

1 effect at the time of the purchase, to a governmental body that  
2 has been issued an active tax exemption identification number  
3 by the Department under Section 1g of this Act.

4 (30) Beginning with taxable years ending on or after  
5 December 31, 1995 and ending with taxable years ending on or  
6 before December 31, 2004, personal property that is donated for  
7 disaster relief to be used in a State or federally declared  
8 disaster area in Illinois or bordering Illinois by a  
9 manufacturer or retailer that is registered in this State to a  
10 corporation, society, association, foundation, or institution  
11 that has been issued a sales tax exemption identification  
12 number by the Department that assists victims of the disaster  
13 who reside within the declared disaster area.

14 (31) Beginning with taxable years ending on or after  
15 December 31, 1995 and ending with taxable years ending on or  
16 before December 31, 2004, personal property that is used in the  
17 performance of infrastructure repairs in this State, including  
18 but not limited to municipal roads and streets, access roads,  
19 bridges, sidewalks, waste disposal systems, water and sewer  
20 line extensions, water distribution and purification  
21 facilities, storm water drainage and retention facilities, and  
22 sewage treatment facilities, resulting from a State or  
23 federally declared disaster in Illinois or bordering Illinois  
24 when such repairs are initiated on facilities located in the  
25 declared disaster area within 6 months after the disaster.

26 (32) Beginning July 1, 1999, game or game birds sold at a

1 "game breeding and hunting preserve area" as that term is used  
2 in the Wildlife Code. This paragraph is exempt from the  
3 provisions of Section 2-70.

4 (33) A motor vehicle, as that term is defined in Section  
5 1-146 of the Illinois Vehicle Code, that is donated to a  
6 corporation, limited liability company, society, association,  
7 foundation, or institution that is determined by the Department  
8 to be organized and operated exclusively for educational  
9 purposes. For purposes of this exemption, "a corporation,  
10 limited liability company, society, association, foundation,  
11 or institution organized and operated exclusively for  
12 educational purposes" means all tax-supported public schools,  
13 private schools that offer systematic instruction in useful  
14 branches of learning by methods common to public schools and  
15 that compare favorably in their scope and intensity with the  
16 course of study presented in tax-supported schools, and  
17 vocational or technical schools or institutes organized and  
18 operated exclusively to provide a course of study of not less  
19 than 6 weeks duration and designed to prepare individuals to  
20 follow a trade or to pursue a manual, technical, mechanical,  
21 industrial, business, or commercial occupation.

22 (34) Beginning January 1, 2000, personal property,  
23 including food, purchased through fundraising events for the  
24 benefit of a public or private elementary or secondary school,  
25 a group of those schools, or one or more school districts if  
26 the events are sponsored by an entity recognized by the school



1 district that consists primarily of volunteers and includes  
2 parents and teachers of the school children. This paragraph  
3 does not apply to fundraising events (i) for the benefit of  
4 private home instruction or (ii) for which the fundraising  
5 entity purchases the personal property sold at the events from  
6 another individual or entity that sold the property for the  
7 purpose of resale by the fundraising entity and that profits  
8 from the sale to the fundraising entity. This paragraph is  
9 exempt from the provisions of Section 2-70.

10 (35) Beginning January 1, 2000 and through December 31,  
11 2001, new or used automatic vending machines that prepare and  
12 serve hot food and beverages, including coffee, soup, and other  
13 items, and replacement parts for these machines. Beginning  
14 January 1, 2002 and through June 30, 2003, machines and parts  
15 for machines used in commercial, coin-operated amusement and  
16 vending business if a use or occupation tax is paid on the  
17 gross receipts derived from the use of the commercial,  
18 coin-operated amusement and vending machines. This paragraph  
19 is exempt from the provisions of Section 2-70.

20 (35-5) Beginning August 23, 2001 and through June 30, 2016,  
21 food for human consumption that is to be consumed off the  
22 premises where it is sold (other than alcoholic beverages, soft  
23 drinks, and food that has been prepared for immediate  
24 consumption) and prescription and nonprescription medicines,  
25 drugs, medical appliances, and insulin, urine testing  
26 materials, syringes, and needles used by diabetics, for human

1 use, when purchased for use by a person receiving medical  
2 assistance under Article V of the Illinois Public Aid Code who  
3 resides in a licensed long-term care facility, as defined in  
4 the Nursing Home Care Act, or a licensed facility as defined in  
5 the ID/DD Community Care Act or the Specialized Mental Health  
6 Rehabilitation Act of 2013.

7 (36) Beginning August 2, 2001, computers and  
8 communications equipment utilized for any hospital purpose and  
9 equipment used in the diagnosis, analysis, or treatment of  
10 hospital patients sold to a lessor who leases the equipment,  
11 under a lease of one year or longer executed or in effect at  
12 the time of the purchase, to a hospital that has been issued an  
13 active tax exemption identification number by the Department  
14 under Section 1g of this Act. This paragraph is exempt from the  
15 provisions of Section 2-70.

16 (37) Beginning August 2, 2001, personal property sold to a  
17 lessor who leases the property, under a lease of one year or  
18 longer executed or in effect at the time of the purchase, to a  
19 governmental body that has been issued an active tax exemption  
20 identification number by the Department under Section 1g of  
21 this Act. This paragraph is exempt from the provisions of  
22 Section 2-70.

23 (38) Beginning on January 1, 2002 and through June 30,  
24 2016, tangible personal property purchased from an Illinois  
25 retailer by a taxpayer engaged in centralized purchasing  
26 activities in Illinois who will, upon receipt of the property

1 in Illinois, temporarily store the property in Illinois (i) for  
2 the purpose of subsequently transporting it outside this State  
3 for use or consumption thereafter solely outside this State or  
4 (ii) for the purpose of being processed, fabricated, or  
5 manufactured into, attached to, or incorporated into other  
6 tangible personal property to be transported outside this State  
7 and thereafter used or consumed solely outside this State. The  
8 Director of Revenue shall, pursuant to rules adopted in  
9 accordance with the Illinois Administrative Procedure Act,  
10 issue a permit to any taxpayer in good standing with the  
11 Department who is eligible for the exemption under this  
12 paragraph (38). The permit issued under this paragraph (38)  
13 shall authorize the holder, to the extent and in the manner  
14 specified in the rules adopted under this Act, to purchase  
15 tangible personal property from a retailer exempt from the  
16 taxes imposed by this Act. Taxpayers shall maintain all  
17 necessary books and records to substantiate the use and  
18 consumption of all such tangible personal property outside of  
19 the State of Illinois.

20 (39) Beginning January 1, 2008, tangible personal property  
21 used in the construction or maintenance of a community water  
22 supply, as defined under Section 3.145 of the Environmental  
23 Protection Act, that is operated by a not-for-profit  
24 corporation that holds a valid water supply permit issued under  
25 Title IV of the Environmental Protection Act. This paragraph is  
26 exempt from the provisions of Section 2-70.

1           (40) Beginning January 1, 2010, materials, parts,  
2 equipment, components, and furnishings incorporated into or  
3 upon an aircraft as part of the modification, refurbishment,  
4 completion, replacement, repair, or maintenance of the  
5 aircraft. This exemption includes consumable supplies used in  
6 the modification, refurbishment, completion, replacement,  
7 repair, and maintenance of aircraft, but excludes any  
8 materials, parts, equipment, components, and consumable  
9 supplies used in the modification, replacement, repair, and  
10 maintenance of aircraft engines or power plants, whether such  
11 engines or power plants are installed or uninstalled upon any  
12 such aircraft. "Consumable supplies" include, but are not  
13 limited to, adhesive, tape, sandpaper, general purpose  
14 lubricants, cleaning solution, latex gloves, and protective  
15 films. This exemption applies only to the sale of qualifying  
16 tangible personal property to persons who modify, refurbish,  
17 complete, replace, or maintain an aircraft and who (i) hold an  
18 Air Agency Certificate and are empowered to operate an approved  
19 repair station by the Federal Aviation Administration, (ii)  
20 have a Class IV Rating, and (iii) conduct operations in  
21 accordance with Part 145 of the Federal Aviation Regulations.  
22 The exemption does not include aircraft operated by a  
23 commercial air carrier providing scheduled passenger air  
24 service pursuant to authority issued under Part 121 or Part 129  
25 of the Federal Aviation Regulations. The changes made to this  
26 paragraph (40) by Public Act 98-534 ~~this amendatory Act of the~~

1 ~~98th General Assembly~~ are declarative of existing law.

2 (41) Tangible personal property sold to a  
3 public-facilities corporation, as described in Section  
4 11-65-10 of the Illinois Municipal Code, for purposes of  
5 constructing or furnishing a municipal convention hall, but  
6 only if the legal title to the municipal convention hall is  
7 transferred to the municipality without any further  
8 consideration by or on behalf of the municipality at the time  
9 of the completion of the municipal convention hall or upon the  
10 retirement or redemption of any bonds or other debt instruments  
11 issued by the public-facilities corporation in connection with  
12 the development of the municipal convention hall. This  
13 exemption includes existing public-facilities corporations as  
14 provided in Section 11-65-25 of the Illinois Municipal Code.  
15 This paragraph is exempt from the provisions of Section 2-70.

16 (Source: P.A. 97-38, eff. 6-28-11; 97-73, eff. 6-30-11; 97-227,  
17 eff. 1-1-12; 97-431, eff. 8-16-11; 97-636, eff. 6-1-12; 97-767,  
18 eff. 7-9-12; 98-104, eff. 7-22-13; 98-422, eff. 8-16-13;  
19 98-456, eff. 8-16-13; 98-534, eff. 8-23-13; 98-574, eff.  
20 1-1-14; 98-583, eff. 1-1-14; revised 9-9-13.)

21 (35 ILCS 120/2a) (from Ch. 120, par. 441a)

22 Sec. 2a. It is unlawful for any person to engage in the  
23 business of selling tangible personal property at retail in  
24 this State without a certificate of registration from the  
25 Department. Application for a certificate of registration

1 shall be made to the Department upon forms furnished by it.  
2 Each such application shall be signed and verified and shall  
3 state: (1) the name and social security number of the  
4 applicant; (2) the address of his principal place of business;  
5 (3) the address of the principal place of business from which  
6 he engages in the business of selling tangible personal  
7 property at retail in this State and the addresses of all other  
8 places of business, if any (enumerating such addresses, if any,  
9 in a separate list attached to and made a part of the  
10 application), from which he engages in the business of selling  
11 tangible personal property at retail in this State; (4) the  
12 name and address of the person or persons who will be  
13 responsible for filing returns and payment of taxes due under  
14 this Act; (5) in the case of a publicly traded corporation, the  
15 name and title of the Chief Financial Officer, Chief Operating  
16 Officer, and any other officer or employee with responsibility  
17 for preparing tax returns under this Act, along with the last 4  
18 digits of each of their social security numbers, and, in the  
19 case of all other corporations, the name, title, and social  
20 security number of each corporate officer; (6) in the case of a  
21 limited liability company, the name, social security number,  
22 and FEIN number of each manager and member; and (7) such other  
23 information as the Department may reasonably require. The  
24 application shall contain an acceptance of responsibility  
25 signed by the person or persons who will be responsible for  
26 filing returns and payment of the taxes due under this Act. If

1 the applicant will sell tangible personal property at retail  
2 through vending machines, his application to register shall  
3 indicate the number of vending machines to be so operated. If  
4 requested by the Department at any time, that person shall  
5 verify the total number of vending machines he or she uses in  
6 his or her business of selling tangible personal property at  
7 retail.

8 The Department may deny a certificate of registration to  
9 any applicant if a person who is named as the owner, a partner,  
10 a manager or member of a limited liability company, or a  
11 corporate officer of the applicant on the application for the  
12 certificate of registration<sup>7</sup> is or has been named as the owner,  
13 a partner, a manager or member of a limited liability company,  
14 or a corporate officer<sup>7</sup> on the application for the certificate  
15 of registration of another retailer that is in default for  
16 moneys due under this Act or any other tax or fee Act  
17 administered by the Department. For purposes of this paragraph  
18 only, in determining whether a person is in default for moneys  
19 due, the Department shall include only amounts established as a  
20 final liability within the 20 years prior to the date of the  
21 Department's notice of denial of a certificate of registration.

22 The Department may require an applicant for a certificate  
23 of registration hereunder to, at the time of filing such  
24 application, furnish a bond from a surety company authorized to  
25 do business in the State of Illinois, or an irrevocable bank  
26 letter of credit or a bond signed by 2 personal sureties who

1 have filed, with the Department, sworn statements disclosing  
2 net assets equal to at least 3 times the amount of the bond to  
3 be required of such applicant, or a bond secured by an  
4 assignment of a bank account or certificate of deposit, stocks  
5 or bonds, conditioned upon the applicant paying to the State of  
6 Illinois all moneys becoming due under this Act and under any  
7 other State tax law or municipal or county tax ordinance or  
8 resolution under which the certificate of registration that is  
9 issued to the applicant under this Act will permit the  
10 applicant to engage in business without registering separately  
11 under such other law, ordinance or resolution. In making a  
12 determination as to whether to require a bond or other  
13 security, the Department shall take into consideration whether  
14 the owner, any partner, any manager or member of a limited  
15 liability company, or a corporate officer of the applicant is  
16 or has been the owner, a partner, a manager or member of a  
17 limited liability company, or a corporate officer of another  
18 retailer that is in default for moneys due under this Act or  
19 any other tax or fee Act administered by the Department; and  
20 whether the owner, any partner, any manager or member of a  
21 limited liability company, or a corporate officer of the  
22 applicant is or has been the owner, a partner, a manager or  
23 member of a limited liability company, or a corporate officer  
24 of another retailer whose certificate of registration has been  
25 revoked within the previous 5 years under this Act or any other  
26 tax or fee Act administered by the Department. If a bond or



1 other security is required, the Department shall fix the amount  
2 of the bond or other security, taking into consideration the  
3 amount of money expected to become due from the applicant under  
4 this Act and under any other State tax law or municipal or  
5 county tax ordinance or resolution under which the certificate  
6 of registration that is issued to the applicant under this Act  
7 will permit the applicant to engage in business without  
8 registering separately under such other law, ordinance, or  
9 resolution. The amount of security required by the Department  
10 shall be such as, in its opinion, will protect the State of  
11 Illinois against failure to pay the amount which may become due  
12 from the applicant under this Act and under any other State tax  
13 law or municipal or county tax ordinance or resolution under  
14 which the certificate of registration that is issued to the  
15 applicant under this Act will permit the applicant to engage in  
16 business without registering separately under such other law,  
17 ordinance or resolution, but the amount of the security  
18 required by the Department shall not exceed three times the  
19 amount of the applicant's average monthly tax liability, or  
20 \$50,000.00, whichever amount is lower.

21 No certificate of registration under this Act shall be  
22 issued by the Department until the applicant provides the  
23 Department with satisfactory security, if required, as herein  
24 provided for.

25 Upon receipt of the application for certificate of  
26 registration in proper form, and upon approval by the

1 Department of the security furnished by the applicant, if  
2 required, the Department shall issue to such applicant a  
3 certificate of registration which shall permit the person to  
4 whom it is issued to engage in the business of selling tangible  
5 personal property at retail in this State. The certificate of  
6 registration shall be conspicuously displayed at the place of  
7 business which the person so registered states in his  
8 application to be the principal place of business from which he  
9 engages in the business of selling tangible personal property  
10 at retail in this State.

11 No certificate of registration issued to a taxpayer who  
12 files returns required by this Act on a monthly basis shall be  
13 valid after the expiration of 5 years from the date of its  
14 issuance or last renewal. The expiration date of a  
15 sub-certificate of registration shall be that of the  
16 certificate of registration to which the sub-certificate  
17 relates. A certificate of registration shall automatically be  
18 renewed, subject to revocation as provided by this Act, for an  
19 additional 5 years from the date of its expiration unless  
20 otherwise notified by the Department as provided by this  
21 paragraph. Where a taxpayer to whom a certificate of  
22 registration is issued under this Act is in default to the  
23 State of Illinois for delinquent returns or for moneys due  
24 under this Act or any other State tax law or municipal or  
25 county ordinance administered or enforced by the Department,  
26 the Department shall, not less than 120 days before the

1 expiration date of such certificate of registration, give  
2 notice to the taxpayer to whom the certificate was issued of  
3 the account period of the delinquent returns, the amount of  
4 tax, penalty and interest due and owing from the taxpayer, and  
5 that the certificate of registration shall not be automatically  
6 renewed upon its expiration date unless the taxpayer, on or  
7 before the date of expiration, has filed and paid the  
8 delinquent returns or paid the defaulted amount in full. A  
9 taxpayer to whom such a notice is issued shall be deemed an  
10 applicant for renewal. The Department shall promulgate  
11 regulations establishing procedures for taxpayers who file  
12 returns on a monthly basis but desire and qualify to change to  
13 a quarterly or yearly filing basis and will no longer be  
14 subject to renewal under this Section, and for taxpayers who  
15 file returns on a yearly or quarterly basis but who desire or  
16 are required to change to a monthly filing basis and will be  
17 subject to renewal under this Section.

18 The Department may in its discretion approve renewal by an  
19 applicant who is in default if, at the time of application for  
20 renewal, the applicant files all of the delinquent returns or  
21 pays to the Department such percentage of the defaulted amount  
22 as may be determined by the Department and agrees in writing to  
23 waive all limitations upon the Department for collection of the  
24 remaining defaulted amount to the Department over a period not  
25 to exceed 5 years from the date of renewal of the certificate;  
26 however, no renewal application submitted by an applicant who

1 is in default shall be approved if the immediately preceding  
2 renewal by the applicant was conditioned upon the installment  
3 payment agreement described in this Section. The payment  
4 agreement herein provided for shall be in addition to and not  
5 in lieu of the security that may be required by this Section of  
6 a taxpayer who is no longer considered a prior continuous  
7 compliance taxpayer. The execution of the payment agreement as  
8 provided in this Act shall not toll the accrual of interest at  
9 the statutory rate.

10 The Department may suspend a certificate of registration if  
11 the Department finds that the person to whom the certificate of  
12 registration has been issued knowingly sold contraband  
13 cigarettes.

14 A certificate of registration issued under this Act more  
15 than 5 years before the effective date of this amendatory Act  
16 of 1989 shall expire and be subject to the renewal provisions  
17 of this Section on the next anniversary of the date of issuance  
18 of such certificate which occurs more than 6 months after the  
19 effective date of this amendatory Act of 1989. A certificate of  
20 registration issued less than 5 years before the effective date  
21 of this amendatory Act of 1989 shall expire and be subject to  
22 the renewal provisions of this Section on the 5th anniversary  
23 of the issuance of the certificate.

24 If the person so registered states that he operates other  
25 places of business from which he engages in the business of  
26 selling tangible personal property at retail in this State, the

1 Department shall furnish him with a sub-certificate of  
2 registration for each such place of business, and the applicant  
3 shall display the appropriate sub-certificate of registration  
4 at each such place of business. All sub-certificates of  
5 registration shall bear the same registration number as that  
6 appearing upon the certificate of registration to which such  
7 sub-certificates relate.

8 If the applicant will sell tangible personal property at  
9 retail through vending machines, the Department shall furnish  
10 him with a sub-certificate of registration for each such  
11 vending machine, and the applicant shall display the  
12 appropriate sub-certificate of registration on each such  
13 vending machine by attaching the sub-certificate of  
14 registration to a conspicuous part of such vending machine. If  
15 a person who is registered to sell tangible personal property  
16 at retail through vending machines adds an additional vending  
17 machine or additional vending machines to the number of vending  
18 machines he or she uses in his or her business of selling  
19 tangible personal property at retail, he or she shall notify  
20 the Department, on a form prescribed by the Department, to  
21 request an additional sub-certificate or additional  
22 sub-certificates of registration, as applicable. With each  
23 such request, the applicant shall report the number of  
24 sub-certificates of registration he or she is requesting as  
25 well as the total number of vending machines from which he or  
26 she makes retail sales.

1           Where the same person engages in 2 or more businesses of  
2 selling tangible personal property at retail in this State,  
3 which businesses are substantially different in character or  
4 engaged in under different trade names or engaged in under  
5 other substantially dissimilar circumstances (so that it is  
6 more practicable, from an accounting, auditing or bookkeeping  
7 standpoint, for such businesses to be separately registered),  
8 the Department may require or permit such person (subject to  
9 the same requirements concerning the furnishing of security as  
10 those that are provided for hereinbefore in this Section as to  
11 each application for a certificate of registration) to apply  
12 for and obtain a separate certificate of registration for each  
13 such business or for any of such businesses, under a single  
14 certificate of registration supplemented by related  
15 sub-certificates of registration.

16           Any person who is registered under the "Retailers'  
17 Occupation Tax Act" as of March 8, 1963, and who, during the  
18 3-year period immediately prior to March 8, 1963, or during a  
19 continuous 3-year period part of which passed immediately  
20 before and the remainder of which passes immediately after  
21 March 8, 1963, has been so registered continuously and who is  
22 determined by the Department not to have been either delinquent  
23 or deficient in the payment of tax liability during that period  
24 under this Act or under any other State tax law or municipal or  
25 county tax ordinance or resolution under which the certificate  
26 of registration that is issued to the registrant under this Act

1 will permit the registrant to engage in business without  
2 registering separately under such other law, ordinance or  
3 resolution, shall be considered to be a Prior Continuous  
4 Compliance taxpayer. Also any taxpayer who has, as verified by  
5 the Department, faithfully and continuously complied with the  
6 condition of his bond or other security under the provisions of  
7 this Act for a period of 3 consecutive years shall be  
8 considered to be a Prior Continuous Compliance taxpayer.

9 Every Prior Continuous Compliance taxpayer shall be exempt  
10 from all requirements under this Act concerning the furnishing  
11 of a bond or other security as a condition precedent to his  
12 being authorized to engage in the business of selling tangible  
13 personal property at retail in this State. This exemption shall  
14 continue for each such taxpayer until such time as he may be  
15 determined by the Department to be delinquent in the filing of  
16 any returns, or is determined by the Department (either through  
17 the Department's issuance of a final assessment which has  
18 become final under the Act, or by the taxpayer's filing of a  
19 return which admits tax that is not paid to be due) to be  
20 delinquent or deficient in the paying of any tax under this Act  
21 or under any other State tax law or municipal or county tax  
22 ordinance or resolution under which the certificate of  
23 registration that is issued to the registrant under this Act  
24 will permit the registrant to engage in business without  
25 registering separately under such other law, ordinance or  
26 resolution, at which time that taxpayer shall become subject to

1 all the financial responsibility requirements of this Act and,  
2 as a condition of being allowed to continue to engage in the  
3 business of selling tangible personal property at retail, may  
4 be required to post bond or other acceptable security with the  
5 Department covering liability which such taxpayer may  
6 thereafter incur. Any taxpayer who fails to pay an admitted or  
7 established liability under this Act may also be required to  
8 post bond or other acceptable security with this Department  
9 guaranteeing the payment of such admitted or established  
10 liability.

11 No certificate of registration shall be issued to any  
12 person who is in default to the State of Illinois for moneys  
13 due under this Act or under any other State tax law or  
14 municipal or county tax ordinance or resolution under which the  
15 certificate of registration that is issued to the applicant  
16 under this Act will permit the applicant to engage in business  
17 without registering separately under such other law, ordinance  
18 or resolution.

19 Any person aggrieved by any decision of the Department  
20 under this Section may, within 20 days after notice of such  
21 decision, protest and request a hearing, whereupon the  
22 Department shall give notice to such person of the time and  
23 place fixed for such hearing and shall hold a hearing in  
24 conformity with the provisions of this Act and then issue its  
25 final administrative decision in the matter to such person. In  
26 the absence of such a protest within 20 days, the Department's



1 decision shall become final without any further determination  
2 being made or notice given.

3 With respect to security other than bonds (upon which the  
4 Department may sue in the event of a forfeiture), if the  
5 taxpayer fails to pay, when due, any amount whose payment such  
6 security guarantees, the Department shall, after such  
7 liability is admitted by the taxpayer or established by the  
8 Department through the issuance of a final assessment that has  
9 become final under the law, convert the security which that  
10 taxpayer has furnished into money for the State, after first  
11 giving the taxpayer at least 10 days' written notice, by  
12 registered or certified mail, to pay the liability or forfeit  
13 such security to the Department. If the security consists of  
14 stocks or bonds or other securities which are listed on a  
15 public exchange, the Department shall sell such securities  
16 through such public exchange. If the security consists of an  
17 irrevocable bank letter of credit, the Department shall convert  
18 the security in the manner provided for in the Uniform  
19 Commercial Code. If the security consists of a bank certificate  
20 of deposit, the Department shall convert the security into  
21 money by demanding and collecting the amount of such bank  
22 certificate of deposit from the bank which issued such  
23 certificate. If the security consists of a type of stocks or  
24 other securities which are not listed on a public exchange, the  
25 Department shall sell such security to the highest and best  
26 bidder after giving at least 10 days' notice of the date, time

1 and place of the intended sale by publication in the "State  
2 Official Newspaper". If the Department realizes more than the  
3 amount of such liability from the security, plus the expenses  
4 incurred by the Department in converting the security into  
5 money, the Department shall pay such excess to the taxpayer who  
6 furnished such security, and the balance shall be paid into the  
7 State Treasury.

8 The Department shall discharge any surety and shall release  
9 and return any security deposited, assigned, pledged or  
10 otherwise provided to it by a taxpayer under this Section  
11 within 30 days after:

12 (1) such taxpayer becomes a Prior Continuous  
13 Compliance taxpayer; or

14 (2) such taxpayer has ceased to collect receipts on  
15 which he is required to remit tax to the Department, has  
16 filed a final tax return, and has paid to the Department an  
17 amount sufficient to discharge his remaining tax  
18 liability, as determined by the Department, under this Act  
19 and under every other State tax law or municipal or county  
20 tax ordinance or resolution under which the certificate of  
21 registration issued under this Act permits the registrant  
22 to engage in business without registering separately under  
23 such other law, ordinance or resolution. The Department  
24 shall make a final determination of the taxpayer's  
25 outstanding tax liability as expeditiously as possible  
26 after his final tax return has been filed; if the

1 Department cannot make such final determination within 45  
2 days after receiving the final tax return, within such  
3 period it shall so notify the taxpayer, stating its reasons  
4 therefor.

5 (Source: P.A. 97-335, eff. 1-1-12; 98-496, eff. 1-1-14; 98-583,  
6 eff. 1-1-14; revised 9-9-13.)

7 (35 ILCS 120/3) (from Ch. 120, par. 442)

8 Sec. 3. Except as provided in this Section, on or before  
9 the twentieth day of each calendar month, every person engaged  
10 in the business of selling tangible personal property at retail  
11 in this State during the preceding calendar month shall file a  
12 return with the Department, stating:

13 1. The name of the seller;

14 2. His residence address and the address of his  
15 principal place of business and the address of the  
16 principal place of business (if that is a different  
17 address) from which he engages in the business of selling  
18 tangible personal property at retail in this State;

19 3. Total amount of receipts received by him during the  
20 preceding calendar month or quarter, as the case may be,  
21 from sales of tangible personal property, and from services  
22 furnished, by him during such preceding calendar month or  
23 quarter;

24 4. Total amount received by him during the preceding  
25 calendar month or quarter on charge and time sales of

1           tangible personal property, and from services furnished,  
2           by him prior to the month or quarter for which the return  
3           is filed;

4           5. Deductions allowed by law;

5           6. Gross receipts which were received by him during the  
6           preceding calendar month or quarter and upon the basis of  
7           which the tax is imposed;

8           7. The amount of credit provided in Section 2d of this  
9           Act;

10          8. The amount of tax due;

11          9. The signature of the taxpayer; and

12          10. Such other reasonable information as the  
13          Department may require.

14          If a taxpayer fails to sign a return within 30 days after  
15          the proper notice and demand for signature by the Department,  
16          the return shall be considered valid and any amount shown to be  
17          due on the return shall be deemed assessed.

18          Each return shall be accompanied by the statement of  
19          prepaid tax issued pursuant to Section 2e for which credit is  
20          claimed.

21          Prior to October 1, 2003, and on and after September 1,  
22          2004 a retailer may accept a Manufacturer's Purchase Credit  
23          certification from a purchaser in satisfaction of Use Tax as  
24          provided in Section 3-85 of the Use Tax Act if the purchaser  
25          provides the appropriate documentation as required by Section  
26          3-85 of the Use Tax Act. A Manufacturer's Purchase Credit

1 certification, accepted by a retailer prior to October 1, 2003  
2 and on and after September 1, 2004 as provided in Section 3-85  
3 of the Use Tax Act, may be used by that retailer to satisfy  
4 Retailers' Occupation Tax liability in the amount claimed in  
5 the certification, not to exceed 6.25% of the receipts subject  
6 to tax from a qualifying purchase. A Manufacturer's Purchase  
7 Credit reported on any original or amended return filed under  
8 this Act after October 20, 2003 for reporting periods prior to  
9 September 1, 2004 shall be disallowed. Manufacturer's  
10 Purchaser Credit reported on annual returns due on or after  
11 January 1, 2005 will be disallowed for periods prior to  
12 September 1, 2004. No Manufacturer's Purchase Credit may be  
13 used after September 30, 2003 through August 31, 2004 to  
14 satisfy any tax liability imposed under this Act, including any  
15 audit liability.

16 The Department may require returns to be filed on a  
17 quarterly basis. If so required, a return for each calendar  
18 quarter shall be filed on or before the twentieth day of the  
19 calendar month following the end of such calendar quarter. The  
20 taxpayer shall also file a return with the Department for each  
21 of the first two months of each calendar quarter, on or before  
22 the twentieth day of the following calendar month, stating:

23 1. The name of the seller;

24 2. The address of the principal place of business from  
25 which he engages in the business of selling tangible  
26 personal property at retail in this State;

1           3. The total amount of taxable receipts received by him  
2           during the preceding calendar month from sales of tangible  
3           personal property by him during such preceding calendar  
4           month, including receipts from charge and time sales, but  
5           less all deductions allowed by law;

6           4. The amount of credit provided in Section 2d of this  
7           Act;

8           5. The amount of tax due; and

9           6. Such other reasonable information as the Department  
10          may require.

11          Beginning on October 1, 2003, any person who is not a  
12          licensed distributor, importing distributor, or manufacturer,  
13          as defined in the Liquor Control Act of 1934, but is engaged in  
14          the business of selling, at retail, alcoholic liquor shall file  
15          a statement with the Department of Revenue, in a format and at  
16          a time prescribed by the Department, showing the total amount  
17          paid for alcoholic liquor purchased during the preceding month  
18          and such other information as is reasonably required by the  
19          Department. The Department may adopt rules to require that this  
20          statement be filed in an electronic or telephonic format. Such  
21          rules may provide for exceptions from the filing requirements  
22          of this paragraph. For the purposes of this paragraph, the term  
23          "alcoholic liquor" shall have the meaning prescribed in the  
24          Liquor Control Act of 1934.

25          Beginning on October 1, 2003, every distributor, importing  
26          distributor, and manufacturer of alcoholic liquor as defined in

1 the Liquor Control Act of 1934, shall file a statement with the  
2 Department of Revenue, no later than the 10th day of the month  
3 for the preceding month during which transactions occurred, by  
4 electronic means, showing the total amount of gross receipts  
5 from the sale of alcoholic liquor sold or distributed during  
6 the preceding month to purchasers; identifying the purchaser to  
7 whom it was sold or distributed; the purchaser's tax  
8 registration number; and such other information reasonably  
9 required by the Department. A distributor, importing  
10 distributor, or manufacturer of alcoholic liquor must  
11 personally deliver, mail, or provide by electronic means to  
12 each retailer listed on the monthly statement a report  
13 containing a cumulative total of that distributor's, importing  
14 distributor's, or manufacturer's total sales of alcoholic  
15 liquor to that retailer no later than the 10th day of the month  
16 for the preceding month during which the transaction occurred.  
17 The distributor, importing distributor, or manufacturer shall  
18 notify the retailer as to the method by which the distributor,  
19 importing distributor, or manufacturer will provide the sales  
20 information. If the retailer is unable to receive the sales  
21 information by electronic means, the distributor, importing  
22 distributor, or manufacturer shall furnish the sales  
23 information by personal delivery or by mail. For purposes of  
24 this paragraph, the term "electronic means" includes, but is  
25 not limited to, the use of a secure Internet website, e-mail,  
26 or facsimile.

1           If a total amount of less than \$1 is payable, refundable or  
2           creditable, such amount shall be disregarded if it is less than  
3           50 cents and shall be increased to \$1 if it is 50 cents or more.

4           Beginning October 1, 1993, a taxpayer who has an average  
5           monthly tax liability of \$150,000 or more shall make all  
6           payments required by rules of the Department by electronic  
7           funds transfer. Beginning October 1, 1994, a taxpayer who has  
8           an average monthly tax liability of \$100,000 or more shall make  
9           all payments required by rules of the Department by electronic  
10          funds transfer. Beginning October 1, 1995, a taxpayer who has  
11          an average monthly tax liability of \$50,000 or more shall make  
12          all payments required by rules of the Department by electronic  
13          funds transfer. Beginning October 1, 2000, a taxpayer who has  
14          an annual tax liability of \$200,000 or more shall make all  
15          payments required by rules of the Department by electronic  
16          funds transfer. The term "annual tax liability" shall be the  
17          sum of the taxpayer's liabilities under this Act, and under all  
18          other State and local occupation and use tax laws administered  
19          by the Department, for the immediately preceding calendar year.  
20          The term "average monthly tax liability" shall be the sum of  
21          the taxpayer's liabilities under this Act, and under all other  
22          State and local occupation and use tax laws administered by the  
23          Department, for the immediately preceding calendar year  
24          divided by 12. Beginning on October 1, 2002, a taxpayer who has  
25          a tax liability in the amount set forth in subsection (b) of  
26          Section 2505-210 of the Department of Revenue Law shall make



1 all payments required by rules of the Department by electronic  
2 funds transfer.

3 Before August 1 of each year beginning in 1993, the  
4 Department shall notify all taxpayers required to make payments  
5 by electronic funds transfer. All taxpayers required to make  
6 payments by electronic funds transfer shall make those payments  
7 for a minimum of one year beginning on October 1.

8 Any taxpayer not required to make payments by electronic  
9 funds transfer may make payments by electronic funds transfer  
10 with the permission of the Department.

11 All taxpayers required to make payment by electronic funds  
12 transfer and any taxpayers authorized to voluntarily make  
13 payments by electronic funds transfer shall make those payments  
14 in the manner authorized by the Department.

15 The Department shall adopt such rules as are necessary to  
16 effectuate a program of electronic funds transfer and the  
17 requirements of this Section.

18 Any amount which is required to be shown or reported on any  
19 return or other document under this Act shall, if such amount  
20 is not a whole-dollar amount, be increased to the nearest  
21 whole-dollar amount in any case where the fractional part of a  
22 dollar is 50 cents or more, and decreased to the nearest  
23 whole-dollar amount where the fractional part of a dollar is  
24 less than 50 cents.

25 If the retailer is otherwise required to file a monthly  
26 return and if the retailer's average monthly tax liability to

1 the Department does not exceed \$200, the Department may  
2 authorize his returns to be filed on a quarter annual basis,  
3 with the return for January, February and March of a given year  
4 being due by April 20 of such year; with the return for April,  
5 May and June of a given year being due by July 20 of such year;  
6 with the return for July, August and September of a given year  
7 being due by October 20 of such year, and with the return for  
8 October, November and December of a given year being due by  
9 January 20 of the following year.

10 If the retailer is otherwise required to file a monthly or  
11 quarterly return and if the retailer's average monthly tax  
12 liability with the Department does not exceed \$50, the  
13 Department may authorize his returns to be filed on an annual  
14 basis, with the return for a given year being due by January 20  
15 of the following year.

16 Such quarter annual and annual returns, as to form and  
17 substance, shall be subject to the same requirements as monthly  
18 returns.

19 Notwithstanding any other provision in this Act concerning  
20 the time within which a retailer may file his return, in the  
21 case of any retailer who ceases to engage in a kind of business  
22 which makes him responsible for filing returns under this Act,  
23 such retailer shall file a final return under this Act with the  
24 Department not more than one month after discontinuing such  
25 business.

26 Where the same person has more than one business registered

1 with the Department under separate registrations under this  
2 Act, such person may not file each return that is due as a  
3 single return covering all such registered businesses, but  
4 shall file separate returns for each such registered business.

5 In addition, with respect to motor vehicles, watercraft,  
6 aircraft, and trailers that are required to be registered with  
7 an agency of this State, every retailer selling this kind of  
8 tangible personal property shall file, with the Department,  
9 upon a form to be prescribed and supplied by the Department, a  
10 separate return for each such item of tangible personal  
11 property which the retailer sells, except that if, in the same  
12 transaction, (i) a retailer of aircraft, watercraft, motor  
13 vehicles or trailers transfers more than one aircraft,  
14 watercraft, motor vehicle or trailer to another aircraft,  
15 watercraft, motor vehicle retailer or trailer retailer for the  
16 purpose of resale or (ii) a retailer of aircraft, watercraft,  
17 motor vehicles, or trailers transfers more than one aircraft,  
18 watercraft, motor vehicle, or trailer to a purchaser for use as  
19 a qualifying rolling stock as provided in Section 2-5 of this  
20 Act, then that seller may report the transfer of all aircraft,  
21 watercraft, motor vehicles or trailers involved in that  
22 transaction to the Department on the same uniform  
23 invoice-transaction reporting return form. For purposes of  
24 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
25 watercraft as defined in Section 3-2 of the Boat Registration  
26 and Safety Act, a personal watercraft, or any boat equipped

1 with an inboard motor.

2 Any retailer who sells only motor vehicles, watercraft,  
3 aircraft, or trailers that are required to be registered with  
4 an agency of this State, so that all retailers' occupation tax  
5 liability is required to be reported, and is reported, on such  
6 transaction reporting returns and who is not otherwise required  
7 to file monthly or quarterly returns, need not file monthly or  
8 quarterly returns. However, those retailers shall be required  
9 to file returns on an annual basis.

10 The transaction reporting return, in the case of motor  
11 vehicles or trailers that are required to be registered with an  
12 agency of this State, shall be the same document as the Uniform  
13 Invoice referred to in Section 5-402 of The Illinois Vehicle  
14 Code and must show the name and address of the seller; the name  
15 and address of the purchaser; the amount of the selling price  
16 including the amount allowed by the retailer for traded-in  
17 property, if any; the amount allowed by the retailer for the  
18 traded-in tangible personal property, if any, to the extent to  
19 which Section 1 of this Act allows an exemption for the value  
20 of traded-in property; the balance payable after deducting such  
21 trade-in allowance from the total selling price; the amount of  
22 tax due from the retailer with respect to such transaction; the  
23 amount of tax collected from the purchaser by the retailer on  
24 such transaction (or satisfactory evidence that such tax is not  
25 due in that particular instance, if that is claimed to be the  
26 fact); the place and date of the sale; a sufficient

1 identification of the property sold; such other information as  
2 is required in Section 5-402 of The Illinois Vehicle Code, and  
3 such other information as the Department may reasonably  
4 require.

5 The transaction reporting return in the case of watercraft  
6 or aircraft must show the name and address of the seller; the  
7 name and address of the purchaser; the amount of the selling  
8 price including the amount allowed by the retailer for  
9 traded-in property, if any; the amount allowed by the retailer  
10 for the traded-in tangible personal property, if any, to the  
11 extent to which Section 1 of this Act allows an exemption for  
12 the value of traded-in property; the balance payable after  
13 deducting such trade-in allowance from the total selling price;  
14 the amount of tax due from the retailer with respect to such  
15 transaction; the amount of tax collected from the purchaser by  
16 the retailer on such transaction (or satisfactory evidence that  
17 such tax is not due in that particular instance, if that is  
18 claimed to be the fact); the place and date of the sale, a  
19 sufficient identification of the property sold, and such other  
20 information as the Department may reasonably require.

21 Such transaction reporting return shall be filed not later  
22 than 20 days after the day of delivery of the item that is  
23 being sold, but may be filed by the retailer at any time sooner  
24 than that if he chooses to do so. The transaction reporting  
25 return and tax remittance or proof of exemption from the  
26 Illinois use tax may be transmitted to the Department by way of

1 the State agency with which, or State officer with whom the  
2 tangible personal property must be titled or registered (if  
3 titling or registration is required) if the Department and such  
4 agency or State officer determine that this procedure will  
5 expedite the processing of applications for title or  
6 registration.

7 With each such transaction reporting return, the retailer  
8 shall remit the proper amount of tax due (or shall submit  
9 satisfactory evidence that the sale is not taxable if that is  
10 the case), to the Department or its agents, whereupon the  
11 Department shall issue, in the purchaser's name, a use tax  
12 receipt (or a certificate of exemption if the Department is  
13 satisfied that the particular sale is tax exempt) which such  
14 purchaser may submit to the agency with which, or State officer  
15 with whom, he must title or register the tangible personal  
16 property that is involved (if titling or registration is  
17 required) in support of such purchaser's application for an  
18 Illinois certificate or other evidence of title or registration  
19 to such tangible personal property.

20 No retailer's failure or refusal to remit tax under this  
21 Act precludes a user, who has paid the proper tax to the  
22 retailer, from obtaining his certificate of title or other  
23 evidence of title or registration (if titling or registration  
24 is required) upon satisfying the Department that such user has  
25 paid the proper tax (if tax is due) to the retailer. The  
26 Department shall adopt appropriate rules to carry out the

1 mandate of this paragraph.

2       If the user who would otherwise pay tax to the retailer  
3 wants the transaction reporting return filed and the payment of  
4 the tax or proof of exemption made to the Department before the  
5 retailer is willing to take these actions and such user has not  
6 paid the tax to the retailer, such user may certify to the fact  
7 of such delay by the retailer and may (upon the Department  
8 being satisfied of the truth of such certification) transmit  
9 the information required by the transaction reporting return  
10 and the remittance for tax or proof of exemption directly to  
11 the Department and obtain his tax receipt or exemption  
12 determination, in which event the transaction reporting return  
13 and tax remittance (if a tax payment was required) shall be  
14 credited by the Department to the proper retailer's account  
15 with the Department, but without the 2.1% or 1.75% discount  
16 provided for in this Section being allowed. When the user pays  
17 the tax directly to the Department, he shall pay the tax in the  
18 same amount and in the same form in which it would be remitted  
19 if the tax had been remitted to the Department by the retailer.

20       Refunds made by the seller during the preceding return  
21 period to purchasers, on account of tangible personal property  
22 returned to the seller, shall be allowed as a deduction under  
23 subdivision 5 of his monthly or quarterly return, as the case  
24 may be, in case the seller had theretofore included the  
25 receipts from the sale of such tangible personal property in a  
26 return filed by him and had paid the tax imposed by this Act

1 with respect to such receipts.

2 Where the seller is a corporation, the return filed on  
3 behalf of such corporation shall be signed by the president,  
4 vice-president, secretary or treasurer or by the properly  
5 accredited agent of such corporation.

6 Where the seller is a limited liability company, the return  
7 filed on behalf of the limited liability company shall be  
8 signed by a manager, member, or properly accredited agent of  
9 the limited liability company.

10 Except as provided in this Section, the retailer filing the  
11 return under this Section shall, at the time of filing such  
12 return, pay to the Department the amount of tax imposed by this  
13 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
14 on and after January 1, 1990, or \$5 per calendar year,  
15 whichever is greater, which is allowed to reimburse the  
16 retailer for the expenses incurred in keeping records,  
17 preparing and filing returns, remitting the tax and supplying  
18 data to the Department on request. Any prepayment made pursuant  
19 to Section 2d of this Act shall be included in the amount on  
20 which such 2.1% or 1.75% discount is computed. In the case of  
21 retailers who report and pay the tax on a transaction by  
22 transaction basis, as provided in this Section, such discount  
23 shall be taken with each such tax remittance instead of when  
24 such retailer files his periodic return. The Department may  
25 disallow the discount for retailers whose certificate of  
26 registration is revoked at the time the return is filed, but



1 only if the Department's decision to revoke the certificate of  
2 registration has become final.

3 Before October 1, 2000, if the taxpayer's average monthly  
4 tax liability to the Department under this Act, the Use Tax  
5 Act, the Service Occupation Tax Act, and the Service Use Tax  
6 Act, excluding any liability for prepaid sales tax to be  
7 remitted in accordance with Section 2d of this Act, was \$10,000  
8 or more during the preceding 4 complete calendar quarters, he  
9 shall file a return with the Department each month by the 20th  
10 day of the month next following the month during which such tax  
11 liability is incurred and shall make payments to the Department  
12 on or before the 7th, 15th, 22nd and last day of the month  
13 during which such liability is incurred. On and after October  
14 1, 2000, if the taxpayer's average monthly tax liability to the  
15 Department under this Act, the Use Tax Act, the Service  
16 Occupation Tax Act, and the Service Use Tax Act, excluding any  
17 liability for prepaid sales tax to be remitted in accordance  
18 with Section 2d of this Act, was \$20,000 or more during the  
19 preceding 4 complete calendar quarters, he shall file a return  
20 with the Department each month by the 20th day of the month  
21 next following the month during which such tax liability is  
22 incurred and shall make payment to the Department on or before  
23 the 7th, 15th, 22nd and last day of the month during which such  
24 liability is incurred. If the month during which such tax  
25 liability is incurred began prior to January 1, 1985, each  
26 payment shall be in an amount equal to 1/4 of the taxpayer's

1 actual liability for the month or an amount set by the  
2 Department not to exceed 1/4 of the average monthly liability  
3 of the taxpayer to the Department for the preceding 4 complete  
4 calendar quarters (excluding the month of highest liability and  
5 the month of lowest liability in such 4 quarter period). If the  
6 month during which such tax liability is incurred begins on or  
7 after January 1, 1985 and prior to January 1, 1987, each  
8 payment shall be in an amount equal to 22.5% of the taxpayer's  
9 actual liability for the month or 27.5% of the taxpayer's  
10 liability for the same calendar month of the preceding year. If  
11 the month during which such tax liability is incurred begins on  
12 or after January 1, 1987 and prior to January 1, 1988, each  
13 payment shall be in an amount equal to 22.5% of the taxpayer's  
14 actual liability for the month or 26.25% of the taxpayer's  
15 liability for the same calendar month of the preceding year. If  
16 the month during which such tax liability is incurred begins on  
17 or after January 1, 1988, and prior to January 1, 1989, or  
18 begins on or after January 1, 1996, each payment shall be in an  
19 amount equal to 22.5% of the taxpayer's actual liability for  
20 the month or 25% of the taxpayer's liability for the same  
21 calendar month of the preceding year. If the month during which  
22 such tax liability is incurred begins on or after January 1,  
23 1989, and prior to January 1, 1996, each payment shall be in an  
24 amount equal to 22.5% of the taxpayer's actual liability for  
25 the month or 25% of the taxpayer's liability for the same  
26 calendar month of the preceding year or 100% of the taxpayer's

1 actual liability for the quarter monthly reporting period. The  
2 amount of such quarter monthly payments shall be credited  
3 against the final tax liability of the taxpayer's return for  
4 that month. Before October 1, 2000, once applicable, the  
5 requirement of the making of quarter monthly payments to the  
6 Department by taxpayers having an average monthly tax liability  
7 of \$10,000 or more as determined in the manner provided above  
8 shall continue until such taxpayer's average monthly liability  
9 to the Department during the preceding 4 complete calendar  
10 quarters (excluding the month of highest liability and the  
11 month of lowest liability) is less than \$9,000, or until such  
12 taxpayer's average monthly liability to the Department as  
13 computed for each calendar quarter of the 4 preceding complete  
14 calendar quarter period is less than \$10,000. However, if a  
15 taxpayer can show the Department that a substantial change in  
16 the taxpayer's business has occurred which causes the taxpayer  
17 to anticipate that his average monthly tax liability for the  
18 reasonably foreseeable future will fall below the \$10,000  
19 threshold stated above, then such taxpayer may petition the  
20 Department for a change in such taxpayer's reporting status. On  
21 and after October 1, 2000, once applicable, the requirement of  
22 the making of quarter monthly payments to the Department by  
23 taxpayers having an average monthly tax liability of \$20,000 or  
24 more as determined in the manner provided above shall continue  
25 until such taxpayer's average monthly liability to the  
26 Department during the preceding 4 complete calendar quarters

1 (excluding the month of highest liability and the month of  
2 lowest liability) is less than \$19,000 or until such taxpayer's  
3 average monthly liability to the Department as computed for  
4 each calendar quarter of the 4 preceding complete calendar  
5 quarter period is less than \$20,000. However, if a taxpayer can  
6 show the Department that a substantial change in the taxpayer's  
7 business has occurred which causes the taxpayer to anticipate  
8 that his average monthly tax liability for the reasonably  
9 foreseeable future will fall below the \$20,000 threshold stated  
10 above, then such taxpayer may petition the Department for a  
11 change in such taxpayer's reporting status. The Department  
12 shall change such taxpayer's reporting status unless it finds  
13 that such change is seasonal in nature and not likely to be  
14 long term. If any such quarter monthly payment is not paid at  
15 the time or in the amount required by this Section, then the  
16 taxpayer shall be liable for penalties and interest on the  
17 difference between the minimum amount due as a payment and the  
18 amount of such quarter monthly payment actually and timely  
19 paid, except insofar as the taxpayer has previously made  
20 payments for that month to the Department in excess of the  
21 minimum payments previously due as provided in this Section.  
22 The Department shall make reasonable rules and regulations to  
23 govern the quarter monthly payment amount and quarter monthly  
24 payment dates for taxpayers who file on other than a calendar  
25 monthly basis.

26 The provisions of this paragraph apply before October 1,

1 2001. Without regard to whether a taxpayer is required to make  
2 quarter monthly payments as specified above, any taxpayer who  
3 is required by Section 2d of this Act to collect and remit  
4 prepaid taxes and has collected prepaid taxes which average in  
5 excess of \$25,000 per month during the preceding 2 complete  
6 calendar quarters, shall file a return with the Department as  
7 required by Section 2f and shall make payments to the  
8 Department on or before the 7th, 15th, 22nd and last day of the  
9 month during which such liability is incurred. If the month  
10 during which such tax liability is incurred began prior to the  
11 effective date of this amendatory Act of 1985, each payment  
12 shall be in an amount not less than 22.5% of the taxpayer's  
13 actual liability under Section 2d. If the month during which  
14 such tax liability is incurred begins on or after January 1,  
15 1986, each payment shall be in an amount equal to 22.5% of the  
16 taxpayer's actual liability for the month or 27.5% of the  
17 taxpayer's liability for the same calendar month of the  
18 preceding calendar year. If the month during which such tax  
19 liability is incurred begins on or after January 1, 1987, each  
20 payment shall be in an amount equal to 22.5% of the taxpayer's  
21 actual liability for the month or 26.25% of the taxpayer's  
22 liability for the same calendar month of the preceding year.  
23 The amount of such quarter monthly payments shall be credited  
24 against the final tax liability of the taxpayer's return for  
25 that month filed under this Section or Section 2f, as the case  
26 may be. Once applicable, the requirement of the making of

1 quarter monthly payments to the Department pursuant to this  
2 paragraph shall continue until such taxpayer's average monthly  
3 prepaid tax collections during the preceding 2 complete  
4 calendar quarters is \$25,000 or less. If any such quarter  
5 monthly payment is not paid at the time or in the amount  
6 required, the taxpayer shall be liable for penalties and  
7 interest on such difference, except insofar as the taxpayer has  
8 previously made payments for that month in excess of the  
9 minimum payments previously due.

10 The provisions of this paragraph apply on and after October  
11 1, 2001. Without regard to whether a taxpayer is required to  
12 make quarter monthly payments as specified above, any taxpayer  
13 who is required by Section 2d of this Act to collect and remit  
14 prepaid taxes and has collected prepaid taxes that average in  
15 excess of \$20,000 per month during the preceding 4 complete  
16 calendar quarters shall file a return with the Department as  
17 required by Section 2f and shall make payments to the  
18 Department on or before the 7th, 15th, 22nd and last day of the  
19 month during which the liability is incurred. Each payment  
20 shall be in an amount equal to 22.5% of the taxpayer's actual  
21 liability for the month or 25% of the taxpayer's liability for  
22 the same calendar month of the preceding year. The amount of  
23 the quarter monthly payments shall be credited against the  
24 final tax liability of the taxpayer's return for that month  
25 filed under this Section or Section 2f, as the case may be.  
26 Once applicable, the requirement of the making of quarter

1 monthly payments to the Department pursuant to this paragraph  
2 shall continue until the taxpayer's average monthly prepaid tax  
3 collections during the preceding 4 complete calendar quarters  
4 (excluding the month of highest liability and the month of  
5 lowest liability) is less than \$19,000 or until such taxpayer's  
6 average monthly liability to the Department as computed for  
7 each calendar quarter of the 4 preceding complete calendar  
8 quarters is less than \$20,000. If any such quarter monthly  
9 payment is not paid at the time or in the amount required, the  
10 taxpayer shall be liable for penalties and interest on such  
11 difference, except insofar as the taxpayer has previously made  
12 payments for that month in excess of the minimum payments  
13 previously due.

14 If any payment provided for in this Section exceeds the  
15 taxpayer's liabilities under this Act, the Use Tax Act, the  
16 Service Occupation Tax Act and the Service Use Tax Act, as  
17 shown on an original monthly return, the Department shall, if  
18 requested by the taxpayer, issue to the taxpayer a credit  
19 memorandum no later than 30 days after the date of payment. The  
20 credit evidenced by such credit memorandum may be assigned by  
21 the taxpayer to a similar taxpayer under this Act, the Use Tax  
22 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
23 in accordance with reasonable rules and regulations to be  
24 prescribed by the Department. If no such request is made, the  
25 taxpayer may credit such excess payment against tax liability  
26 subsequently to be remitted to the Department under this Act,

1 the Use Tax Act, the Service Occupation Tax Act or the Service  
2 Use Tax Act, in accordance with reasonable rules and  
3 regulations prescribed by the Department. If the Department  
4 subsequently determined that all or any part of the credit  
5 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
6 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
7 of the difference between the credit taken and that actually  
8 due, and that taxpayer shall be liable for penalties and  
9 interest on such difference.

10 If a retailer of motor fuel is entitled to a credit under  
11 Section 2d of this Act which exceeds the taxpayer's liability  
12 to the Department under this Act for the month which the  
13 taxpayer is filing a return, the Department shall issue the  
14 taxpayer a credit memorandum for the excess.

15 Beginning January 1, 1990, each month the Department shall  
16 pay into the Local Government Tax Fund, a special fund in the  
17 State treasury which is hereby created, the net revenue  
18 realized for the preceding month from the 1% tax on sales of  
19 food for human consumption which is to be consumed off the  
20 premises where it is sold (other than alcoholic beverages, soft  
21 drinks and food which has been prepared for immediate  
22 consumption) and prescription and nonprescription medicines,  
23 drugs, medical appliances and insulin, urine testing  
24 materials, syringes and needles used by diabetics.

25 Beginning January 1, 1990, each month the Department shall  
26 pay into the County and Mass Transit District Fund, a special



1 fund in the State treasury which is hereby created, 4% of the  
2 net revenue realized for the preceding month from the 6.25%  
3 general rate.

4 Beginning August 1, 2000, each month the Department shall  
5 pay into the County and Mass Transit District Fund 20% of the  
6 net revenue realized for the preceding month from the 1.25%  
7 rate on the selling price of motor fuel and gasohol. Beginning  
8 September 1, 2010, each month the Department shall pay into the  
9 County and Mass Transit District Fund 20% of the net revenue  
10 realized for the preceding month from the 1.25% rate on the  
11 selling price of sales tax holiday items.

12 Beginning January 1, 1990, each month the Department shall  
13 pay into the Local Government Tax Fund 16% of the net revenue  
14 realized for the preceding month from the 6.25% general rate on  
15 the selling price of tangible personal property.

16 Beginning August 1, 2000, each month the Department shall  
17 pay into the Local Government Tax Fund 80% of the net revenue  
18 realized for the preceding month from the 1.25% rate on the  
19 selling price of motor fuel and gasohol. Beginning September 1,  
20 2010, each month the Department shall pay into the Local  
21 Government Tax Fund 80% of the net revenue realized for the  
22 preceding month from the 1.25% rate on the selling price of  
23 sales tax holiday items.

24 Beginning October 1, 2009, each month the Department shall  
25 pay into the Capital Projects Fund an amount that is equal to  
26 an amount estimated by the Department to represent 80% of the

1 net revenue realized for the preceding month from the sale of  
2 candy, grooming and hygiene products, and soft drinks that had  
3 been taxed at a rate of 1% prior to September 1, 2009 but that  
4 are ~~is~~ now taxed at 6.25%.

5 Beginning July 1, 2011, each month the Department shall pay  
6 into the Clean Air Act (CAA) Permit Fund 80% of the net revenue  
7 realized for the preceding month from the 6.25% general rate on  
8 the selling price of sorbents used in Illinois in the process  
9 of sorbent injection as used to comply with the Environmental  
10 Protection Act or the federal Clean Air Act, but the total  
11 payment into the Clean Air Act (CAA) Permit Fund under this Act  
12 and the Use Tax Act shall not exceed \$2,000,000 in any fiscal  
13 year.

14 Beginning July 1, 2013, each month the Department shall pay  
15 into the Underground Storage Tank Fund from the proceeds  
16 collected under this Act, the Use Tax Act, the Service Use Tax  
17 Act, and the Service Occupation Tax Act an amount equal to the  
18 average monthly deficit in the Underground Storage Tank Fund  
19 during the prior year, as certified annually by the Illinois  
20 Environmental Protection Agency, but the total payment into the  
21 Underground Storage Tank Fund under this Act, the Use Tax Act,  
22 the Service Use Tax Act, and the Service Occupation Tax Act  
23 shall not exceed \$18,000,000 in any State fiscal year. As used  
24 in this paragraph, the "average monthly deficit" shall be equal  
25 to the difference between the average monthly claims for  
26 payment by the fund and the average monthly revenues deposited

1 into the fund, excluding payments made pursuant to this  
2 paragraph.

3 Of the remainder of the moneys received by the Department  
4 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
5 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
6 and after July 1, 1989, 3.8% thereof shall be paid into the  
7 Build Illinois Fund; provided, however, that if in any fiscal  
8 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
9 may be, of the moneys received by the Department and required  
10 to be paid into the Build Illinois Fund pursuant to this Act,  
11 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
12 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
13 being hereinafter called the "Tax Acts" and such aggregate of  
14 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
15 called the "Tax Act Amount", and (2) the amount transferred to  
16 the Build Illinois Fund from the State and Local Sales Tax  
17 Reform Fund shall be less than the Annual Specified Amount (as  
18 hereinafter defined), an amount equal to the difference shall  
19 be immediately paid into the Build Illinois Fund from other  
20 moneys received by the Department pursuant to the Tax Acts; the  
21 "Annual Specified Amount" means the amounts specified below for  
22 fiscal years 1986 through 1993:

23	Fiscal Year	Annual Specified Amount
24	1986	\$54,800,000
25	1987	\$76,650,000
26	1988	\$80,480,000

1	1989	\$88,510,000
2	1990	\$115,330,000
3	1991	\$145,470,000
4	1992	\$182,730,000
5	1993	\$206,520,000;

6 and means the Certified Annual Debt Service Requirement (as  
7 defined in Section 13 of the Build Illinois Bond Act) or the  
8 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
9 each fiscal year thereafter; and further provided, that if on  
10 the last business day of any month the sum of (1) the Tax Act  
11 Amount required to be deposited into the Build Illinois Bond  
12 Account in the Build Illinois Fund during such month and (2)  
13 the amount transferred to the Build Illinois Fund from the  
14 State and Local Sales Tax Reform Fund shall have been less than  
15 1/12 of the Annual Specified Amount, an amount equal to the  
16 difference shall be immediately paid into the Build Illinois  
17 Fund from other moneys received by the Department pursuant to  
18 the Tax Acts; and, further provided, that in no event shall the  
19 payments required under the preceding proviso result in  
20 aggregate payments into the Build Illinois Fund pursuant to  
21 this clause (b) for any fiscal year in excess of the greater of  
22 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
23 such fiscal year. The amounts payable into the Build Illinois  
24 Fund under clause (b) of the first sentence in this paragraph  
25 shall be payable only until such time as the aggregate amount  
26 on deposit under each trust indenture securing Bonds issued and

1 outstanding pursuant to the Build Illinois Bond Act is  
2 sufficient, taking into account any future investment income,  
3 to fully provide, in accordance with such indenture, for the  
4 defeasance of or the payment of the principal of, premium, if  
5 any, and interest on the Bonds secured by such indenture and on  
6 any Bonds expected to be issued thereafter and all fees and  
7 costs payable with respect thereto, all as certified by the  
8 Director of the Bureau of the Budget (now Governor's Office of  
9 Management and Budget). If on the last business day of any  
10 month in which Bonds are outstanding pursuant to the Build  
11 Illinois Bond Act, the aggregate of moneys deposited in the  
12 Build Illinois Bond Account in the Build Illinois Fund in such  
13 month shall be less than the amount required to be transferred  
14 in such month from the Build Illinois Bond Account to the Build  
15 Illinois Bond Retirement and Interest Fund pursuant to Section  
16 13 of the Build Illinois Bond Act, an amount equal to such  
17 deficiency shall be immediately paid from other moneys received  
18 by the Department pursuant to the Tax Acts to the Build  
19 Illinois Fund; provided, however, that any amounts paid to the  
20 Build Illinois Fund in any fiscal year pursuant to this  
21 sentence shall be deemed to constitute payments pursuant to  
22 clause (b) of the first sentence of this paragraph and shall  
23 reduce the amount otherwise payable for such fiscal year  
24 pursuant to that clause (b). The moneys received by the  
25 Department pursuant to this Act and required to be deposited  
26 into the Build Illinois Fund are subject to the pledge, claim

1 and charge set forth in Section 12 of the Build Illinois Bond  
2 Act.

3 Subject to payment of amounts into the Build Illinois Fund  
4 as provided in the preceding paragraph or in any amendment  
5 thereto hereafter enacted, the following specified monthly  
6 installment of the amount requested in the certificate of the  
7 Chairman of the Metropolitan Pier and Exposition Authority  
8 provided under Section 8.25f of the State Finance Act, but not  
9 in excess of sums designated as "Total Deposit", shall be  
10 deposited in the aggregate from collections under Section 9 of  
11 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
12 9 of the Service Occupation Tax Act, and Section 3 of the  
13 Retailers' Occupation Tax Act into the McCormick Place  
14 Expansion Project Fund in the specified fiscal years.

15		Total
	Fiscal Year	Deposit
16	1993	\$0
17	1994	53,000,000
18	1995	58,000,000
19	1996	61,000,000
20	1997	64,000,000
21	1998	68,000,000
22	1999	71,000,000
23	2000	75,000,000
24	2001	80,000,000
25	2002	93,000,000

1	2003	99,000,000
2	2004	103,000,000
3	2005	108,000,000
4	2006	113,000,000
5	2007	119,000,000
6	2008	126,000,000
7	2009	132,000,000
8	2010	139,000,000
9	2011	146,000,000
10	2012	153,000,000
11	2013	161,000,000
12	2014	170,000,000
13	2015	179,000,000
14	2016	189,000,000
15	2017	199,000,000
16	2018	210,000,000
17	2019	221,000,000
18	2020	233,000,000
19	2021	246,000,000
20	2022	260,000,000
21	2023	275,000,000
22	2024	275,000,000
23	2025	275,000,000
24	2026	279,000,000
25	2027	292,000,000
26	2028	307,000,000

1	2029	322,000,000
2	2030	338,000,000
3	2031	350,000,000
4	2032	350,000,000

5 and

6 each fiscal year

7 thereafter that bonds

8 are outstanding under

9 Section 13.2 of the

10 Metropolitan Pier and

11 Exposition Authority Act,

12 but not after fiscal year 2060.

13 Beginning July 20, 1993 and in each month of each fiscal  
14 year thereafter, one-eighth of the amount requested in the  
15 certificate of the Chairman of the Metropolitan Pier and  
16 Exposition Authority for that fiscal year, less the amount  
17 deposited into the McCormick Place Expansion Project Fund by  
18 the State Treasurer in the respective month under subsection  
19 (g) of Section 13 of the Metropolitan Pier and Exposition  
20 Authority Act, plus cumulative deficiencies in the deposits  
21 required under this Section for previous months and years,  
22 shall be deposited into the McCormick Place Expansion Project  
23 Fund, until the full amount requested for the fiscal year, but  
24 not in excess of the amount specified above as "Total Deposit",  
25 has been deposited.

26 Subject to payment of amounts into the Build Illinois Fund



1 and the McCormick Place Expansion Project Fund pursuant to the  
2 preceding paragraphs or in any amendments thereto hereafter  
3 enacted, beginning July 1, 1993 and ending on September 30,  
4 2013, the Department shall each month pay into the Illinois Tax  
5 Increment Fund 0.27% of 80% of the net revenue realized for the  
6 preceding month from the 6.25% general rate on the selling  
7 price of tangible personal property.

8 Subject to payment of amounts into the Build Illinois Fund  
9 and the McCormick Place Expansion Project Fund pursuant to the  
10 preceding paragraphs or in any amendments thereto hereafter  
11 enacted, beginning with the receipt of the first report of  
12 taxes paid by an eligible business and continuing for a 25-year  
13 period, the Department shall each month pay into the Energy  
14 Infrastructure Fund 80% of the net revenue realized from the  
15 6.25% general rate on the selling price of Illinois-mined coal  
16 that was sold to an eligible business. For purposes of this  
17 paragraph, the term "eligible business" means a new electric  
18 generating facility certified pursuant to Section 605-332 of  
19 the Department of Commerce and Economic Opportunity Law of the  
20 Civil Administrative Code of Illinois.

21 Of the remainder of the moneys received by the Department  
22 pursuant to this Act, 75% thereof shall be paid into the State  
23 Treasury and 25% shall be reserved in a special account and  
24 used only for the transfer to the Common School Fund as part of  
25 the monthly transfer from the General Revenue Fund in  
26 accordance with Section 8a of the State Finance Act.

1           The Department may, upon separate written notice to a  
2 taxpayer, require the taxpayer to prepare and file with the  
3 Department on a form prescribed by the Department within not  
4 less than 60 days after receipt of the notice an annual  
5 information return for the tax year specified in the notice.  
6 Such annual return to the Department shall include a statement  
7 of gross receipts as shown by the retailer's last Federal  
8 income tax return. If the total receipts of the business as  
9 reported in the Federal income tax return do not agree with the  
10 gross receipts reported to the Department of Revenue for the  
11 same period, the retailer shall attach to his annual return a  
12 schedule showing a reconciliation of the 2 amounts and the  
13 reasons for the difference. The retailer's annual return to the  
14 Department shall also disclose the cost of goods sold by the  
15 retailer during the year covered by such return, opening and  
16 closing inventories of such goods for such year, costs of goods  
17 used from stock or taken from stock and given away by the  
18 retailer during such year, payroll information of the  
19 retailer's business during such year and any additional  
20 reasonable information which the Department deems would be  
21 helpful in determining the accuracy of the monthly, quarterly  
22 or annual returns filed by such retailer as provided for in  
23 this Section.

24           If the annual information return required by this Section  
25 is not filed when and as required, the taxpayer shall be liable  
26 as follows:

1           (i) Until January 1, 1994, the taxpayer shall be liable  
2           for a penalty equal to 1/6 of 1% of the tax due from such  
3           taxpayer under this Act during the period to be covered by  
4           the annual return for each month or fraction of a month  
5           until such return is filed as required, the penalty to be  
6           assessed and collected in the same manner as any other  
7           penalty provided for in this Act.

8           (ii) On and after January 1, 1994, the taxpayer shall  
9           be liable for a penalty as described in Section 3-4 of the  
10          Uniform Penalty and Interest Act.

11          The chief executive officer, proprietor, owner or highest  
12          ranking manager shall sign the annual return to certify the  
13          accuracy of the information contained therein. Any person who  
14          willfully signs the annual return containing false or  
15          inaccurate information shall be guilty of perjury and punished  
16          accordingly. The annual return form prescribed by the  
17          Department shall include a warning that the person signing the  
18          return may be liable for perjury.

19          The provisions of this Section concerning the filing of an  
20          annual information return do not apply to a retailer who is not  
21          required to file an income tax return with the United States  
22          Government.

23          As soon as possible after the first day of each month, upon  
24          certification of the Department of Revenue, the Comptroller  
25          shall order transferred and the Treasurer shall transfer from  
26          the General Revenue Fund to the Motor Fuel Tax Fund an amount

1 equal to 1.7% of 80% of the net revenue realized under this Act  
2 for the second preceding month. Beginning April 1, 2000, this  
3 transfer is no longer required and shall not be made.

4 Net revenue realized for a month shall be the revenue  
5 collected by the State pursuant to this Act, less the amount  
6 paid out during that month as refunds to taxpayers for  
7 overpayment of liability.

8 For greater simplicity of administration, manufacturers,  
9 importers and wholesalers whose products are sold at retail in  
10 Illinois by numerous retailers, and who wish to do so, may  
11 assume the responsibility for accounting and paying to the  
12 Department all tax accruing under this Act with respect to such  
13 sales, if the retailers who are affected do not make written  
14 objection to the Department to this arrangement.

15 Any person who promotes, organizes, provides retail  
16 selling space for concessionaires or other types of sellers at  
17 the Illinois State Fair, DuQuoin State Fair, county fairs,  
18 local fairs, art shows, flea markets and similar exhibitions or  
19 events, including any transient merchant as defined by Section  
20 2 of the Transient Merchant Act of 1987, is required to file a  
21 report with the Department providing the name of the merchant's  
22 business, the name of the person or persons engaged in  
23 merchant's business, the permanent address and Illinois  
24 Retailers Occupation Tax Registration Number of the merchant,  
25 the dates and location of the event and other reasonable  
26 information that the Department may require. The report must be

1 filed not later than the 20th day of the month next following  
2 the month during which the event with retail sales was held.  
3 Any person who fails to file a report required by this Section  
4 commits a business offense and is subject to a fine not to  
5 exceed \$250.

6 Any person engaged in the business of selling tangible  
7 personal property at retail as a concessionaire or other type  
8 of seller at the Illinois State Fair, county fairs, art shows,  
9 flea markets and similar exhibitions or events, or any  
10 transient merchants, as defined by Section 2 of the Transient  
11 Merchant Act of 1987, may be required to make a daily report of  
12 the amount of such sales to the Department and to make a daily  
13 payment of the full amount of tax due. The Department shall  
14 impose this requirement when it finds that there is a  
15 significant risk of loss of revenue to the State at such an  
16 exhibition or event. Such a finding shall be based on evidence  
17 that a substantial number of concessionaires or other sellers  
18 who are not residents of Illinois will be engaging in the  
19 business of selling tangible personal property at retail at the  
20 exhibition or event, or other evidence of a significant risk of  
21 loss of revenue to the State. The Department shall notify  
22 concessionaires and other sellers affected by the imposition of  
23 this requirement. In the absence of notification by the  
24 Department, the concessionaires and other sellers shall file  
25 their returns as otherwise required in this Section.

26 (Source: P.A. 97-95, eff. 7-12-11; 97-333, eff. 8-12-11; 98-24,

1 eff. 6-19-13; 98-109, eff. 7-25-13; 98-496, eff. 1-1-14;  
2 revised 9-9-13.)

3 Section 195. The Property Tax Code is amended by changing  
4 Sections 9-275 and 15-170 as follows:

5 (35 ILCS 200/9-275)

6 Sec. 9-275. Erroneous homestead exemptions.

7 (a) For purposes of this Section:

8 "Erroneous homestead exemption" means a homestead  
9 exemption that was granted for real property in a taxable year  
10 if the property was not eligible for that exemption in that  
11 taxable year. If the taxpayer receives an erroneous homestead  
12 exemption under a single Section of this Code for the same  
13 property in multiple years, that exemption is considered a  
14 single erroneous homestead exemption for purposes of this  
15 Section. However, if the taxpayer receives erroneous homestead  
16 exemptions under multiple Sections of this Code for the same  
17 property, or if the taxpayer receives erroneous homestead  
18 exemptions under the same Section of this Code for multiple  
19 properties, then each of those exemptions is considered a  
20 separate erroneous homestead exemption for purposes of this  
21 Section.

22 "Homestead exemption" means an exemption under Section  
23 15-165 (disabled veterans), 15-167 (returning veterans),  
24 15-168 (disabled persons), 15-169 (disabled veterans standard

1 homestead), 15-170 (senior citizens), 15-172 (senior citizens  
2 assessment freeze), 15-175 (general homestead), 15-176  
3 (alternative general homestead), or 15-177 (long-time  
4 occupant).

5 (b) Notwithstanding any other provision of law, in counties  
6 with 3,000,000 or more inhabitants, the chief county assessment  
7 officer shall include the following information with each  
8 assessment notice sent in a general assessment year: (1) a list  
9 of each homestead exemption available under Article 15 of this  
10 Code and a description of the eligibility criteria for that  
11 exemption; (2) a list of each homestead exemption applied to  
12 the property in the current assessment year; (3) information  
13 regarding penalties and interest that may be incurred under  
14 this Section if the property owner received an erroneous  
15 homestead exemption in a previous taxable year; and (4) notice  
16 of the 60-day grace period available under this subsection. If,  
17 within 60 days after receiving his or her assessment notice,  
18 the property owner notifies the chief county assessment officer  
19 that he or she received an erroneous homestead exemption in a  
20 previous assessment year, and if the property owner pays the  
21 principal amount of back taxes due and owing with respect to  
22 that exemption, plus interest as provided in subsection (f),  
23 then the property owner shall not be liable for the penalties  
24 provided in subsection (f) with respect to that exemption.

25 (c) The chief county assessment officer in a county with  
26 3,000,000 or more inhabitants may cause a lien to be recorded

1 against property that (1) is located in the county and (2)  
2 received one or more erroneous homestead exemptions if, upon  
3 determination of the chief county assessment officer, the  
4 property owner received: (A) one or 2 erroneous homestead  
5 exemptions for real property, including at least one erroneous  
6 homestead exemption granted for the property against which the  
7 lien is sought, during any of the 3 assessment years  
8 immediately prior to the assessment year in which the notice of  
9 intent to record a tax lien is served; or (B) ~~(2)~~ 3 or more  
10 erroneous homestead exemptions for real property, including at  
11 least one erroneous homestead exemption granted for the  
12 property against which the lien is sought, during any of the 6  
13 assessment years immediately prior to the assessment year in  
14 which the notice of intent to record a tax lien is served.  
15 Prior to recording the lien against the property, the chief  
16 county assessment officer shall cause to be served, by both  
17 regular mail and certified mail, return receipt requested, on  
18 the person to whom the most recent tax bill was mailed and the  
19 owner of record, a notice of intent to record a tax lien  
20 against the property.

21 (d) The notice of intent to record a tax lien described in  
22 subsection (c) shall: (1) identify, by property index number,  
23 the property against which the lien is being sought; (2)  
24 identify each specific homestead exemption that was  
25 erroneously granted and the year or years in which each  
26 exemption was granted; (3) set forth the arrearage of taxes



1 that would have been due if not for the erroneous homestead  
2 exemptions; (4) inform the property owner that he or she may  
3 request a hearing within 30 days after service and may appeal  
4 the hearing officer's ruling to the circuit court; and (5)  
5 inform the property owner that he or she may pay the amount  
6 due, plus interest and penalties, within 30 days after service.

7 (e) The notice must also include a form that the property  
8 owner may return to the chief county assessment officer to  
9 request a hearing. The property owner may request a hearing by  
10 returning the form within 30 days after service. The hearing  
11 shall be held within 90 days after the property owner is  
12 served. The chief county assessment officer shall promulgate  
13 rules of service and procedure for the hearing. The chief  
14 county assessment officer must generally follow rules of  
15 evidence and practices that prevail in the county circuit  
16 courts, but, because of the nature of these proceedings, the  
17 chief county assessment officer is not bound by those rules in  
18 all particulars. The chief county assessment officer shall  
19 appoint a hearing officer to oversee the hearing. The property  
20 owner shall be allowed to present evidence to the hearing  
21 officer at the hearing. After taking into consideration all the  
22 relevant testimony and evidence, the hearing officer shall make  
23 an administrative decision on whether the property owner was  
24 erroneously granted a homestead exemption for the assessment  
25 year in question. The property owner may appeal the hearing  
26 officer's ruling to the circuit court of the county where the

1 property is located as a final administrative decision under  
2 the Administrative Review Law.

3 (f) A lien against the property imposed under this Section  
4 shall be filed with the county recorder of deeds, but may not  
5 be filed sooner than 60 days after the notice was delivered to  
6 the property owner if the property owner does not request a  
7 hearing, or until the conclusion of the hearing and all appeals  
8 if the property owner does request a hearing. If a lien is  
9 filed pursuant to this Section and the property owner received  
10 one or 2 erroneous homestead exemptions during any of the 3  
11 assessment years immediately prior to the assessment year in  
12 which the notice of intent to record a tax lien is served,  
13 then the arrearages of taxes that might have been assessed for  
14 that property, plus 10% interest per annum, shall be charged  
15 against the property by the county treasurer. However, if a  
16 lien is filed pursuant to this Section and the property owner  
17 received 3 or more erroneous homestead exemptions during any of  
18 the 6 assessment years immediately prior to the assessment year  
19 in which the notice of intent to record a tax lien is served,  
20 the arrearages of taxes that might have been assessed for that  
21 property, plus a penalty of 50% of the total amount of unpaid  
22 taxes for each year for that property and 10% interest per  
23 annum, shall be charged against the property by the county  
24 treasurer.

25 (g) If a person received an erroneous homestead exemption  
26 under Section 15-170 and: (1) the person was the spouse, child,

1 grandchild, brother, sister, niece, or nephew of the previous  
2 owner; and (2) the person received the property by bequest or  
3 inheritance; then the person is not liable for the penalties  
4 imposed under this subsection for any year or years during  
5 which the county did not require an annual application for the  
6 exemption. However, that person is responsible for any interest  
7 owed under subsection (f).

8 (h) If the erroneous homestead exemption was granted as a  
9 result of a clerical error or omission on the part of the chief  
10 county assessment officer, and if the owner has paid its tax  
11 bills as received for the year in which the error occurred,  
12 then the interest and penalties authorized by this Section with  
13 respect to that homestead exemption shall not be chargeable to  
14 the owner. However, nothing in this Section shall prevent the  
15 collection of the principal amount of back taxes due and owing.

16 (i) A lien under this Section is not valid as to (1) any  
17 bona fide purchaser for value without notice of the erroneous  
18 homestead exemption whose rights in and to the underlying  
19 parcel arose after the erroneous homestead exemption was  
20 granted but before the filing of the notice of lien; or (2) any  
21 mortgagee, judgment creditor, or other lienor whose rights in  
22 and to the underlying parcel arose before the filing of the  
23 notice of lien. A title insurance policy for the property that  
24 is issued by a title company licensed to do business in the  
25 State showing that the property is free and clear of any liens  
26 imposed under this Section shall be prima facie evidence that

1 the property owner is without notice of the erroneous homestead  
2 exemption. Nothing in this Section shall be deemed to impair  
3 the rights of subsequent creditors and subsequent purchasers  
4 under Section 30 of the Conveyances Act.

5 (j) When a lien is filed against the property pursuant to  
6 this Section, the chief county assessment officer shall mail a  
7 copy of the lien to the person to whom the most recent tax bill  
8 was mailed and to the owner of record, and the outstanding  
9 liability created by such a lien is due and payable within 30  
10 days after the mailing of the lien by the chief county  
11 assessment officer. Payment shall be made to the chief county  
12 assessment officer who shall, upon receipt of the full amount  
13 due, provide in reasonable form a release of the lien and shall  
14 transmit the funds received to the county treasurer for  
15 distribution as provided in subsection (i) of this Section.  
16 This liability is deemed delinquent and shall bear interest  
17 beginning on the day after the due date.

18 (k) The unpaid taxes shall be paid to the appropriate  
19 taxing districts. Interest shall be paid to the county where  
20 the property is located. The penalty shall be paid to the chief  
21 county assessment officer's office for the administration of  
22 the provisions of this amendatory Act of the 98th General  
23 Assembly.

24 (l) The chief county assessment officer in a county with  
25 3,000,000 or more inhabitants shall establish an amnesty period  
26 for all taxpayers owing any tax due to an erroneous homestead

1 exemption granted in a tax year prior to the 2013 tax year. The  
2 amnesty period shall begin on the effective date of this  
3 amendatory Act of the 98th General Assembly and shall run  
4 through December 31, 2013. If, during the amnesty period, the  
5 taxpayer pays the entire arrearage of taxes due for tax years  
6 prior to 2013, the county clerk shall abate and not seek to  
7 collect any interest or penalties that may be applicable and  
8 shall not seek civil or criminal prosecution for any taxpayer  
9 for tax years prior to 2013. Failure to pay all such taxes due  
10 during the amnesty period established under this Section shall  
11 invalidate the amnesty period for that taxpayer.

12 The chief county assessment officer in a county with  
13 3,000,000 or more inhabitants shall (i) mail notice of the  
14 amnesty period with the tax bills for the second installment of  
15 taxes for the 2012 assessment year and (ii) as soon as possible  
16 after the effective date of this amendatory Act of the 98th  
17 General Assembly, publish notice of the amnesty period in a  
18 newspaper of general circulation in the county. Notices shall  
19 include information on the amnesty period, its purpose, and the  
20 method in which to make payment.

21 Taxpayers who are a party to any criminal investigation or  
22 to any civil or criminal litigation that is pending in any  
23 circuit court or appellate court, or in the Supreme Court of  
24 this State, for nonpayment, delinquency, or fraud in relation  
25 to any property tax imposed by any taxing district located in  
26 the State on the effective date of this amendatory Act of the

1 98th General Assembly may not take advantage of the amnesty  
2 period.

3 A taxpayer who has claimed 3 or more homestead exemptions  
4 in error shall not be eligible for the amnesty period  
5 established under this subsection.

6 (Source: P.A. 98-93, eff. 7-16-13; revised 9-11-13.)

7 (35 ILCS 200/15-170)

8 Sec. 15-170. Senior Citizens Homestead Exemption. An  
9 annual homestead exemption limited, except as described here  
10 with relation to cooperatives or life care facilities, to a  
11 maximum reduction set forth below from the property's value, as  
12 equalized or assessed by the Department, is granted for  
13 property that is occupied as a residence by a person 65 years  
14 of age or older who is liable for paying real estate taxes on  
15 the property and is an owner of record of the property or has a  
16 legal or equitable interest therein as evidenced by a written  
17 instrument, except for a leasehold interest, other than a  
18 leasehold interest of land on which a single family residence  
19 is located, which is occupied as a residence by a person 65  
20 years or older who has an ownership interest therein, legal,  
21 equitable or as a lessee, and on which he or she is liable for  
22 the payment of property taxes. Before taxable year 2004, the  
23 maximum reduction shall be \$2,500 in counties with 3,000,000 or  
24 more inhabitants and \$2,000 in all other counties. For taxable  
25 years 2004 through 2005, the maximum reduction shall be \$3,000

1 in all counties. For taxable years 2006 and 2007, the maximum  
2 reduction shall be \$3,500. For taxable years 2008 through 2011,  
3 the maximum reduction is \$4,000 in all counties. For taxable  
4 year 2012, the maximum reduction is \$5,000 in counties with  
5 3,000,000 or more inhabitants and \$4,000 in all other counties.  
6 For taxable years 2013 and thereafter, the maximum reduction is  
7 \$5,000 in all counties.

8 For land improved with an apartment building owned and  
9 operated as a cooperative, the maximum reduction from the value  
10 of the property, as equalized by the Department, shall be  
11 multiplied by the number of apartments or units occupied by a  
12 person 65 years of age or older who is liable, by contract with  
13 the owner or owners of record, for paying property taxes on the  
14 property and is an owner of record of a legal or equitable  
15 interest in the cooperative apartment building, other than a  
16 leasehold interest. For land improved with a life care  
17 facility, the maximum reduction from the value of the property,  
18 as equalized by the Department, shall be multiplied by the  
19 number of apartments or units occupied by persons 65 years of  
20 age or older, irrespective of any legal, equitable, or  
21 leasehold interest in the facility, who are liable, under a  
22 contract with the owner or owners of record of the facility,  
23 for paying property taxes on the property. In a cooperative or  
24 a life care facility where a homestead exemption has been  
25 granted, the cooperative association or the management firm of  
26 the cooperative or facility shall credit the savings resulting

1 from that exemption only to the apportioned tax liability of  
2 the owner or resident who qualified for the exemption. Any  
3 person who willfully refuses to so credit the savings shall be  
4 guilty of a Class B misdemeanor. Under this Section and  
5 Sections 15-175, 15-176, and 15-177, "life care facility" means  
6 a facility, as defined in Section 2 of the Life Care Facilities  
7 Act, with which the applicant for the homestead exemption has a  
8 life care contract as defined in that Act.

9 When a homestead exemption has been granted under this  
10 Section and the person qualifying subsequently becomes a  
11 resident of a facility licensed under the Assisted Living and  
12 Shared Housing Act, the Nursing Home Care Act, the Specialized  
13 Mental Health Rehabilitation Act of 2013, or the ID/DD  
14 Community Care Act, the exemption shall continue so long as the  
15 residence continues to be occupied by the qualifying person's  
16 spouse if the spouse is 65 years of age or older, or if the  
17 residence remains unoccupied but is still owned by the person  
18 qualified for the homestead exemption.

19 A person who will be 65 years of age during the current  
20 assessment year shall be eligible to apply for the homestead  
21 exemption during that assessment year. Application shall be  
22 made during the application period in effect for the county of  
23 his residence.

24 Beginning with assessment year 2003, for taxes payable in  
25 2004, property that is first occupied as a residence after  
26 January 1 of any assessment year by a person who is eligible



1 for the senior citizens homestead exemption under this Section  
2 must be granted a pro-rata exemption for the assessment year.  
3 The amount of the pro-rata exemption is the exemption allowed  
4 in the county under this Section divided by 365 and multiplied  
5 by the number of days during the assessment year the property  
6 is occupied as a residence by a person eligible for the  
7 exemption under this Section. The chief county assessment  
8 officer must adopt reasonable procedures to establish  
9 eligibility for this pro-rata exemption.

10 The assessor or chief county assessment officer may  
11 determine the eligibility of a life care facility to receive  
12 the benefits provided by this Section, by affidavit,  
13 application, visual inspection, questionnaire or other  
14 reasonable methods in order to insure that the tax savings  
15 resulting from the exemption are credited by the management  
16 firm to the apportioned tax liability of each qualifying  
17 resident. The assessor may request reasonable proof that the  
18 management firm has so credited the exemption.

19 The chief county assessment officer of each county with  
20 less than 3,000,000 inhabitants shall provide to each person  
21 allowed a homestead exemption under this Section a form to  
22 designate any other person to receive a duplicate of any notice  
23 of delinquency in the payment of taxes assessed and levied  
24 under this Code on the property of the person receiving the  
25 exemption. The duplicate notice shall be in addition to the  
26 notice required to be provided to the person receiving the

1 exemption, and shall be given in the manner required by this  
2 Code. The person filing the request for the duplicate notice  
3 shall pay a fee of \$5 to cover administrative costs to the  
4 supervisor of assessments, who shall then file the executed  
5 designation with the county collector. Notwithstanding any  
6 other provision of this Code to the contrary, the filing of  
7 such an executed designation requires the county collector to  
8 provide duplicate notices as indicated by the designation. A  
9 designation may be rescinded by the person who executed such  
10 designation at any time, in the manner and form required by the  
11 chief county assessment officer.

12 The assessor or chief county assessment officer may  
13 determine the eligibility of residential property to receive  
14 the homestead exemption provided by this Section by  
15 application, visual inspection, questionnaire or other  
16 reasonable methods. The determination shall be made in  
17 accordance with guidelines established by the Department.

18 In counties with 3,000,000 or more inhabitants, beginning  
19 in taxable year 2010, each taxpayer who has been granted an  
20 exemption under this Section must reapply on an annual basis.  
21 The chief county assessment officer shall mail the application  
22 to the taxpayer. In counties with less than 3,000,000  
23 inhabitants, the county board may by resolution provide that if  
24 a person has been granted a homestead exemption under this  
25 Section, the person qualifying need not reapply for the  
26 exemption.

1           In counties with less than 3,000,000 inhabitants, if the  
2           assessor or chief county assessment officer requires annual  
3           application for verification of eligibility for an exemption  
4           once granted under this Section, the application shall be  
5           mailed to the taxpayer.

6           The assessor or chief county assessment officer shall  
7           notify each person who qualifies for an exemption under this  
8           Section that the person may also qualify for deferral of real  
9           estate taxes under the Senior Citizens Real Estate Tax Deferral  
10          Act. The notice shall set forth the qualifications needed for  
11          deferral of real estate taxes, the address and telephone number  
12          of county collector, and a statement that applications for  
13          deferral of real estate taxes may be obtained from the county  
14          collector.

15          Notwithstanding Sections 6 and 8 of the State Mandates Act,  
16          no reimbursement by the State is required for the  
17          implementation of any mandate created by this Section.

18          (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,  
19          eff. 7-13-12; 98-7, eff. 4-23-13; 98-104, eff. 7-22-13; revised  
20          8-12-13.)

21          Section 200. The Illinois Hydraulic Fracturing Tax Act is  
22          amended by changing Sections 2-15, 2-45, and 2-50 as follows:

23                 (35 ILCS 450/2-15)

24                 Sec. 2-15. Tax imposed.

1           (a) For oil and gas removed on or after July 1, 2013, there  
2 is hereby imposed a tax upon the severance and production of  
3 oil or gas from a well on a production unit in this State  
4 permitted, or required to be permitted, under the Illinois  
5 Hydraulic Fracturing Regulatory Act, for sale, transport,  
6 storage, profit, or commercial use. The tax shall be applied  
7 equally to all portions of the value of each barrel of oil  
8 severed and subject to such tax and to the value of the gas  
9 severed and subject to such tax. For a period of 24 months from  
10 the month in which oil or gas was first produced from the well,  
11 the rate of tax shall be 3% of the value of the oil or gas  
12 severed from the earth or water in this State. Thereafter, the  
13 rate of the tax shall be as follows:

14           (1) For oil:

15                   (A) where the average daily production from the  
16 well during the month is less than 25 barrels, 3% of  
17 the value of the oil severed from the earth or water;

18                   (B) where the average daily production from the  
19 well during the month is 25 or more barrels but less  
20 than 50 barrels, 4% of the value of the oil severed  
21 from the earth or water;

22                   (C) where the average daily production from the  
23 well during the month is 50 or more barrels but less  
24 than 100 barrels, 5% of the value of the oil severed  
25 from the earth or water; or

26                   (D) where the average daily production from the

1 well during the month is 100 or more barrels, 6% of the  
2 value of the oil severed from the earth or water.

3 (2) For gas, 6% of the value of the gas severed from  
4 the earth or water.

5 If a well is required to be permitted under the ~~Illinois~~  
6 Hydraulic Fracturing Regulatory Act, the tax imposed by this  
7 Section applies, whether or not a permit was obtained.

8 (b) Oil produced from a well whose average daily production  
9 is 15 barrels or less for the 12-month period immediately  
10 preceding the production is exempt from the tax imposed by this  
11 Act.

12 (c) For the purposes of the tax imposed by this Act the  
13 amount of oil produced shall be measured or determined, in the  
14 case of oil, by tank tables, without deduction for overage or  
15 losses in handling. Allowance for any reasonable and bona fide  
16 deduction for basic sediment and water, and for correction of  
17 temperature to 60 degrees Fahrenheit will be allowed. For the  
18 purposes of the tax imposed by this Act the amount of gas  
19 produced shall be measured or determined, by meter readings  
20 showing 100% of the full volume expressed in cubic feet at a  
21 standard base and flowing temperature of 60 degrees Fahrenheit,  
22 and at the absolute pressure at which the gas is sold and  
23 purchased. Correction shall be made for pressure according to  
24 Boyle's law, and used for specific gravity according to the  
25 gravity at which the gas is sold and purchased.

26 (d) The following severance and production of gas shall be

1 exempt from the tax imposed by this Act: gas injected into the  
2 earth for the purpose of lifting oil, recycling, or  
3 repressuring; gas used for fuel in connection with the  
4 operation and development for, or production of, oil or gas in  
5 the production unit where severed; and gas lawfully vented or  
6 flared; gas inadvertently lost on the production unit by reason  
7 of leaks, blowouts, or other accidental losses.

8 (e) All oil and gas removed from the premises where severed  
9 is subject to the tax imposed by this Act unless exempt under  
10 the terms of this Act.

11 (f) The liability for the tax accrues at the time the oil  
12 or gas is removed from the production unit.

13 (Source: P.A. 98-22, eff. 6-17-13; revised 10-7-13.)

14 (35 ILCS 450/2-45)

15 Sec. 2-45. Purchaser's return and tax remittance. Each  
16 purchaser shall make a return to the Department showing the  
17 quantity of oil or gas purchased during the month for which the  
18 return is filed, the price paid therefor ~~therefore~~, total  
19 value, the name and address of the operator or other person  
20 from whom the same was purchased, a description of the  
21 production unit in the manner prescribed by the Department from  
22 which such oil or gas was severed and the amount of tax due  
23 from each production unit for each calendar month. All taxes  
24 due, or to be remitted, by the purchaser shall accompany this  
25 return. The return shall be filed on or before the last day of

1 the month after the calendar month for which the return is  
2 required. The Department shall forward the necessary  
3 information to each Chief County Assessment Officer for the  
4 administration and application of ad valorem real property  
5 taxes at the county level. This information shall be forwarded  
6 to the Chief County Assessment Officers in a yearly summary  
7 before March 1 of the following calendar year. The Department  
8 may require any additional report or information it may deem  
9 necessary for the proper administration of this Act.

10 Such returns shall be filed electronically in the manner  
11 prescribed by the Department. Purchasers shall make all  
12 payments of that tax to the Department by electronic funds  
13 transfer unless, as provided by rule, the Department grants an  
14 exception upon petition of a purchaser. Purchasers' returns  
15 must be accompanied by appropriate computer generated magnetic  
16 media supporting schedule data in the format required by the  
17 Department, unless, as provided by rule, the Department grants  
18 an exception upon petition of a purchaser.

19 (Source: P.A. 98-22, eff. 6-17-13; 98-23, eff. 6-17-13; revised  
20 10-7-13.)

21 (35 ILCS 450/2-50)

22 Sec. 2-50. Operator returns; payment of tax.

23 (a) If, on or after July 1, 2013, oil or gas is transported  
24 off the production unit where severed by the operator, used on  
25 the production unit where severed, or if the manufacture and

1 conversion of oil and gas into refined products occurs on the  
2 production unit where severed, the operator is responsible for  
3 remitting the tax imposed under subsection ~~subsections~~ (a) of  
4 Section 2-15 ~~15~~, on or before the last day of the month  
5 following the end of the calendar month in which the oil and  
6 gas is removed from the production unit, and such payment shall  
7 be accompanied by a return to the Department showing the gross  
8 quantity of oil or gas removed during the month for which the  
9 return is filed, the price paid therefor ~~therefore~~, and if no  
10 price is paid therefor ~~therefore~~, the value of the oil and gas,  
11 a description of the production unit from which such oil or gas  
12 was severed, and the amount of tax. The Department may require  
13 any additional information it may deem necessary for the proper  
14 administration of this Act.

15 (b) Operators shall file all returns electronically in the  
16 manner prescribed by the Department unless, as provided by  
17 rule, the Department grants an exception upon petition of an  
18 operator. Operators shall make all payments of that tax to the  
19 Department by electronic funds transfer unless, as provided by  
20 rule, the Department grants an exception upon petition of an  
21 operator. Operators' returns must be accompanied by  
22 appropriate computer generated magnetic media supporting  
23 schedule data in the format required by the Department, unless,  
24 as provided by rule, the Department grants an exception upon  
25 petition of a purchaser.

26 (c) Any operator who makes a monetary payment to a producer



1 for his or her portion of the value of products from a  
2 production unit shall withhold from such payment the amount of  
3 tax due from the producer. Any operator who pays any tax due  
4 from a producer shall be entitled to reimbursement from the  
5 producer for the tax so paid and may take credit for such  
6 amount from any monetary payment to the producer for the value  
7 of products. To the extent that an operator required to collect  
8 the tax imposed by this Act has actually collected that tax,  
9 such tax is held in trust for the benefit of the State of  
10 Illinois.

11 (d) In the event the operator fails to make payment of the  
12 tax to the State as required herein, the operator shall be  
13 liable for the tax. A producer shall be entitled to bring an  
14 action against such operator to recover the amount of tax so  
15 withheld together with penalties and interest which may have  
16 accrued by failure to make such payment. A producer shall be  
17 entitled to all attorney fees and court costs incurred in such  
18 action. To the extent that a producer liable for the tax  
19 imposed by this Act collects the tax, and any penalties and  
20 interest, from an operator, such tax, penalties, and interest  
21 are held in trust by the producer for the benefit of the State  
22 of Illinois.

23 (e) When the title to any oil or gas severed from the earth  
24 or water is in dispute and the operator of such oil or gas is  
25 withholding payments on account of litigation, or for any other  
26 reason, such operator is hereby authorized, empowered and

1 required to deduct from the gross amount thus held the amount  
2 of the tax imposed and to make remittance thereof to the  
3 Department as provided in this Section.

4 (f) An operator required to file a return and pay the tax  
5 under this Section shall register with the Department.  
6 Application for a certificate of registration shall be made to  
7 the Department upon forms furnished by the Department and shall  
8 contain any reasonable information the Department may require.  
9 Upon receipt of the application for a certificate of  
10 registration in proper form, the Department shall issue to the  
11 applicant a certificate of registration.

12 (g) If oil or gas is transported off the production unit  
13 where severed by the operator and sold to a purchaser or  
14 refiner, the State shall have a lien on all the oil or gas  
15 severed from the production unit in this State in the hands of  
16 the operator, the first or any subsequent purchaser thereof, or  
17 refiner to secure the payment of the tax. If a lien is filed by  
18 the Department, the purchaser or refiner shall withhold from  
19 the operator the amount of tax, penalty and interest identified  
20 in the lien.

21 (Source: P.A. 98-22, eff. 6-17-13; revised 10-7-13.)

22 Section 205. The Motor Fuel Tax Law is amended by changing  
23 Sections 1 and 1.13A as follows:

24 (35 ILCS 505/1) (from Ch. 120, par. 417)

1           Sec. 1. For the purposes of this Act the terms set out in  
2 the Sections following this Section and preceding Section 2  
3 ~~Sections 1.1 through 1.21~~ have the meanings ascribed to them in  
4 those Sections.

5 (Source: P.A. 86-16; 86-1028; revised 10-7-13.)

6           (35 ILCS 505/1.13A) (from Ch. 120, par. 417.13A)

7           Sec. 1.13A. "1-K Kerosene" means a special low-sulfur grade  
8 kerosene suitable for use in non-flue connected kerosene burner  
9 appliances, and in wick-fed illuminate lamps which has a  
10 maximum limit of .04% sulfur mass, and a freezing point of -22  
11 degrees Fahrenheit, and has a minimum saybolt color of +16. For  
12 purposes of this Law, 1-K Kerosene includes 1-K Kerosene that  
13 has been dyed in accordance with Section 4d of this Law.

14 (Source: P.A. 91-173, eff. 1-1-00; revised 11-12-13.)

15           Section 210. The Water Company Invested Capital Tax Act is  
16 amended by changing Section 14 as follows:

17           (35 ILCS 625/14) (from Ch. 120, par. 1424)

18           Sec. 14. The Illinois Administrative Procedure Act, as now  
19 or hereafter amended, is hereby expressly adopted and shall  
20 apply to all administrative rules and procedures of the  
21 Department of Revenue under this Act, except that (1) paragraph  
22 (b) of Section 5-10 of ~~the~~ that Act does not apply to final  
23 orders, decisions and opinions of the Department; (2)

1 subparagraph 2 of paragraph (a) of Section 5-10 of that Act  
2 does not apply to forms established by the Department for use  
3 under this Act; and (3) the provisions of Section 10-45 of that  
4 Act regarding proposals for decision are excluded and not  
5 applicable to the Department under this Act to the extent  
6 Section 10-45 applies to hearings not otherwise subject to the  
7 Illinois Independent Tax Tribunal Act of 2012.

8 (Source: P.A. 97-1129, eff. 8-28-12; revised 10-17-13.)

9 Section 215. The Electricity Infrastructure Maintenance  
10 Fee Law is amended by changing Section 5-6 as follows:

11 (35 ILCS 645/5-6)

12 Sec. 5-6. Validity of existing franchise fees and  
13 agreement; police powers.

14 (a) On and after the effective date of this Law, no  
15 electricity deliverer paying an infrastructure maintenance fee  
16 imposed under this Law may be denied the right to use, directly  
17 or indirectly, public rights of way because of the failure to  
18 pay any other fee or charge for the right to use those rights  
19 of way except to the extent that the electricity deliverer  
20 during the Initial Period fails under any existing franchise  
21 agreement to pay franchise fees which are based on the gross  
22 receipts or gross revenues attributable to non-residential  
23 customers or to provide free electrical service or other  
24 compensation attributable to non-residential customers. A

1 municipality that imposes an infrastructure maintenance fee  
2 pursuant to Section 5-5 shall impose no other fees or charges  
3 upon electricity deliverers for such use except as provided by  
4 subsections (b) or (c) of this Section.

5 (b) Agreements between electricity deliverers and  
6 municipalities regarding use of the public way shall remain  
7 valid according to and for their stated terms. However, a  
8 municipality that, pursuant to a franchise agreement in  
9 existence on the effective date of this Law, receives any  
10 franchise fees, permit fees, free electrical service or other  
11 compensation for use of the public rights of way, may impose an  
12 infrastructure maintenance fee pursuant to this Law only if the  
13 municipality: (1) waives its right to receive all compensation  
14 from the electricity deliverer for use of the public rights of  
15 way during the time the infrastructure maintenance fee is  
16 imposed, except as provided in subsection (c), and except that  
17 during the Initial Period any municipality may continue to  
18 receive franchise fees, free electrical service or other  
19 compensation from the electricity deliverer which are equal in  
20 value to the Initial Period Compensation; and (2) provides  
21 written notice of this waiver to the appropriate electricity  
22 deliverer at the time that the municipality provides notice of  
23 the imposition of the infrastructure maintenance fee under  
24 subsection (d) of Section 5-5. For purposes of this Section,  
25 "Initial Period Compensation" shall mean the total amount of  
26 compensation due under the existing franchise agreement during

1 the Initial Period less the amount of the infrastructure  
2 maintenance fee imposed under this Section during the Initial  
3 Period.

4 (c) Nothing in this Law prohibits a municipality from the  
5 reasonable exercise of its police powers over the public rights  
6 of way. In addition, a municipality may require an electricity  
7 deliverer to reimburse any special or extraordinary expenses or  
8 costs reasonably incurred by the municipality as a direct  
9 result of damages to its property or public rights of way, such  
10 as the costs of restoration of streets damaged by an ~~a~~  
11 electricity deliverer that does not make timely repair of the  
12 damage, or for the loss of revenue due to the inability to use  
13 public facilities as a direct result of the actions of the  
14 electricity deliverer, such as parking meters that are required  
15 to be removed because of work of an electricity deliverer.

16 (Source: P.A. 90-561, eff. 8-1-98; revised 10-17-13.)

17 Section 220. The Illinois Pension Code is amended by  
18 changing Sections 4-114, 8-138, 9-102, 11-134, and 13-809 as  
19 follows:

20 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

21 Sec. 4-114. Pension to survivors. If a firefighter who is  
22 not receiving a disability pension under Section 4-110 or  
23 4-110.1 dies (1) as a result of any illness or accident, or (2)  
24 from any cause while in receipt of a disability pension under

1 this Article, or (3) during retirement after 20 years service,  
2 or (4) while vested for or in receipt of a pension payable  
3 under subsection (b) of Section 4-109, or (5) while a deferred  
4 pensioner, having made all required contributions, a pension  
5 shall be paid to his or her survivors, based on the monthly  
6 salary attached to the firefighter's rank on the last day of  
7 service in the fire department, as follows:

8 (a) (1) To the surviving spouse, a monthly pension of  
9 40% of the monthly salary, and if there is a surviving  
10 spouse, to the guardian of any minor child or children  
11 including a child which has been conceived but not yet  
12 born, 12% of such monthly salary for each such child until  
13 attainment of age 18 or until the child's marriage,  
14 whichever occurs first. Beginning July 1, 1993, the monthly  
15 pension to the surviving spouse shall be 54% of the monthly  
16 salary for all persons receiving a surviving spouse pension  
17 under this Article, regardless of whether the deceased  
18 firefighter was in service on or after the effective date  
19 of this amendatory Act of 1993.

20 (2) Beginning July 1, 2004, unless the amount provided  
21 under paragraph (1) of this subsection (a) is greater, the  
22 total monthly pension payable under this paragraph (a),  
23 including any amount payable on account of children, to the  
24 surviving spouse of a firefighter who died (i) while  
25 receiving a retirement pension, (ii) while he or she was a  
26 deferred pensioner with at least 20 years of creditable

1 service, or (iii) while he or she was in active service  
2 having at least 20 years of creditable service, regardless  
3 of age, shall be no less than 100% of the monthly  
4 retirement pension earned by the deceased firefighter at  
5 the time of death, regardless of whether death occurs  
6 before or after attainment of age 50, including any  
7 increases under Section 4-109.1. This minimum applies to  
8 all such surviving spouses who are eligible to receive a  
9 surviving spouse pension, regardless of whether the  
10 deceased firefighter was in service on or after the  
11 effective date of this amendatory Act of the 93rd General  
12 Assembly, and notwithstanding any limitation on maximum  
13 pension under paragraph (d) or any other provision of this  
14 Article.

15 (3) If the pension paid on and after July 1, 2004 to  
16 the surviving spouse of a firefighter who died on or after  
17 July 1, 2004 and before the effective date of this  
18 amendatory Act of the 93rd General Assembly was less than  
19 the minimum pension payable under paragraph (1) or (2) of  
20 this subsection (a), the fund shall pay a lump sum equal to  
21 the difference within 90 days after the effective date of  
22 this amendatory Act of the 93rd General Assembly.

23 The pension to the surviving spouse shall terminate in  
24 the event of the surviving spouse's remarriage prior to  
25 July 1, 1993; remarriage on or after that date does not  
26 affect the surviving spouse's pension, regardless of



1           whether the deceased firefighter was in service on or after  
2           the effective date of this amendatory Act of 1993.

3           The surviving spouse's pension shall be subject to the  
4           minimum established in Section 4-109.2.

5           (b) Upon the death of the surviving spouse leaving one  
6           or more minor children, or upon the death of a firefighter  
7           leaving one or more minor children but no surviving spouse,  
8           to the duly appointed guardian of each such child, for  
9           support and maintenance of each such child until the child  
10          reaches age 18 or marries, whichever occurs first, a  
11          monthly pension of 20% of the monthly salary.

12          In a case where the deceased firefighter left one or  
13          more minor children but no surviving spouse and the  
14          guardian of a child is receiving a pension of 12% of the  
15          monthly salary on August 16, 2013 (the effective date of  
16          Public Act 98-391) ~~this amendatory Act~~, the pension is  
17          increased by Public Act 98-391 ~~this amendatory Act~~ to 20%  
18          of the monthly salary for each such child, beginning on the  
19          pension payment date occurring on or next following August  
20          16, 2013 ~~the effective date of this amendatory Act~~. The  
21          changes to this Section made by Public Act 98-391 ~~this~~  
22          ~~amendatory Act of the 98th General Assembly~~ apply without  
23          regard to whether the deceased firefighter was in service  
24          on or after August 16, 2013 ~~the effective date of this~~  
25          ~~amendatory Act~~.

26          (c) If a deceased firefighter leaves no surviving

1 spouse or unmarried minor children under age 18, but leaves  
2 a dependent father or mother, to each dependent parent a  
3 monthly pension of 18% of the monthly salary. To qualify  
4 for the pension, a dependent parent must furnish  
5 satisfactory proof that the deceased firefighter was at the  
6 time of his or her death the sole supporter of the parent  
7 or that the parent was the deceased's dependent for federal  
8 income tax purposes.

9 (d) The total pension provided under paragraphs (a),  
10 (b) and (c) of this Section shall not exceed 75% of the  
11 monthly salary of the deceased firefighter (1) when paid to  
12 the survivor of a firefighter who has attained 20 or more  
13 years of service credit and who receives or is eligible to  
14 receive a retirement pension under this Article, or (2)  
15 when paid to the survivor of a firefighter who dies as a  
16 result of illness or accident, or (3) when paid to the  
17 survivor of a firefighter who dies from any cause while in  
18 receipt of a disability pension under this Article, or (4)  
19 when paid to the survivor of a deferred pensioner. For all  
20 other survivors of deceased firefighters, the total  
21 pension provided under paragraphs (a), (b) and (c) of this  
22 Section shall not exceed 50% of the retirement annuity the  
23 firefighter would have received on the date of death.

24 The maximum pension limitations in this paragraph (d)  
25 do not control over any contrary provision of this Article  
26 explicitly establishing a minimum amount of pension or

1 granting a one-time or annual increase in pension.

2 (e) If a firefighter leaves no eligible survivors under  
3 paragraphs (a), (b) and (c), the board shall refund to the  
4 firefighter's estate the amount of his or her accumulated  
5 contributions, less the amount of pension payments, if any,  
6 made to the firefighter while living.

7 (f) (Blank).

8 (g) If a judgment of dissolution of marriage between a  
9 firefighter and spouse is judicially set aside subsequent  
10 to the firefighter's death, the surviving spouse is  
11 eligible for the pension provided in paragraph (a) only if  
12 the judicial proceedings are filed within 2 years after the  
13 date of the dissolution of marriage and within one year  
14 after the firefighter's death and the board is made a party  
15 to the proceedings. In such case the pension shall be  
16 payable only from the date of the court's order setting  
17 aside the judgment of dissolution of marriage.

18 (h) Benefits payable on account of a child under this  
19 Section shall not be reduced or terminated by reason of the  
20 child's attainment of age 18 if he or she is then dependent  
21 by reason of a physical or mental disability but shall  
22 continue to be paid as long as such dependency continues.  
23 Individuals over the age of 18 and adjudged as a disabled  
24 person pursuant to Article XIa of the Probate Act of 1975,  
25 except for persons receiving benefits under Article III of  
26 the Illinois Public Aid Code, shall be eligible to receive

1 benefits under this Act.

2 (i) Beginning January 1, 2000, the pension of the  
3 surviving spouse of a firefighter who dies on or after  
4 January 1, 1994 as a result of sickness, accident, or  
5 injury incurred in or resulting from the performance of an  
6 act of duty or from the cumulative effects of acts of duty  
7 shall not be less than 100% of the salary attached to the  
8 rank held by the deceased firefighter on the last day of  
9 service, notwithstanding subsection (d) or any other  
10 provision of this Article.

11 (j) Beginning July 1, 2004, the pension of the  
12 surviving spouse of a firefighter who dies on or after  
13 January 1, 1988 as a result of sickness, accident, or  
14 injury incurred in or resulting from the performance of an  
15 act of duty or from the cumulative effects of acts of duty  
16 shall not be less than 100% of the salary attached to the  
17 rank held by the deceased firefighter on the last day of  
18 service, notwithstanding subsection (d) or any other  
19 provision of this Article.

20 Notwithstanding any other provision of this Article, if a  
21 person who first becomes a firefighter under this Article on or  
22 after January 1, 2011 and who is not receiving a disability  
23 pension under Section 4-110 or 4-110.1 dies (1) as a result of  
24 any illness or accident, (2) from any cause while in receipt of  
25 a disability pension under this Article, (3) during retirement  
26 after 20 years service, (4) while vested for or in receipt of a

1 pension payable under subsection (b) of Section 4-109, or (5)  
2 while a deferred pensioner, having made all required  
3 contributions, then a pension shall be paid to his or her  
4 survivors in the amount of 66 2/3% of the firefighter's earned  
5 pension at the date of death. Nothing in this Section shall act  
6 to diminish the survivor's benefits described in subsection (j)  
7 of this Section.

8 Notwithstanding any other provision of this Article, the  
9 monthly pension of a survivor of a person who first becomes a  
10 firefighter under this Article on or after January 1, 2011  
11 shall be increased on the January 1 after attainment of age 60  
12 by the recipient of the survivor's pension and each January 1  
13 thereafter by 3% or one-half the annual unadjusted percentage  
14 increase in the consumer price index-u for the 12 months ending  
15 with the September preceding each November 1, whichever is  
16 less, of the originally granted survivor's pension. If the  
17 annual unadjusted percentage change in the consumer price  
18 index-u for a 12-month period ending in September is zero or,  
19 when compared with the preceding period, decreases, then the  
20 survivor's pension shall not be increased.

21 For the purposes of this Section, "consumer price index-u"  
22 means the index published by the Bureau of Labor Statistics of  
23 the United States Department of Labor that measures the average  
24 change in prices of goods and services purchased by all urban  
25 consumers, United States city average, all items, 1982-84 =  
26 100. The new amount resulting from each annual adjustment shall

1 be determined by the Public Pension Division of the Department  
2 of Insurance and made available to the boards of the pension  
3 funds.

4 (Source: P.A. 98-391, eff. 8-16-13; revised 10-7-13.)

5 (40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

6 Sec. 8-138. Minimum annuities - Additional provisions.

7 (a) An employee who withdraws after age 65 or more with at  
8 least 20 years of service, for whom the amount of age and  
9 service and prior service annuity combined is less than the  
10 amount stated in this Section, shall from the date of  
11 withdrawal, instead of all annuities otherwise provided, be  
12 entitled to receive an annuity for life of \$150 a year, plus 1  
13 1/2% for each year of service, to and including 20 years, and 1  
14 2/3% for each year of service over 20 years, of his highest  
15 average annual salary for any 4 consecutive years within the  
16 last 10 years of service immediately preceding the date of  
17 withdrawal.

18 An employee who withdraws after 20 or more years of  
19 service, before age 65, shall be entitled to such annuity, to  
20 begin not earlier than upon attained age of 55 years if under  
21 such age at withdrawal, reduced by 2% for each full year or  
22 fractional part thereof that his attained age is less than 65,  
23 plus an additional 2% reduction for each full year or  
24 fractional part thereof that his attained age when annuity is  
25 to begin is less than 60 so that the total reduction at age 55

1 shall be 30%.

2 (b) An employee who withdraws after July 1, 1957, at age 60  
3 or over, with 20 or more years of service, for whom the age and  
4 service and prior service annuity combined, is less than the  
5 amount stated in this paragraph, shall, from the date of  
6 withdrawal, instead of such annuities, be entitled to receive  
7 an annuity for life equal to 1 2/3% for each year of service,  
8 of the highest average annual salary for any 5 consecutive  
9 years within the last 10 years of service immediately preceding  
10 the date of withdrawal; provided, that in the case of any  
11 employee who withdraws on or after July 1, 1971, such employee  
12 age 60 or over with 20 or more years of service, shall receive  
13 an annuity for life equal to 1.67% for each of the first 10  
14 years of service; 1.90% for each of the next 10 years of  
15 service; 2.10% for each year of service in excess of 20 but not  
16 exceeding 30; and 2.30% for each year of service in excess of  
17 30, based on the highest average annual salary for any 4  
18 consecutive years within the last 10 years of service  
19 immediately preceding the date of withdrawal.

20 An employee who withdraws after July 1, 1957 and before  
21 January 1, 1988, with 20 or more years of service, before age  
22 60 years is entitled to annuity, to begin not earlier than upon  
23 attained age of 55 years, if under such age at withdrawal, as  
24 computed in the last preceding paragraph, reduced 0.25% for  
25 each full month or fractional part thereof that his attained  
26 age when annuity is to begin is less than 60 if the employee

1 was born before January 1, 1936, or 0.5% for each such month if  
2 the employee was born on or after January 1, 1936.

3 Any employee born before January 1, 1936, who withdraws  
4 with 20 or more years of service, and any employee with 20 or  
5 more years of service who withdraws on or after January 1,  
6 1988, may elect to receive, in lieu of any other employee  
7 annuity provided in this Section, an annuity for life equal to  
8 1.80% for each of the first 10 years of service, 2.00% for each  
9 of the next 10 years of service, 2.20% for each year of service  
10 in excess of 20 but not exceeding 30, and 2.40% for each year  
11 of service in excess of 30, of the highest average annual  
12 salary for any 4 consecutive years within the last 10 years of  
13 service immediately preceding the date of withdrawal, to begin  
14 not earlier than upon attained age of 55 years, if under such  
15 age at withdrawal, reduced 0.25% for each full month or  
16 fractional part thereof that his attained age when annuity is  
17 to begin is less than 60; except that an employee retiring on  
18 or after January 1, 1988, at age 55 or over but less than age  
19 60, having at least 35 years of service, or an employee  
20 retiring on or after July 1, 1990, at age 55 or over but less  
21 than age 60, having at least 30 years of service, or an  
22 employee retiring on or after the effective date of this  
23 amendatory Act of 1997, at age 55 or over but less than age 60,  
24 having at least 25 years of service, shall not be subject to  
25 the reduction in retirement annuity because of retirement below  
26 age 60.



1           However, in the case of an employee who retired on or after  
2           January 1, 1985 but before January 1, 1988, at age 55 or older  
3           and with at least 35 years of service, and who was subject  
4           under this subsection (b) to the reduction in retirement  
5           annuity because of retirement below age 60, that reduction  
6           shall cease to be effective January 1, 1991, and the retirement  
7           annuity shall be recalculated accordingly.

8           Any employee who withdraws on or after July 1, 1990, with  
9           20 or more years of service, may elect to receive, in lieu of  
10          any other employee annuity provided in this Section, an annuity  
11          for life equal to 2.20% for each year of service if withdrawal  
12          is before January 1, 2002, or 2.40% for each year of service if  
13          withdrawal is on or after January 1, 2002, of the highest  
14          average annual salary for any 4 consecutive years within the  
15          last 10 years of service immediately preceding the date of  
16          withdrawal, to begin not earlier than upon attained age of 55  
17          years, if under such age at withdrawal, reduced 0.25% for each  
18          full month or fractional part thereof that his attained age  
19          when annuity is to begin is less than 60; except that an  
20          employee retiring at age 55 or over but less than age 60,  
21          having at least 30 years of service, shall not be subject to  
22          the reduction in retirement annuity because of retirement below  
23          age 60.

24          Any employee who withdraws on or after the effective date  
25          of this amendatory Act of 1997 with 20 or more years of service  
26          may elect to receive, in lieu of any other employee annuity

1 provided in this Section, an annuity for life equal to 2.20%  
2 for each year of service, if withdrawal is before January 1,  
3 2002, or 2.40% for each year of service if withdrawal is on or  
4 after January 1, 2002, of the highest average annual salary for  
5 any 4 consecutive years within the last 10 years of service  
6 immediately preceding the date of withdrawal, to begin not  
7 earlier than upon attainment of age 55 (age 50 if the employee  
8 has at least 30 years of service), reduced 0.25% for each full  
9 month or remaining fractional part thereof that the employee's  
10 attained age when annuity is to begin is less than 60; except  
11 that an employee retiring at age 50 or over with at least 30  
12 years of service or at age 55 or over with at least 25 years of  
13 service shall not be subject to the reduction in retirement  
14 annuity because of retirement below age 60.

15 The maximum annuity payable under part (a) and (b) of this  
16 Section shall not exceed 70% of highest average annual salary  
17 in the case of an employee who withdraws prior to July 1, 1971,  
18 75% if withdrawal takes place on or after July 1, 1971 and  
19 prior to January 1, 2002, or 80% if withdrawal takes place on  
20 or after January 1, 2002. For the purpose of the minimum  
21 annuity provided in this Section \$1,500 is considered the  
22 minimum annual salary for any year; and the maximum annual  
23 salary for the computation of such annuity is \$4,800 for any  
24 year before 1953, \$6000 for the years 1953 to 1956, inclusive,  
25 and the actual annual salary, as salary is defined in this  
26 Article, for any year thereafter.

1 To preserve rights existing on December 31, 1959, for  
2 participants and contributors on that date to the fund created  
3 by the Court and Law Department Employees' Annuity Act, who  
4 became participants in the fund provided for on January 1,  
5 1960, the maximum annual salary to be considered for such  
6 persons for the years 1955 and 1956 is \$7,500.

7 (c) For an employee receiving disability benefit, his  
8 salary for annuity purposes under paragraphs (a) and (b) of  
9 this Section, for all periods of disability benefit subsequent  
10 to the year 1956, is the amount on which his disability benefit  
11 was based.

12 (d) An employee with 20 or more years of service, whose  
13 entire disability benefit credit period expires before  
14 attainment of age 55 while still disabled for service, is  
15 entitled upon withdrawal to the larger of (1) the minimum  
16 annuity provided above, assuming he is then age 55, and  
17 reducing such annuity to its actuarial equivalent as of his  
18 attained age on such date or (2) the annuity provided from his  
19 age and service and prior service annuity credits.

20 (e) The minimum annuity provisions do not apply to any  
21 former municipal employee receiving an annuity from the fund  
22 who re-enters service as a municipal employee, unless he  
23 renders at least 3 years of additional service after the date  
24 of re-entry.

25 (f) An employee in service on July 1, 1947, or who became a  
26 contributor after July 1, 1947 and before attainment of age 70,

1 who withdraws after age 65, with less than 20 years of service  
2 for whom the annuity has been fixed under this Article shall,  
3 instead of the annuity so fixed, receive an annuity as follows:

4       Such amount as he could have received had the accumulated  
5 amounts for annuity been improved with interest at the  
6 effective rate to the date of his withdrawal, or to attainment  
7 of age 70, whichever is earlier, and had the city contributed  
8 to such earlier date for age and service annuity the amount  
9 that it would have contributed had he been under age 65, after  
10 the date his annuity was fixed in accordance with this Article,  
11 and assuming his annuity were computed from such accumulations  
12 as of his age on such earlier date. The annuity so computed  
13 shall not exceed the annuity which would be payable under the  
14 other provisions of this Section if the employee was credited  
15 with 20 years of service and would qualify for annuity  
16 thereunder.

17       (g) Instead of the annuity provided in this Article, an  
18 employee having attained age 65 with at least 15 years of  
19 service who withdraws from service on or after July 1, 1971 and  
20 whose annuity computed under other provisions of this Article  
21 is less than the amount provided under this paragraph, is  
22 entitled to a minimum annuity for life equal to 1% of the  
23 highest average annual salary, as salary is defined and limited  
24 in this Section for any 4 consecutive years within the last 10  
25 years of service for each year of service, plus the sum of \$25  
26 for each year of service. The annuity shall not exceed 60% of

1 such highest average annual salary.

2 (g-1) Instead of any other retirement annuity provided in  
3 this Article, an employee who has at least 10 years of service  
4 and withdraws from service on or after January 1, 1999 may  
5 elect to receive a retirement annuity for life, beginning no  
6 earlier than upon attainment of age 60, equal to 2.2% if  
7 withdrawal is before January 1, 2002, or 2.4% if withdrawal is  
8 on or after January 1, 2002, of final average salary for each  
9 year of service, subject to a maximum of 75% of final average  
10 salary if withdrawal is before January 1, 2002, or 80% if  
11 withdrawal is on or after January 1, 2002. For the purpose of  
12 calculating this annuity, "final average salary" means the  
13 highest average annual salary for any 4 consecutive years in  
14 the last 10 years of service. Notwithstanding ~~Notwithstanding~~  
15 any provision of this subsection to the contrary, the "final  
16 average salary" for a participant that received credit under  
17 subsection (c) of Section 8-226 means the highest average  
18 salary for any 4 consecutive years (or any 8 consecutive years  
19 if the employee first became a participant on or after January  
20 1, 2011) in the 10 years immediately prior to the leave of  
21 absence, and adding to that highest average salary, the product  
22 of (i) that highest average salary, (ii) the average percentage  
23 increase in the Consumer Price Index during each 12-month  
24 calendar year for the calendar years during the participant's  
25 leave of absence, and (iii) the length of the leave of absence  
26 in years, provided that this shall not exceed the participant's

1 salary at the local labor organization. For purposes of this  
2 Section, the Consumer Price Index is the Consumer Price Index  
3 for All Urban Consumers for all items published by the United  
4 States Department of Labor.

5 (h) The minimum annuities provided under this Section shall  
6 be paid in equal monthly installments.

7 (i) The amendatory provisions of part (b) and (g) of this  
8 Section shall be effective July 1, 1971 and apply in the case  
9 of every qualifying employee withdrawing on or after July 1,  
10 1971.

11 (j) The amendatory provisions of this amendatory Act of  
12 1985 (P.A. 84-23) relating to the discount of annuity because  
13 of retirement prior to attainment of age 60, and to the  
14 retirement formula, for those born before January 1, 1936,  
15 shall apply only to qualifying employees withdrawing on or  
16 after July 18, 1985.

17 (j-1) The changes made to this Section by Public Act 92-609  
18 (increasing the retirement formula to 2.4% per year of service  
19 and increasing the maximum to 80%) apply to persons who  
20 withdraw from service on or after January 1, 2002, regardless  
21 of whether that withdrawal takes place before the effective  
22 date of that Act. In the case of a person who withdraws from  
23 service on or after January 1, 2002 but begins to receive a  
24 retirement annuity before July 1, 2002, the annuity shall be  
25 recalculated, with the increase resulting from Public Act  
26 92-609 accruing from the date the retirement annuity began. The

1 changes made by Public Act 92-609 control over the changes made  
2 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

3 (k) Beginning on January 1, 1999, the minimum amount of  
4 employee's annuity shall be \$850 per month for life for the  
5 following classes of employees, without regard to the fact that  
6 withdrawal occurred prior to the effective date of this  
7 amendatory Act of 1998:

8 (1) any employee annuitant alive and receiving a life  
9 annuity on the effective date of this amendatory Act of  
10 1998, except a reciprocal annuity;

11 (2) any employee annuitant alive and receiving a term  
12 annuity on the effective date of this amendatory Act of  
13 1998, except a reciprocal annuity;

14 (3) any employee annuitant alive and receiving a  
15 reciprocal annuity on the effective date of this amendatory  
16 Act of 1998, whose service in this fund is at least 5  
17 years;

18 (4) any employee annuitant withdrawing after age 60 on  
19 or after the effective date of this amendatory Act of 1998,  
20 with at least 10 years of service in this fund.

21 The increases granted under items (1), (2) and (3) of this  
22 subsection (k) shall not be limited by any other Section of  
23 this Act.

24 (Source: P.A. 97-651, eff. 1-5-12; revised 9-16-13.)

25 (40 ILCS 5/9-102) (from Ch. 108 1/2, par. 9-102)

1           Sec. 9-102. Terms defined. The terms used in this Article  
2 have the meanings ascribed to them in the Sections following  
3 this Section and preceding Section 9-120 ~~Sections 9-103 to~~  
4 ~~9-119, inclusive~~, except when the context otherwise requires.

5           (Source: Laws 1963, p. 161; revised 11-13-13.)

6           (40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)

7           Sec. 11-134. Minimum annuities.

8           (a) An employee whose withdrawal occurs after July 1, 1957  
9 at age 60 or over, with 20 or more years of service, (as  
10 service is defined or computed in Section 11-216), for whom the  
11 age and service and prior service annuity combined is less than  
12 the amount stated in this Section, shall, from and after the  
13 date of withdrawal, in lieu of all annuities otherwise provided  
14 in this Article, be entitled to receive an annuity for life of  
15 an amount equal to 1 2/3% for each year of service, of the  
16 highest average annual salary for any 5 consecutive years  
17 within the last 10 years of service immediately preceding the  
18 date of withdrawal; provided, that in the case of any employee  
19 who withdraws on or after July 1, 1971, such employee age 60 or  
20 over with 20 or more years of service, shall be entitled to  
21 instead receive an annuity for life equal to 1.67% for each of  
22 the first 10 years of service; 1.90% for each of the next 10  
23 years of service; 2.10% for each year of service in excess of  
24 20 but not exceeding 30; and 2.30% for each year of service in  
25 excess of 30, based on the highest average annual salary for



1 any 4 consecutive years within the last 10 years of service  
2 immediately preceding the date of withdrawal.

3 An employee who withdraws after July 1, 1957 and before  
4 January 1, 1988, with 20 or more years of service, before age  
5 60, shall be entitled to an annuity, to begin not earlier than  
6 age 55, if under such age at withdrawal, as computed in the  
7 last preceding paragraph, reduced 0.25% if the employee was  
8 born before January 1, 1936, or 0.5% if the employee was born  
9 on or after January 1, 1936, for each full month or fractional  
10 part thereof that his attained age when such annuity is to  
11 begin is less than 60.

12 Any employee born before January 1, 1936 who withdraws with  
13 20 or more years of service, and any employee with 20 or more  
14 years of service who withdraws on or after January 1, 1988, may  
15 elect to receive, in lieu of any other employee annuity  
16 provided in this Section, an annuity for life equal to 1.80%  
17 for each of the first 10 years of service, 2.00% for each of  
18 the next 10 years of service, 2.20% for each year of service in  
19 excess of 20, but not exceeding 30, and 2.40% for each year of  
20 service in excess of 30, of the highest average annual salary  
21 for any 4 consecutive years within the last 10 years of service  
22 immediately preceding the date of withdrawal, to begin not  
23 earlier than upon attained age of 55 years, if under such age  
24 at withdrawal, reduced 0.25% for each full month or fractional  
25 part thereof that his attained age when annuity is to begin is  
26 less than 60; except that an employee retiring on or after

1 January 1, 1988, at age 55 or over but less than age 60, having  
2 at least 35 years of service, or an employee retiring on or  
3 after July 1, 1990, at age 55 or over but less than age 60,  
4 having at least 30 years of service, or an employee retiring on  
5 or after the effective date of this amendatory Act of 1997, at  
6 age 55 or over but less than age 60, having at least 25 years of  
7 service, shall not be subject to the reduction in retirement  
8 annuity because of retirement below age 60.

9 However, in the case of an employee who retired on or after  
10 January 1, 1985 but before January 1, 1988, at age 55 or older  
11 and with at least 35 years of service, and who was subject  
12 under this subsection (a) to the reduction in retirement  
13 annuity because of retirement below age 60, that reduction  
14 shall cease to be effective January 1, 1991, and the retirement  
15 annuity shall be recalculated accordingly.

16 Any employee who withdraws on or after July 1, 1990, with  
17 20 or more years of service, may elect to receive, in lieu of  
18 any other employee annuity provided in this Section, an annuity  
19 for life equal to 2.20% for each year of service if withdrawal  
20 is before January 1, 2002, or 2.40% for each year of service if  
21 withdrawal is on or after January 1, 2002, of the highest  
22 average annual salary for any 4 consecutive years within the  
23 last 10 years of service immediately preceding the date of  
24 withdrawal, to begin not earlier than upon attained age of 55  
25 years, if under such age at withdrawal, reduced 0.25% for each  
26 full month or fractional part thereof that his attained age

1 when annuity is to begin is less than 60; except that an  
2 employee retiring at age 55 or over but less than age 60,  
3 having at least 30 years of service, shall not be subject to  
4 the reduction in retirement annuity because of retirement below  
5 age 60.

6 Any employee who withdraws on or after the effective date  
7 of this amendatory Act of 1997 with 20 or more years of service  
8 may elect to receive, in lieu of any other employee annuity  
9 provided in this Section, an annuity for life equal to 2.20%  
10 for each year of service if withdrawal is before January 1,  
11 2002, or 2.40% for each year of service if withdrawal is on or  
12 after January 1, 2002, of the highest average annual salary for  
13 any 4 consecutive years within the last 10 years of service  
14 immediately preceding the date of withdrawal, to begin not  
15 earlier than upon attainment of age 55 (age 50 if the employee  
16 has at least 30 years of service), reduced 0.25% for each full  
17 month or remaining fractional part thereof that the employee's  
18 attained age when annuity is to begin is less than 60; except  
19 that an employee retiring at age 50 or over with at least 30  
20 years of service or at age 55 or over with at least 25 years of  
21 service shall not be subject to the reduction in retirement  
22 annuity because of retirement below age 60.

23 The maximum annuity payable under this paragraph (a) of  
24 this Section shall not exceed 70% of highest average annual  
25 salary in the case of an employee who withdraws prior to July  
26 1, 1971, 75% if withdrawal takes place on or after July 1, 1971

1 and prior to January 1, 2002, or 80% if withdrawal is on or  
2 after January 1, 2002. For the purpose of the minimum annuity  
3 provided in said paragraphs \$1,500 shall be considered the  
4 minimum annual salary for any year; and the maximum annual  
5 salary to be considered for the computation of such annuity  
6 shall be \$4,800 for any year prior to 1953, \$6,000 for the  
7 years 1953 to 1956, inclusive, and the actual annual salary, as  
8 salary is defined in this Article, for any year thereafter.

9 (b) For an employee receiving disability benefit, his  
10 salary for annuity purposes under this Section shall, for all  
11 periods of disability benefit subsequent to the year 1956, be  
12 the amount on which his disability benefit was based.

13 (c) An employee with 20 or more years of service, whose  
14 entire disability benefit credit period expires prior to  
15 attainment of age 55 while still disabled for service, shall be  
16 entitled upon withdrawal to the larger of (1) the minimum  
17 annuity provided above assuming that he is then age 55, and  
18 reducing such annuity to its actuarial equivalent at his  
19 attained age on such date, or (2) the annuity provided from his  
20 age and service and prior service annuity credits.

21 (d) The minimum annuity provisions as aforesaid shall not  
22 apply to any former employee receiving an annuity from the  
23 fund, and who re-enters service as an employee, unless he  
24 renders at least 3 years of additional service after the date  
25 of re-entry.

26 (e) An employee in service on July 1, 1947, or who became a

1 contributor after July 1, 1947 and prior to July 1, 1950, or  
2 who shall become a contributor to the fund after July 1, 1950  
3 prior to attainment of age 70, who withdraws after age 65 with  
4 less than 20 years of service, for whom the annuity has been  
5 fixed under the foregoing Sections of this Article shall, in  
6 lieu of the annuity so fixed, receive an annuity as follows:

7       Such amount as he could have received had the accumulated  
8 amounts for annuity been improved with interest at the  
9 effective rate to the date of his withdrawal, or to attainment  
10 of age 70, whichever is earlier, and had the city contributed  
11 to such earlier date for age and service annuity the amount  
12 that would have been contributed had he been under age 65,  
13 after the date his annuity was fixed in accordance with this  
14 Article, and assuming his annuity were computed from such  
15 accumulations as of his age on such earlier date. The annuity  
16 so computed shall not exceed the annuity which would be payable  
17 under the other provisions of this Section if the employee was  
18 credited with 20 years of service and would qualify for annuity  
19 thereunder.

20       (f) In lieu of the annuity provided in this or in any other  
21 Section of this Article, an employee having attained age 65  
22 with at least 15 years of service who withdraws from service on  
23 or after July 1, 1971 and whose annuity computed under other  
24 provisions of this Article is less than the amount provided  
25 under this paragraph shall be entitled to receive a minimum  
26 annual annuity for life equal to 1% of the highest average

1 annual salary for any 4 consecutive years within the last 10  
2 years of service immediately preceding retirement for each year  
3 of his service plus the sum of \$25 for each year of service.  
4 Such annual annuity shall not exceed the maximum percentages  
5 stated under paragraph (a) of this Section of such highest  
6 average annual salary.

7 (f-1) Instead of any other retirement annuity provided in  
8 this Article, an employee who has at least 10 years of service  
9 and withdraws from service on or after January 1, 1999 may  
10 elect to receive a retirement annuity for life, beginning no  
11 earlier than upon attainment of age 60, equal to 2.2% if  
12 withdrawal is before January 1, 2002, or 2.4% for each year of  
13 service if withdrawal is on or after January 1, 2002, of final  
14 average salary for each year of service, subject to a maximum  
15 of 75% of final average salary if withdrawal is before January  
16 1, 2002, or 80% if withdrawal is on or after January 1, 2002.  
17 For the purpose of calculating this annuity, "final average  
18 salary" means the highest average annual salary for any 4  
19 consecutive years in the last 10 years of service.  
20 Notwithstanding ~~Notwithstanding~~ any provision of this  
21 subsection to the contrary, the "final average salary" for a  
22 participant that received credit under item (3) of subsection  
23 (c) of Section 11-215 means the highest average salary for any  
24 4 consecutive years (or any 8 consecutive years if the employee  
25 first became a participant on or after January 1, 2011) in the  
26 10 years immediately prior to the leave of absence, and adding

1 to that highest average salary, the product of (i) that highest  
2 average salary, (ii) the average percentage increase in the  
3 Consumer Price Index during each 12-month calendar year for the  
4 calendar years during the participant's leave of absence, and  
5 (iii) the length of the leave of absence in years, provided  
6 that this shall not exceed the participant's salary at the  
7 local labor organization. For purposes of this Section, the  
8 Consumer Price Index is the Consumer Price Index for All Urban  
9 Consumers for all items published by the United States  
10 Department of Labor.

11 (g) Any annuity payable under the preceding subsections of  
12 this Section 11-134 shall be paid in equal monthly  
13 installments.

14 (h) The amendatory provisions of part (a) and (f) of this  
15 Section shall be effective July 1, 1971 and apply in the case  
16 of every qualifying employee withdrawing on or after July 1,  
17 1971.

18 (h-1) The changes made to this Section by Public Act 92-609  
19 (increasing the retirement formula to 2.4% per year of service  
20 and increasing the maximum to 80%) apply to persons who  
21 withdraw from service on or after January 1, 2002, regardless  
22 of whether that withdrawal takes place before the effective  
23 date of that Act. In the case of a person who withdraws from  
24 service on or after January 1, 2002 but begins to receive a  
25 retirement annuity before July 1, 2002, the annuity shall be  
26 recalculated, with the increase resulting from Public Act

1 92-609 accruing from the date the retirement annuity began. The  
2 changes made by Public Act 92-609 control over the changes made  
3 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

4 (i) The amendatory provisions of this amendatory Act of  
5 1985 relating to the discount of annuity because of retirement  
6 prior to attainment of age 60 and increasing the retirement  
7 formula for those born before January 1, 1936, shall apply only  
8 to qualifying employees withdrawing on or after August 16,  
9 1985.

10 (j) Beginning on January 1, 1999, the minimum amount of  
11 employee's annuity shall be \$850 per month for life for the  
12 following classes of employees, without regard to the fact that  
13 withdrawal occurred prior to the effective date of this  
14 amendatory Act of 1998:

15 (1) any employee annuitant alive and receiving a life  
16 annuity on the effective date of this amendatory Act of  
17 1998, except a reciprocal annuity;

18 (2) any employee annuitant alive and receiving a term  
19 annuity on the effective date of this amendatory Act of  
20 1998, except a reciprocal annuity;

21 (3) any employee annuitant alive and receiving a  
22 reciprocal annuity on the effective date of this amendatory  
23 Act of 1998, whose service in this fund is at least 5  
24 years;

25 (4) any employee annuitant withdrawing after age 60 on  
26 or after the effective date of this amendatory Act of 1998,



1 with at least 10 years of service in this fund.

2 The increases granted under items (1), (2) and (3) of this  
3 subsection (j) shall not be limited by any other Section of  
4 this Act.

5 (Source: P.A. 97-651, eff. 1-5-12; revised 9-16-13.)

6 (40 ILCS 5/13-809) (from Ch. 108 1/2, par. 13-809)

7 Sec. 13-809. Administrative review. The provisions of the  
8 Administrative Review Law Act, and all amendments and  
9 modifications thereof and the rules adopted pursuant thereto  
10 shall apply to and govern all proceedings for the judicial  
11 review of final administrative decisions of the Retirement  
12 Board provided for under this Article. The term "administrative  
13 decision" is as defined in Section 3-101 of the Code of Civil  
14 Procedure.

15 (Source: P.A. 87-794; revised 10-7-13.)

16 Section 225. The Illinois Police Training Act is amended by  
17 changing Section 7 and by setting forth and renumbering  
18 multiple versions of Section 10.14 as follows:

19 (50 ILCS 705/7) (from Ch. 85, par. 507)

20 Sec. 7. Rules and standards for schools. The Board shall  
21 adopt rules and minimum standards for such schools which shall  
22 include but not be limited to the following:

23 a. The curriculum for probationary police officers which

1 shall be offered by all certified schools shall include but not  
2 be limited to courses of arrest, search and seizure, civil  
3 rights, human relations, cultural diversity, including racial  
4 and ethnic sensitivity, criminal law, law of criminal  
5 procedure, vehicle and traffic law including uniform and  
6 non-discriminatory enforcement of the Illinois Vehicle Code,  
7 traffic control and accident investigation, techniques of  
8 obtaining physical evidence, court testimonies, statements,  
9 reports, firearms training, training in the use of electronic  
10 control devices, including the psychological and physiological  
11 effects of the use of those devices on humans, first-aid  
12 (including cardiopulmonary resuscitation), handling of  
13 juvenile offenders, recognition of mental conditions which  
14 require immediate assistance and methods to safeguard and  
15 provide assistance to a person in need of mental treatment,  
16 recognition of abuse, neglect, financial exploitation, and  
17 self-neglect of adults with disabilities and older adults, as  
18 defined in Section 2 of the Adult Protective Services Act,  
19 crimes against the elderly, law of evidence, the hazards of  
20 high-speed police vehicle chases with an emphasis on  
21 alternatives to the high-speed chase, and physical training.  
22 The curriculum shall include specific training in techniques  
23 for immediate response to and investigation of cases of  
24 domestic violence and of sexual assault of adults and children.  
25 The curriculum shall include training in techniques designed to  
26 promote effective communication at the initial contact with

1 crime victims and ways to comprehensively explain to victims  
2 and witnesses their rights under the Rights of Crime Victims  
3 and Witnesses Act and the Crime Victims Compensation Act. The  
4 curriculum shall also include a block of instruction aimed at  
5 identifying and interacting with persons with autism and other  
6 developmental disabilities, reducing barriers to reporting  
7 crimes against persons with autism, and addressing the unique  
8 challenges presented by cases involving victims or witnesses  
9 with autism and other developmental disabilities. The  
10 curriculum for permanent police officers shall include but not  
11 be limited to (1) refresher and in-service training in any of  
12 the courses listed above in this subparagraph, (2) advanced  
13 courses in any of the subjects listed above in this  
14 subparagraph, (3) training for supervisory personnel, and (4)  
15 specialized training in subjects and fields to be selected by  
16 the board. The training in the use of electronic control  
17 devices shall be conducted for probationary police officers,  
18 including University police officers.

19 b. Minimum courses of study, attendance requirements and  
20 equipment requirements.

21 c. Minimum requirements for instructors.

22 d. Minimum basic training requirements, which a  
23 probationary police officer must satisfactorily complete  
24 before being eligible for permanent employment as a local law  
25 enforcement officer for a participating local governmental  
26 agency. Those requirements shall include training in first aid

1 (including cardiopulmonary resuscitation).

2 e. Minimum basic training requirements, which a  
3 probationary county corrections officer must satisfactorily  
4 complete before being eligible for permanent employment as a  
5 county corrections officer for a participating local  
6 governmental agency.

7 f. Minimum basic training requirements which a  
8 probationary court security officer must satisfactorily  
9 complete before being eligible for permanent employment as a  
10 court security officer for a participating local governmental  
11 agency. The Board shall establish those training requirements  
12 which it considers appropriate for court security officers and  
13 shall certify schools to conduct that training.

14 A person hired to serve as a court security officer must  
15 obtain from the Board a certificate (i) attesting to his or her  
16 successful completion of the training course; (ii) attesting to  
17 his or her satisfactory completion of a training program of  
18 similar content and number of hours that has been found  
19 acceptable by the Board under the provisions of this Act; or  
20 (iii) attesting to the Board's determination that the training  
21 course is unnecessary because of the person's extensive prior  
22 law enforcement experience.

23 Individuals who currently serve as court security officers  
24 shall be deemed qualified to continue to serve in that capacity  
25 so long as they are certified as provided by this Act within 24  
26 months of the effective date of this amendatory Act of 1996.

1 Failure to be so certified, absent a waiver from the Board,  
2 shall cause the officer to forfeit his or her position.

3 All individuals hired as court security officers on or  
4 after the effective date of this amendatory Act of 1996 shall  
5 be certified within 12 months of the date of their hire, unless  
6 a waiver has been obtained by the Board, or they shall forfeit  
7 their positions.

8 The Sheriff's Merit Commission, if one exists, or the  
9 Sheriff's Office if there is no Sheriff's Merit Commission,  
10 shall maintain a list of all individuals who have filed  
11 applications to become court security officers and who meet the  
12 eligibility requirements established under this Act. Either  
13 the Sheriff's Merit Commission, or the Sheriff's Office if no  
14 Sheriff's Merit Commission exists, shall establish a schedule  
15 of reasonable intervals for verification of the applicants'  
16 qualifications under this Act and as established by the Board.  
17 (Source: P.A. 97-815, eff. 1-1-13; 97-862, eff. 1-1-13; 98-49,  
18 eff. 7-1-13; 98-358, eff. 1-1-14; 98-463, eff. 8-16-13; revised  
19 9-11-13.)

20 (50 ILCS 705/10.14)

21 Sec. 10.14. Training; animal fighting awareness and humane  
22 response. The Illinois Law Enforcement Training Standards  
23 Board shall conduct or approve a training program in animal  
24 fighting awareness and humane response for law enforcement  
25 officers of local government agencies. The purpose of that

1 training shall be to equip law enforcement officers of local  
2 government agencies to identify animal fighting operations and  
3 respond appropriately. This training shall also include a  
4 humane response component that will provide guidelines for  
5 appropriate law enforcement response to animal abuse, cruelty,  
6 and neglect, or similar condition, as well as training on  
7 canine behavior and nonlethal ways to subdue a canine.

8 (Source: P.A. 98-311, eff. 1-1-14.)

9 (50 ILCS 705/10.15)

10 (Section scheduled to be repealed on July 1, 2016)

11 Sec. 10.15 ~~10.14~~. Electronic control devices used by local  
12 law enforcement agencies; inspections.

13 (a) For the purposes of this Section, "electronic control  
14 device" means:

15 (1) any device which is powered by electrical charging  
16 units, such as, batteries, and which fires one or several  
17 barbs attached to a length of wire and which, upon hitting  
18 a human, can send out a current capable of disrupting the  
19 person's nervous system in such a manner as to render the  
20 person incapable of normal functioning; or

21 (2) any device which is powered by electrical charging  
22 units, such as batteries, and which, upon contact with a  
23 human or clothing worn by a human, can send out current  
24 capable of disrupting the person's nervous system in such a  
25 manner as to render the person incapable of normal

1 functioning.

2 (b) Beginning January 1, 2014 and ending December 31, 2015,  
3 the Board shall randomly inspect police departments of units of  
4 local government and university police departments concerning  
5 the use of electronic control devices by law enforcement  
6 officers of the departments to determine whether the officers  
7 received appropriate training in their use. The Board shall  
8 compile the information from the random inspections and analyze  
9 the results.

10 (c) Based on the analysis required in subsection (b), the  
11 Board shall issue a report and present its report and findings  
12 to the Governor and General Assembly on or before June 30,  
13 2016. The Board in its report may recommend legislation  
14 concerning the use of electronic control devices by law  
15 enforcement officers and the training of law enforcement  
16 officers in the use of those devices.

17 (d) This Section is repealed on July 1, 2016.

18 (Source: P.A. 98-358, eff. 1-1-14; revised 10-17-13.)

19 Section 230. The Counties Code is amended by changing  
20 Sections 3-3016.5, 3-5018, 5-1062.3, 5-12001.2, 5-44020, and  
21 6-27005 and by setting forth and renumbering multiple versions  
22 of Section 5-1134 as follows:

23 (55 ILCS 5/3-3016.5)

24 Sec. 3-3016.5. Sudden, unexpected death in epilepsy

1 (SUDEP).

2 (a) All autopsies conducted in this State shall include an  
3 inquiry to determine whether the death was a direct result of a  
4 seizure or epilepsy. If the findings in an autopsy of a medical  
5 examiner, examining physician, or coroner are consistent with  
6 known or suspected sudden, unexpected death in epilepsy  
7 (SUDEP), then the medical examiner, examining physician, or  
8 coroner shall:

9 (1) cause to be indicated on the death certificate that  
10 SUDEP is the cause or suspected cause of death; and

11 (2) forward a copy of the death certificate to the  
12 North American SUDEP Registry at the Langone Medical Center  
13 at New York University within 30 days.

14 (b) For the purposes of this Section, "sudden, unexpected  
15 death in epilepsy" refers to a death in a patient previously  
16 diagnosed with epilepsy that is not due to trauma, drowning,  
17 status epilepticus, or other known causes, but for which there  
18 is often evidence of an associated seizure. A finding of  
19 sudden, unexpected death in epilepsy is definite when clinical  
20 criteria are met and autopsy reveals no alternative cause of  
21 death, such as stroke, myocardial infarction, or drug  
22 intoxication, although there may be evidence of a seizure.

23 (Source: P.A. 98-340, eff. 1-1-14; revised 10-8-13.)

24 (55 ILCS 5/3-5018) (from Ch. 34, par. 3-5018)

25 Sec. 3-5018. Fees. The recorder elected as provided for in



1 this Division shall receive such fees as are or may be provided  
2 for him or her by law, in case of provision therefor: otherwise  
3 he or she shall receive the same fees as are or may be provided  
4 in this Section, except when increased by county ordinance  
5 pursuant to the provisions of this Section, to be paid to the  
6 county clerk for his or her services in the office of recorder  
7 for like services.

8 For recording deeds or other instruments, \$12 for the first  
9 4 pages thereof, plus \$1 for each additional page thereof, plus  
10 \$1 for each additional document number therein noted. The  
11 aggregate minimum fee for recording any one instrument shall  
12 not be less than \$12.

13 For recording deeds or other instruments wherein the  
14 premises affected thereby are referred to by document number  
15 and not by legal description, a fee of \$1 in addition to that  
16 hereinabove referred to for each document number therein noted.

17 For recording assignments of mortgages, leases or liens,  
18 \$12 for the first 4 pages thereof, plus \$1 for each additional  
19 page thereof. However, except for leases and liens pertaining  
20 to oil, gas and other minerals, whenever a mortgage, lease or  
21 lien assignment assigns more than one mortgage, lease or lien  
22 document, a \$7 fee shall be charged for the recording of each  
23 such mortgage, lease or lien document after the first one.

24 For recording any document that affects an interest in real  
25 property other than documents which solely affect or relate to  
26 an easement for water, sewer, electricity, gas, telephone or

1 other public service, the recorder shall charge a fee of \$1 per  
2 document to all filers of documents not filed by any State  
3 agency, any unit of local government, or any school district.  
4 Fifty cents of the \$1 fee hereby established shall be deposited  
5 into the County General Revenue Fund. The remaining \$0.50 shall  
6 be deposited into the Recorder's Automation Fund and may not be  
7 appropriated or expended for any other purpose. The additional  
8 amounts available to the recorder for expenditure from the  
9 Recorder's Automation Fund shall not offset or reduce any other  
10 county appropriations or funding for the office of the  
11 recorder.

12 For recording maps or plats of additions or subdivisions  
13 approved by the county or municipality (including the spreading  
14 of the same of record in map case or other proper books) or  
15 plats of condominiums, \$50 for the first page, plus \$1 for each  
16 additional page thereof except that in the case of recording a  
17 single page, legal size 8 1/2 x 14, plat of survey in which  
18 there are no more than two lots or parcels of land, the fee  
19 shall be \$12. In each county where such maps or plats are to be  
20 recorded, the recorder may require the same to be accompanied  
21 by such number of exact, true and legible copies thereof as the  
22 recorder deems necessary for the efficient conduct and  
23 operation of his or her office.

24 For non-certified copies of records, an amount not to  
25 exceed one-half of the amount provided in this Section for  
26 certified copies, according to a standard scale of fees,

1 established by county ordinance and made public. The provisions  
2 of this paragraph shall not be applicable to any person or  
3 entity who obtains non-certified copies of records in the  
4 following manner: (i) in bulk for all documents recorded on any  
5 given day in an electronic or paper format for a negotiated  
6 amount less than the amount provided for in this paragraph for  
7 non-certified copies, (ii) under a contractual relationship  
8 with the recorder for a negotiated amount less than the amount  
9 provided for in this paragraph for non-certified copies,  
10 or (iii) by means of Internet access pursuant to Section  
11 5-1106.1.

12 For certified copies of records, the same fees as for  
13 recording, but in no case shall the fee for a certified copy of  
14 a map or plat of an addition, subdivision or otherwise exceed  
15 \$10.

16 Each certificate of such recorder of the recording of the  
17 deed or other writing and of the date of recording the same  
18 signed by such recorder, shall be sufficient evidence of the  
19 recording thereof, and such certificate including the indexing  
20 of record, shall be furnished upon the payment of the fee for  
21 recording the instrument, and no additional fee shall be  
22 allowed for the certificate or indexing.

23 The recorder shall charge an additional fee, in an amount  
24 equal to the fee otherwise provided by law, for recording a  
25 document (other than a document filed under the Plat Act or the  
26 Uniform Commercial Code) that does not conform to the following

1 standards:

2 (1) The document shall consist of one or more  
3 individual sheets measuring 8.5 inches by 11 inches, not  
4 permanently bound and not a continuous form. Graphic  
5 displays accompanying a document to be recorded that  
6 measure up to 11 inches by 17 inches shall be recorded  
7 without charging an additional fee.

8 (2) The document shall be legibly printed in black ink,  
9 by hand, type, or computer. Signatures and dates may be in  
10 contrasting colors if they will reproduce clearly.

11 (3) The document shall be on white paper of not less  
12 than 20-pound weight and shall have a clean margin of at  
13 least one-half inch on the top, the bottom, and each side.  
14 Margins may be used for non-essential notations that will  
15 not affect the validity of the document, including but not  
16 limited to form numbers, page numbers, and customer  
17 notations.

18 (4) The first page of the document shall contain a  
19 blank space, measuring at least 3 inches by 5 inches, from  
20 the upper right corner.

21 (5) The document shall not have any attachment stapled  
22 or otherwise affixed to any page.

23 A document that does not conform to these standards shall not  
24 be recorded except upon payment of the additional fee required  
25 under this paragraph. This paragraph, as amended by this  
26 amendatory Act of 1995, applies only to documents dated after

1 the effective date of this amendatory Act of 1995.

2 The county board of any county may provide for an  
3 additional charge of \$3 for filing every instrument, paper, or  
4 notice for record, (1) in order to defray the cost of  
5 converting the county recorder's document storage system to  
6 computers or micrographics and (2) in order to defray the cost  
7 of providing access to records through the global information  
8 system known as the Internet.

9 A special fund shall be set up by the treasurer of the  
10 county and such funds collected pursuant to Public Act 83-1321  
11 shall be used (1) for a document storage system to provide the  
12 equipment, materials and necessary expenses incurred to help  
13 defray the costs of implementing and maintaining such a  
14 document records system and (2) for a system to provide  
15 electronic access to those records.

16 The county board of any county that provides and maintains  
17 a countywide map through a Geographic Information System (GIS)  
18 may provide for an additional charge of \$3 for filing every  
19 instrument, paper, or notice for record (1) in order to defray  
20 the cost of implementing or maintaining the county's Geographic  
21 Information System and (2) in order to defray the cost of  
22 providing electronic or automated access to the county's  
23 Geographic Information System or property records. Of that  
24 amount, \$2 must be deposited into a special fund set up by the  
25 treasurer of the county, and any moneys collected pursuant to  
26 this amendatory Act of the 91st General Assembly and deposited

1 into that fund must be used solely for the equipment,  
2 materials, and necessary expenses incurred in implementing and  
3 maintaining a Geographic Information System and in order to  
4 defray the cost of providing electronic access to the county's  
5 Geographic Information System records. The remaining \$1 must be  
6 deposited into the recorder's special funds created under  
7 Section 3-5005.4. The recorder may, in his or her discretion,  
8 use moneys in the funds created under Section 3-5005.4 to  
9 defray the cost of implementing or maintaining the county's  
10 Geographic Information System and to defray the cost of  
11 providing electronic access to the county's Geographic  
12 Information System records.

13 The recorder shall collect a \$9 Rental Housing Support  
14 Program State surcharge for the recordation of any real  
15 estate-related document. Payment of the Rental Housing Support  
16 Program State surcharge shall be evidenced by a receipt that  
17 shall be marked upon or otherwise affixed to the real  
18 estate-related document by the recorder. The form of this  
19 receipt shall be prescribed by the Department of Revenue and  
20 the receipts shall be issued by the Department of Revenue to  
21 each county recorder.

22 The recorder shall not collect the Rental Housing Support  
23 Program State surcharge from any State agency, any unit of  
24 local government or any school district.

25 On the 15th day of each month, each county recorder shall  
26 report to the Department of Revenue, on a form prescribed by

1 the Department, the number of real estate-related documents  
2 recorded for which the Rental Housing Support Program State  
3 surcharge was collected. Each recorder shall submit \$9 of each  
4 surcharge collected in the preceding month to the Department of  
5 Revenue and the Department shall deposit these amounts in the  
6 Rental Housing Support Program Fund. Subject to appropriation,  
7 amounts in the Fund may be expended only for the purpose of  
8 funding and administering the Rental Housing Support Program.

9 For purposes of this Section, "real estate-related  
10 document" means that term as it is defined in Section 7 of the  
11 Rental Housing Support Program Act.

12 The foregoing fees allowed by this Section are the maximum  
13 fees that may be collected from any officer, agency, department  
14 or other instrumentality of the State. The county board may,  
15 however, by ordinance, increase the fees allowed by this  
16 Section and collect such increased fees from all persons and  
17 entities other than officers, agencies, departments and other  
18 instrumentalities of the State if the increase is justified by  
19 an acceptable cost study showing that the fees allowed by this  
20 Section are not sufficient to cover the cost of providing the  
21 service. Regardless of any other provision in this Section, the  
22 maximum fee that may be collected from the Department of  
23 Revenue for filing or indexing a lien, certificate of lien  
24 release or subordination, or any other type of notice or other  
25 documentation affecting or concerning a lien is \$5. Regardless  
26 of any other provision in this Section, the maximum fee that

1 may be collected from the Department of Revenue for indexing  
2 each additional name in excess of one for any lien, certificate  
3 of lien release or subordination, or any other type of notice  
4 or other documentation affecting or concerning a lien is \$1.

5 A statement of the costs of providing each service, program  
6 and activity shall be prepared by the county board. All  
7 supporting documents shall be public record and subject to  
8 public examination and audit. All direct and indirect costs, as  
9 defined in the United States Office of Management and Budget  
10 Circular A-87, may be included in the determination of the  
11 costs of each service, program and activity.

12 (Source: P.A. 98-5, eff. 3-22-13; 98-217, eff. 8-9-13; revised  
13 9-24-13.)

14 (55 ILCS 5/5-1062.3)

15 Sec. 5-1062.3. Stormwater management; DuPage and Peoria  
16 Counties.

17 (a) The purpose of this Section is to allow management and  
18 mitigation of the effects of urbanization on stormwater  
19 drainage in the metropolitan counties of DuPage and Peoria, and  
20 references to "county" in this Section apply only to those  
21 counties. This Section does not apply to a municipality that  
22 only partially lies within one of these counties and, on the  
23 effective date of this amendatory Act of the 98th General  
24 Assembly, is served by an existing Section in the Counties Code  
25 regarding stormwater management. The purpose of this Section



1 shall be achieved by:

2 (1) consolidating the existing stormwater management  
3 framework into a united, countywide structure;

4 (2) setting minimum standards for floodplain and  
5 stormwater management; and

6 (3) preparing a countywide plan for the management of  
7 stormwater runoff, including the management of natural and  
8 man-made drainageways. The countywide plan may incorporate  
9 watershed plans.

10 (b) A stormwater management planning committee may be  
11 established by county board resolution, with its membership  
12 consisting of equal numbers of county board and municipal  
13 representatives from each county board district, and such other  
14 members as may be determined by the county and municipal  
15 members. If the county has more than 6 county board districts,  
16 however, the county board may by ordinance divide the county  
17 into not less than 6 areas of approximately equal population,  
18 to be used instead of county board districts for the purpose of  
19 determining representation on the stormwater management  
20 planning committee.

21 The county board members shall be appointed by the chairman  
22 of the county board. Municipal members from each county board  
23 district or other represented area shall be appointed by a  
24 majority vote of the mayors of those municipalities that have  
25 the greatest percentage of their respective populations  
26 residing in that county board district or other represented

1 area. All municipal and county board representatives shall be  
2 entitled to a vote; the other members shall be nonvoting  
3 members, unless authorized to vote by the unanimous consent of  
4 the municipal and county board representatives. A municipality  
5 that is located in more than one county may choose, at the time  
6 of formation of the stormwater management planning committee  
7 and based on watershed boundaries, to participate in the  
8 stormwater management planning program of either county.  
9 Subcommittees of the stormwater management planning committee  
10 may be established to serve a portion of the county or a  
11 particular drainage basin that has similar stormwater  
12 management needs. The stormwater management planning committee  
13 shall adopt bylaws, by a majority vote of the county and  
14 municipal members, to govern the functions of the committee and  
15 its subcommittees. Officers of the committee shall include a  
16 chair and vice chair, one of whom shall be a county  
17 representative and one a municipal representative.

18 The principal duties of the committee shall be to develop a  
19 stormwater management plan for presentation to and approval by  
20 the county board, and to direct the plan's implementation and  
21 revision. The committee may retain engineering, legal, and  
22 financial advisors and inspection personnel. The committee  
23 shall meet at least quarterly and shall hold at least one  
24 public meeting during the preparation of the plan and prior to  
25 its submittal to the county board. The committee may make  
26 grants to units of local government that have adopted an

1 ordinance requiring actions consistent with the stormwater  
2 management plan and to landowners for the purposes of  
3 stormwater management, including special projects; use of the  
4 grant money must be consistent with the stormwater management  
5 plan.

6 The committee shall not have or exercise any power of  
7 eminent domain.

8 (c) In the preparation of a stormwater management plan, a  
9 county stormwater management planning committee shall  
10 coordinate the planning process with each adjoining county to  
11 ensure that recommended stormwater projects will have no  
12 significant impact on the levels or flows of stormwaters in  
13 inter-county watersheds or on the capacity of existing and  
14 planned stormwater retention facilities. An adopted stormwater  
15 management plan shall identify steps taken by the county to  
16 coordinate the development of plan recommendations with  
17 adjoining counties.

18 (d) The stormwater management committee may not enforce any  
19 rules or regulations that would interfere with (i) any power  
20 granted by the Illinois Drainage Code (70 ILCS 605/) to  
21 operate, construct, maintain, or improve drainage systems or  
22 (ii) the ability to operate, maintain, or improve the drainage  
23 systems used on or by land or a facility used for production  
24 agriculture purposes, as defined in the Use Tax Act (35 ILCS  
25 105/), except newly constructed buildings and newly installed  
26 impervious paved surfaces. Disputes regarding an exception

1 shall be determined by a mutually agreed upon arbitrator paid  
2 by the disputing party or parties.

3 (e) Before the stormwater management planning committee  
4 recommends to the county board a stormwater management plan for  
5 the county or a portion thereof, it shall submit the plan to  
6 the Office of Water Resources of the Department of Natural  
7 Resources for review and recommendations. The Office, in  
8 reviewing the plan, shall consider such factors as impacts on  
9 the levels or flows in rivers and streams and the cumulative  
10 effects of stormwater discharges on flood levels. The Office of  
11 Water Resources shall determine whether the plan or ordinances  
12 enacted to implement the plan complies with the requirements of  
13 subsection (f). Within a period not to exceed 60 days, the  
14 review comments and recommendations shall be submitted to the  
15 stormwater management planning committee for consideration.  
16 Any amendments to the plan shall be submitted to the Office for  
17 review.

18 (f) Prior to recommending the plan to the county board, the  
19 stormwater management planning committee shall hold at least  
20 one public hearing thereon and shall afford interested persons  
21 an opportunity to be heard. The hearing shall be held in the  
22 county seat. Notice of the hearing shall be published at least  
23 once and no less than 15 days in advance of the hearing in a  
24 newspaper of general circulation published in the county. The  
25 notice shall state the time and place of the hearing and the  
26 place where copies of the proposed plan will be accessible for

1 examination by interested parties. If an affected municipality  
2 having a stormwater management plan adopted by ordinance wishes  
3 to protest the proposed county plan provisions, it shall appear  
4 at the hearing and submit in writing specific proposals to the  
5 stormwater management planning committee. After consideration  
6 of the matters raised at the hearing, the committee may amend  
7 or approve the plan and recommend it to the county board for  
8 adoption.

9 The county board may enact the proposed plan by ordinance.  
10 If the proposals for modification of the plan made by an  
11 affected municipality having a stormwater management plan are  
12 not included in the proposed county plan, and the municipality  
13 affected by the plan opposes adoption of the county plan by  
14 resolution of its corporate authorities, approval of the county  
15 plan shall require an affirmative vote of at least two-thirds  
16 of the county board members present and voting. If the county  
17 board wishes to amend the county plan, it shall submit in  
18 writing specific proposals to the stormwater management  
19 planning committee. If the proposals are not approved by the  
20 committee, or are opposed by resolution of the corporate  
21 authorities of an affected municipality having a municipal  
22 stormwater management plan, amendment of the plan shall require  
23 an affirmative vote of at least two-thirds of the county board  
24 members present and voting.

25 (g) The county board may prescribe by ordinance reasonable  
26 rules and regulations for floodplain management and for

1 governing the location, width, course, and release rate of all  
2 stormwater runoff channels, streams, and basins in the county,  
3 in accordance with the adopted stormwater management plan.  
4 Land, facilities, and drainage district facilities used for  
5 production agriculture as defined in subsection (d) shall not  
6 be subjected to regulation by the county board or stormwater  
7 management committee under this Section for floodplain  
8 management and for governing location, width, course,  
9 maintenance, and release rate of stormwater runoff channels,  
10 streams and basins, or water discharged from a drainage  
11 district. These rules and regulations shall, at a minimum, meet  
12 the standards for floodplain management established by the  
13 Office of Water Resources and the requirements of the Federal  
14 Emergency Management Agency for participation in the National  
15 Flood Insurance Program. With respect to DuPage County only,  
16 the Chicago Metropolitan Agency for Planning may not impose  
17 more stringent regulations regarding water quality on entities  
18 discharging in accordance with a valid National Pollution  
19 Discharge Elimination System permit issued under the  
20 Environmental Protection Act.

21 (h) For the purpose of implementing this Section and for  
22 the development, design, planning, construction, operation,  
23 and maintenance of stormwater facilities provided for in the  
24 adopted stormwater management plan, a county board that has  
25 established a stormwater management planning committee  
26 pursuant to this Section or has participated in a stormwater

1 management planning process may adopt a schedule of fees  
2 applicable to all real property within the county which  
3 benefits from the county's stormwater management facilities  
4 and activities, and as may be necessary to mitigate the effects  
5 of increased stormwater runoff resulting from development. The  
6 total amount of the fees assessed must be specifically and  
7 uniquely attributable to the actual costs of the county in the  
8 preparation, administration, and implementation of the adopted  
9 stormwater management plan, construction and maintenance of  
10 stormwater facilities, and other activities related to the  
11 management of the runoff from the property. The individual fees  
12 must be specifically and uniquely attributable to the portion  
13 of the actual cost to the county of managing the runoff from  
14 the property. The fees shall be used to finance activities  
15 undertaken by the county or its included municipalities to  
16 mitigate the effects of urban stormwater runoff by providing  
17 and maintaining stormwater collection, retention, detention,  
18 and particulate treatment facilities, and improving water  
19 bodies impacted by stormwater runoff, as identified in the  
20 county plan. In establishing, maintaining, or replacing such  
21 facilities, the county shall not duplicate facilities operated  
22 by other governmental bodies within its corporate boundaries.  
23 The schedule of fees established by the county board shall  
24 include a procedure for a full or partial fee waiver for  
25 property owners who have taken actions or put in place  
26 facilities that reduce or eliminate the cost to the county of

1 providing stormwater management services to their property.  
2 The county board may also offer tax or fee rebates or incentive  
3 payments to property owners who construct, maintain, and use  
4 approved green infrastructure stormwater management devices or  
5 any other methods that reduce or eliminate the cost to the  
6 county of providing stormwater management services to the  
7 property, including but not limited to facilities that reduce  
8 the volume, temperature, velocity, and pollutant load of the  
9 stormwater managed by the county, such as systems that  
10 infiltrate, evapotranspire, or harvest stormwater for reuse,  
11 known as "green infrastructure". In exercising this authority,  
12 the county shall provide notice to the municipalities within  
13 its jurisdiction ~~their jurisdictions~~ of any fees proposed under  
14 this Section and seek the input of each municipality with  
15 respect to the calculation of the fees. The county shall also  
16 give property owners at least 2 years' notice of the fee,  
17 during which time the county shall provide education on green  
18 infrastructure practices and an opportunity to take action to  
19 reduce or eliminate the fee. All these fees collected by the  
20 county shall be held in a separate fund, and shall be expended  
21 only in the watershed within which they were collected. The  
22 county may enter into intergovernmental agreements with other  
23 government bodies for the joint administration of stormwater  
24 management and the collection of the fees authorized in this  
25 Section.

26 A fee schedule authorized by this subsection must have the



1 same limit as the authorized stormwater tax. In Peoria County  
2 only, the fee schedule shall not be adopted unless (i) a  
3 referendum has been passed approving a stormwater tax as  
4 provided in subsection (i) of this Section; or (ii) the  
5 question of the adoption of a fee schedule with the same limit  
6 as the authorized stormwater tax has been approved in a  
7 referendum by a majority of those voting on the question.

8 (i) In the alternative to a fee imposed under subsection  
9 (h), the county board may cause an annual tax of not to exceed  
10 0.20% of the value, as equalized or assessed by the Department  
11 of Revenue, of all taxable property in the county to be levied  
12 upon all the taxable property in the county. The property tax  
13 shall be in addition to all other taxes authorized by law to be  
14 levied and collected in the county and shall be in addition to  
15 the maximum tax rate authorized by law for general county  
16 purposes. The 0.20% limitation provided in this Section may be  
17 increased or decreased by referendum in accordance with the  
18 provisions of Sections 18-120, 18-125, and 18-130 of the  
19 Property Tax Code (35 ILCS 200/).

20 Any revenues generated as a result of ownership or  
21 operation of facilities or land acquired with the tax funds  
22 collected pursuant to this subsection shall be held in a  
23 separate fund and be used either to abate such property tax or  
24 for implementing this Section.

25 If at least part of the county has been declared by a  
26 presidential proclamation after July 1, 1986 and before

1 December 31, 1987, to be a disaster area as a result of  
2 flooding, the tax authorized by this subsection does not  
3 require approval by referendum. However, in Peoria County, the  
4 tax authorized by this subsection shall not be levied until the  
5 question of its adoption, either for a specified period or  
6 indefinitely, has been submitted to the electors thereof and  
7 approved by a majority of those voting on the question. This  
8 question may be submitted at any election held in the county  
9 after the adoption of a resolution by the county board  
10 providing for the submission of the question to the electors of  
11 the county. The county board shall certify the resolution and  
12 proposition to the proper election officials, who shall submit  
13 the proposition at an election in accordance with the general  
14 election law. If a majority of the votes cast on the question  
15 is in favor of the levy of the tax, it may thereafter be levied  
16 in the county for the specified period or indefinitely, as  
17 provided in the proposition. The question shall be put in  
18 substantially the following form:

19            Shall an annual tax be levied for stormwater management  
20            purposes (for a period of not more than ..... years) at a  
21            rate not exceeding .....% of the equalized assessed value  
22            of the taxable property of ..... County?

23            Votes shall be recorded as Yes or No.

24            The following question may be submitted at any election  
25            held in the county after the adoption of a resolution by the  
26            county board providing for the submission of the question to

1 the electors of the county to authorize adoption of a schedule  
2 of fees applicable to all real property within the county:

3 Shall the county board be authorized to adopt a  
4 schedule of fees, at a rate not exceeding that of the  
5 stormwater management tax, applicable to all real property  
6 for preparation, administration, and implementation of an  
7 adopted stormwater management plan, construction and  
8 maintenance of related facilities, and management of the  
9 runoff from the property?

10 Votes shall be recorded as Yes or No.

11 If these questions have been approved by a majority of  
12 those voting prior to the effective date of this amendatory Act  
13 of the 98th General Assembly, this subsection does not apply.

14 (j) For those counties that adopt a property tax in  
15 accordance with the provisions in this Section, the stormwater  
16 management committee shall offer property tax abatements or  
17 incentive payments to property owners who construct, maintain,  
18 and use approved stormwater management devices. The stormwater  
19 management committee is authorized to offer credits to the  
20 property tax, if applicable, based on authorized practices  
21 consistent with the stormwater management plan and approved by  
22 the committee. Expenses of staff of a stormwater management  
23 committee that are expended on regulatory project review may be  
24 no more than 20% of the annual budget of the committee,  
25 including funds raised under subsections (h) and (i).

26 (k) Upon the creation and implementation of a county

1 stormwater management plan, the county may petition the circuit  
2 court to dissolve any or all drainage districts created  
3 pursuant to the Illinois Drainage Code or predecessor Acts  
4 which are located entirely within the area of the county  
5 covered by the plan.

6 However, any active drainage district implementing a plan  
7 that is consistent with and at least as stringent as the county  
8 stormwater management plan may petition the stormwater  
9 management planning committee for exception from dissolution.  
10 Upon filing of the petition, the committee shall set a date for  
11 hearing not less than 2 weeks, nor more than 4 weeks, from the  
12 filing thereof, and the committee shall give at least one  
13 week's notice of the hearing in one or more newspapers of  
14 general circulation within the district, and in addition shall  
15 cause a copy of the notice to be personally served upon each of  
16 the trustees of the district. At the hearing, the committee  
17 shall hear the district's petition and allow the district  
18 trustees and any interested parties an opportunity to present  
19 oral and written evidence. The committee shall render its  
20 decision upon the petition for exception from dissolution based  
21 upon the best interests of the residents of the district. In  
22 the event that the exception is not allowed, the district may  
23 file a petition within 30 days of the decision with the circuit  
24 court. In that case, the notice and hearing requirements for  
25 the court shall be the same as herein provided for the  
26 committee. The court shall likewise render its decision of

1 whether to dissolve the district based upon the best interests  
2 of residents of the district.

3 The dissolution of any drainage district shall not affect  
4 the obligation of any bonds issued or contracts entered into by  
5 the district nor invalidate the levy, extension or collection  
6 of any taxes or special assessments upon the property in the  
7 former drainage district. All property and obligations of the  
8 former drainage district shall be assumed and managed by the  
9 county, and the debts of the former drainage district shall be  
10 discharged as soon as practicable.

11 If a drainage district lies only partly within a county  
12 that adopts a county stormwater management plan, the county may  
13 petition the circuit court to disconnect from the drainage  
14 district that portion of the district that lies within that  
15 county. The property of the drainage district within the  
16 disconnected area shall be assumed and managed by the county.  
17 The county shall also assume a portion of the drainage  
18 district's debt at the time of disconnection, based on the  
19 portion of the value of the taxable property of the drainage  
20 district which is located within the area being disconnected.

21 The operations of any drainage district that continues to  
22 exist in a county that has adopted a stormwater management plan  
23 in accordance with this Section shall be in accordance with the  
24 adopted plan.

25 (1) Any county that has adopted a county stormwater  
26 management plan under this Section may, after 10 days' ~~days~~

1 written notice receiving consent of the owner or occupant,  
2 enter upon any lands or waters within the county for the  
3 purpose of inspecting stormwater facilities or causing the  
4 removal of any obstruction to an affected watercourse. If  
5 consent is denied or cannot be reasonably obtained, the county  
6 ordinance shall provide a process or procedure for an  
7 administrative warrant to be obtained. The county shall be  
8 responsible for any damages occasioned thereby.

9 (m) Except as otherwise provided in subsection (a) of this  
10 Section, upon petition of the municipality, and based on a  
11 finding of the stormwater management planning committee, the  
12 county shall not enforce rules and regulations adopted by the  
13 county in any municipality located wholly or partly within the  
14 county that has a municipal stormwater management ordinance  
15 that is consistent with and at least as stringent as the county  
16 plan and ordinance, and is being enforced by the municipal  
17 authorities. On issues that the county ordinance is more  
18 stringent as deemed by the committee, the county shall only  
19 enforce rules and regulations adopted by the county on the more  
20 stringent issues and accept municipal permits. The county shall  
21 have no more than 60 days to review permits or the permits  
22 shall be deemed approved.

23 (n) A county may issue general obligation bonds for  
24 implementing any stormwater plan adopted under this Section in  
25 the manner prescribed in Section 5-1012; except that the  
26 referendum requirement of Section 5-1012 does not apply to

1 bonds issued pursuant to this Section on which the principal  
2 and interest are to be paid entirely out of funds generated by  
3 the taxes and fees authorized by this Section.

4 (o) A county that has adopted a fee schedule pursuant to  
5 this Section may not thereafter issue any bond extensions  
6 related to implementing a stormwater management plan.

7 (p) The powers authorized by this Section may be  
8 implemented by the county board for a portion of the county  
9 subject to similar stormwater management needs.

10 (q) The powers and taxes authorized by this Section are in  
11 addition to the powers and taxes authorized by Division 5-15;  
12 in exercising its powers under this Section, a county shall not  
13 be subject to the restrictions and requirements of that  
14 Division.

15 (r) Stormwater management projects and actions related to  
16 stormwater management in a county that has adopted a fee  
17 schedule or tax pursuant to this Section prior to the effective  
18 date of this amendatory Act of the 98th General Assembly are  
19 not altered by this amendatory Act of the 98th General  
20 Assembly.

21 (Source: P.A. 98-335, eff. 8-13-13; revised 10-8-13.)

22 (55 ILCS 5/5-1134)

23 Sec. 5-1134. Project labor agreements.

24 (a) Any sports, arts, or entertainment facilities that  
25 receive revenue from a tax imposed under subsection (b) of

1 Section 5-1030 of this Code shall be considered to be public  
2 works within the meaning of the Prevailing Wage Act. The county  
3 authorities responsible for the construction, renovation,  
4 modification, or alteration of the sports, arts, or  
5 entertainment facilities shall enter into project labor  
6 agreements with labor organizations as defined in the National  
7 Labor Relations Act to assure that no labor dispute interrupts  
8 or interferes with the construction, renovation, modification,  
9 or alteration of the projects.

10 (b) The project labor agreements must include the  
11 following:

12 (1) provisions establishing the minimum hourly wage  
13 for each class of labor organization employees;

14 (2) provisions establishing the benefits and other  
15 compensation for such class of labor organization; and

16 (3) provisions establishing that no strike or disputes  
17 will be engaged in by the labor organization employees.

18 The county, taxing bodies, municipalities, and the labor  
19 organizations shall have the authority to include other terms  
20 and conditions as they deem necessary.

21 (c) The project labor agreement shall be filed with the  
22 Director of the Illinois Department of Labor in accordance with  
23 procedures established by the Department. At a minimum, the  
24 project labor agreement must provide the names, addresses, and  
25 occupations of the owner of the facilities and the individuals  
26 representing the labor organization employees participating in



1 the project labor agreement. The agreement must also specify  
2 the terms and conditions required in subsection (b) of this  
3 Section.

4 (d) In any agreement for the construction or rehabilitation  
5 of a facility using revenue generated under subsection (b) of  
6 Section 5-1030 of this Code, in connection with the  
7 prequalification of general contractors for construction or  
8 rehabilitation of the facility, it shall be required that a  
9 commitment will be submitted detailing how the general  
10 contractor will expend 15% or more of the aggregate dollar  
11 value of the project as a whole with one or more minority-owned  
12 businesses, female-owned businesses, or businesses owned by a  
13 person with a disability, as these terms are defined in Section  
14 2 of the Business Enterprise for Minorities, Females, and  
15 Persons with Disabilities Act.

16 (Source: P.A. 98-313, eff. 8-12-13.)

17 (55 ILCS 5/5-1135)

18 Sec. 5-1135 ~~5-1134~~. Borrowing from financial institutions.  
19 The county board of a county may borrow money for any corporate  
20 purpose from any bank or other financial institution provided  
21 such money shall be repaid within 2 years from the time the  
22 money is borrowed. The county board chairman or county  
23 executive, as the case may be, shall execute a promissory note  
24 or similar debt instrument, but not a bond, to evidence the  
25 indebtedness incurred by the borrowing. The obligation to make

1 the payments due under the promissory note or other debt  
2 instrument shall be a lawful direct general obligation of the  
3 county payable from the general funds of the county and such  
4 other sources of payment as are otherwise lawfully available.  
5 The promissory note or other debt instrument shall be  
6 authorized by an ordinance passed by the county board and shall  
7 be valid whether or not an appropriation with respect to that  
8 ordinance is included in any annual or supplemental  
9 appropriation adopted by the county board. The indebtedness  
10 incurred under this Section, when aggregated with the existing  
11 indebtedness of the county, may not exceed any debt limitation  
12 otherwise provided for by law. "Financial institution" means  
13 any bank subject to the Illinois Banking Act, any savings and  
14 loan association subject to the Illinois Savings and Loan Act  
15 of 1985, any savings bank subject to the Savings Bank Act, any  
16 credit union subject to the Illinois Credit Union Act, and any  
17 federally chartered commercial bank, savings and loan  
18 association, savings bank, or credit union organized and  
19 operated in this State pursuant to the laws of the United  
20 States.

21 (Source: P.A. 98-525, eff. 8-23-13; revised 10-17-13.)

22 (55 ILCS 5/5-12001.2)

23 Sec. 5-12001.2. Regulation of telecommunications  
24 facilities; Lake County pilot project. In addition to any other  
25 requirements under this Division concerning the regulation of

1 telecommunications facilities, the following applies to any  
2 new telecommunications facilities in Lake County that are not  
3 AM telecommunications towers or facilities:

4 (a) For every new wireless telecommunications facility  
5 requiring a new tower structure, a telecommunications  
6 carrier shall provide the county with documentation  
7 consisting of the proposed location, a site plan, and an  
8 elevation that sufficiently describes a proposed wireless  
9 facility location.

10 (b) The county shall have 7 days to review the facility  
11 proposal and contact the telecommunications carrier in  
12 writing via e-mail or other written means as specified by  
13 the telecommunications carrier. This written communication  
14 shall either approve the proposed location or request a  
15 meeting to review other possible alternative locations. If  
16 requested, the meeting shall take place within 7 days after  
17 the date of the written communication.

18 (c) At the meeting, the telecommunications carrier  
19 shall provide the county documentation consisting of radio  
20 frequency engineering criteria and a corresponding  
21 telecommunications facility search ring map, together with  
22 documentation of the carrier's efforts to site the proposed  
23 facility within the telecommunications facility search  
24 ring.

25 (d) Within 21 days after receipt of the carrier's  
26 documentation, the county shall propose either an

1 alternative site within the telecommunications facility  
2 search ring, or an alternative site outside of the  
3 telecommunications search ring that meets the radio  
4 frequency engineering criteria provided by the  
5 telecommunications carrier and that will not materially  
6 increase the construction budget beyond what was estimated  
7 on the original carrier proposed site.

8 (e) If the county's proposed alternative site meets the  
9 radio frequency engineering criteria provided by the  
10 telecommunications carrier, and will not materially  
11 increase the construction budget beyond what was estimated  
12 on the original carrier proposed site, then the  
13 telecommunications carrier shall agree to build the  
14 facility at the alternative location, subject to the  
15 negotiation of a lease with commercially reasonable terms  
16 and the obtainment of the customary building permits.

17 (f) If the telecommunications carrier can demonstrate  
18 that: (i) the county's proposed alternative site does not  
19 meet the radio frequency engineering criteria, (ii) the  
20 county's proposed alternative site will materially  
21 increase the construction budget beyond what was estimated  
22 on the original carrier proposed site, (iii) the county has  
23 failed to provide an alternative ~~alternate~~ site, or (iv)  
24 after a period of 90 days after receipt of the alternative  
25 site, the telecommunications carrier has failed, after  
26 acting in good faith and with due diligence, to obtain a

1 lease or, at a minimum, a letter of intent to lease the  
2 alternative site at lease rates not materially greater than  
3 the lease rate for the original proposed site; then the  
4 carrier can proceed to permit and construct the site under  
5 the provisions and standards of Section 5-12001.1 of this  
6 Code.

7 (Source: P.A. 98-197, eff. 8-9-13; revised 10-8-13.)

8 (55 ILCS 5/5-44020)

9 Sec. 5-44020. Definitions. In this Division 5-44:

10 "Fire protection jurisdiction" means a fire protection  
11 district, municipal fire department, or service organized  
12 under Section 5-1056.1 of the Counties Code, Sections 195 and  
13 200 of the Township Code, Section 10-2.1 of the Illinois  
14 Municipal Code, or the Illinois Fire Protection District Act.

15 "Governing board" means the individual or individuals who  
16 constitute the corporate authorities of a unit of local  
17 government. ~~and~~

18 "Unit of local government" or "unit" means any unit of  
19 local government located entirely within one county, to which  
20 the county board chairman or county executive directly appoints  
21 a majority of its governing board with the advice and consent  
22 of the county board, but shall not include a fire protection  
23 district that directly employs any regular full-time employees  
24 or a special district organized under the Water Commission Act  
25 of 1985.

1 (Source: P.A. 98-126, eff. 8-2-13; revised 9-13-13.)

2 (55 ILCS 5/6-27005) (from Ch. 34, par. 6-27005)

3 Sec. 6-27005. Transfer to general corporate fund. Moneys  
4 shall be transferred from said working cash fund to the general  
5 corporate fund only upon the authority of the county board,  
6 which shall from time to time by separate resolution direct the  
7 county treasurer to make transfers of such sums as may be  
8 required for the purposes herein authorized. Every such  
9 resolution shall set forth (a) the taxes or other moneys in  
10 anticipation of the collection or receipt of which such  
11 transfer is to be made and from which such working cash fund is  
12 to be reimbursed, (b) with respect only to transfers made in  
13 anticipation of the levy of real property taxes, the entire  
14 amount of taxes extended or which the county board estimates  
15 will be extended, for any year, by the county clerk upon the  
16 books of the collectors of State and county taxes within such  
17 county, in anticipation of the collection of all or part of  
18 which such transfer is to be made, (c) the aggregate amount of  
19 warrants theretofore issued in anticipation of the collection  
20 of such taxes, together with the amount of interest accrued,  
21 and/or which the county board estimates will accrue, thereon,  
22 (d) the aggregate amount of notes theretofore issued in  
23 anticipation of the collection of such taxes, together with the  
24 amount of the interest accrued, and/or which the county board  
25 estimates will accrue, thereon, ~~and~~ (e) the amount of moneys,

1 which the county board estimates will be earned by the county  
2 clerk and the county collector, respectively, as fees or  
3 commissions for extending or collecting taxes for any year, in  
4 anticipation of the receipt of all or part of which such  
5 transfer is to be made, (f) the amount of such taxes, as by law  
6 now or hereafter enacted or amended, imposed by the General  
7 Assembly of the State of Illinois to replace revenue lost by  
8 units of local government and school districts as a result of  
9 the abolition of ad valorem personal property taxes, pursuant  
10 to Article IX, Section 5(c) of the Constitution of the State of  
11 Illinois which the county board estimates will be received by  
12 the county for any year, (g) the aggregate amount of receipts  
13 from taxes imposed to replace revenue lost by units of local  
14 government and school districts as a result of the abolition of  
15 ad valorem personal property taxes, pursuant to Article IX,  
16 Section 5(c) of the Constitution of the State of Illinois,  
17 which the corporate authorities estimate will be set aside for  
18 the payment of the proportionate amount of debt service and  
19 pension or retirement obligations, as required by Section 12 of  
20 "An Act in relation to State Revenue Sharing with local  
21 government entities", approved July 31, 1969, as amended, and  
22 (h) the aggregate amount of moneys theretofore transferred from  
23 the working cash fund to the general corporate fund in  
24 anticipation of the collection of such taxes or of the receipt  
25 of such other moneys to be derived from fees or commissions or  
26 of the receipt of such taxes, as by law now or hereafter

1 enacted or amended, imposed by the General Assembly of the  
2 State of Illinois to replace revenue lost by units of local  
3 government and school districts as a result of the abolition of  
4 ad valorem personal property taxes, pursuant to Article IX,  
5 Section 5(c) of the Constitution of the State of Illinois. The  
6 amount which any such resolution shall direct the county  
7 treasurer so to transfer, in anticipation of the collection of  
8 taxes levied for any year, together with the aggregate amount  
9 of such anticipation tax warrants and notes theretofore drawn  
10 against such taxes and the amount of the interest accrued,<sup>7</sup> and  
11 the aggregate amount of such transfers theretofore made in  
12 anticipation of the collection of such taxes, shall not exceed  
13 ninety (90) per centum of the actual or estimated amount of  
14 such taxes extended or to be extended, as set forth in such  
15 resolution. The amount which any such resolution shall direct  
16 the county treasurer so to transfer, in anticipation of the  
17 receipt of any moneys to be derived from fees or commissions,  
18 or of the receipt of such taxes, as by law now or hereafter  
19 enacted or amended, imposed by the General Assembly of the  
20 State of Illinois to replace revenue lost by units of local  
21 government and school districts as a result of the abolition of  
22 ad valorem personal property taxes, pursuant to Article IX,  
23 Section 5(c) of the Constitution of the State of Illinois  
24 together with the aggregate amount theretofore transferred in  
25 anticipation of the receipt of any such moneys and the amount  
26 estimated to be required to satisfy debt service and pension or



1 retirement obligations, as set forth in Section 12 of "An Act  
2 in relation to State revenue sharing with local government  
3 entities", approved July 31, 1969, as amended, shall not exceed  
4 the total amount which it is so estimated will be received from  
5 such sources. To the extent that at any time moneys are  
6 available in the working cash fund they shall be transferred to  
7 the general corporate fund and disbursed for the payment of  
8 salaries and other corporate expenses so as to avoid, whenever  
9 possible, the issuance of anticipation tax warrants or notes.

10 (Source: P.A. 86-962; revised 10-8-13.)

11 Section 235. The Township Code is amended by changing  
12 Section 27-10 as follows:

13 (60 ILCS 1/27-10)

14 Sec. 27-10. Petition and referendum to discontinue and  
15 abolish a township organization within a coterminous  
16 municipality. Upon adoption of an ordinance ~~adopted~~ by the city  
17 council of a township described under Section 27-5 of this  
18 Article, or upon petition of at least 10% of the registered  
19 voters of that township, the city council shall certify and  
20 cause to be submitted to the voters of the township, at the  
21 next election or consolidated election, a proposition to  
22 discontinue and abolish the township organization and to  
23 transfer all the rights, powers, duties, assets, property,  
24 liabilities, obligations, and responsibilities of the township

1 organization to the coterminous municipality.

2 A signature on a petition shall not be valid or counted in  
3 considering the petition unless the form requirements are  
4 complied with and the date of each signature is less than 90  
5 days before the last day for filing the petition. The statement  
6 of the person who circulates the petition must include an  
7 attestation (i) indicating the dates on which that sheet was  
8 circulated, (ii) indicating the first and last date on which  
9 that sheet was circulated, or (iii) certifying that none of the  
10 signatures on the sheet was signed more than 90 days before the  
11 last day for filing the petition. The petition shall be treated  
12 and the proposition certified in the manner provided by the  
13 general election law. After the proposition has once been  
14 submitted to the electorate, the proposition shall not be  
15 resubmitted for 4 years.

16 The proposition shall be in substantially the following  
17 form:

18 Shall the township organization be continued in [Name  
19 of Township] Township?

20 The votes shall be recorded as "Yes" or "No".

21 (Source: P.A. 98-127, eff. 8-2-13; revised 10-8-13.)

22 Section 240. The Illinois Municipal Code is amended by  
23 changing Section 11-80-9 as follows:

24 (65 ILCS 5/11-80-9) (from Ch. 24, par. 11-80-9)

1           Sec. 11-80-9. The corporate authorities of each  
2 municipality may prevent and regulate all amusements and  
3 activities having a tendency to annoy or endanger persons or  
4 property on the sidewalks, streets, and other municipal  
5 property. However, no municipality may prohibit a charitable  
6 organization, as defined in Section 2 of the Charitable Games  
7 Act, from soliciting for charitable purposes, including  
8 solicitations taking place on public roadways from passing  
9 motorists, if all of the following requirements are met.

10           (1) The persons to be engaged in the solicitation are  
11 law enforcement personnel, firefighters, or other persons  
12 employed to protect the public safety of a local agency,  
13 and that are soliciting solely in an area that is within  
14 the service area of that local agency.

15           (2) The charitable organization files an application  
16 with the municipality having jurisdiction over the  
17 location or locations where the solicitation is to occur.  
18 The application ~~applications~~ shall be filed not later than  
19 10 business days before the date that the solicitation is  
20 to begin and shall include all of the following:

21           (A) The date or dates and times of day when the  
22 solicitation is to occur.

23           (B) The location or locations where the  
24 solicitation is to occur along with a list of 3  
25 alternate locations listed in order of preference.

26           (C) The manner and conditions under which the

1 solicitation is to occur.

2 (D) Proof of a valid liability insurance policy in  
3 the amount of at least \$1,000,000 insuring the charity  
4 or local agency against bodily injury and property  
5 damage arising out of or in connection with the  
6 solicitation.

7 The municipality shall approve the application within 5  
8 business days after the filing date of the application, but may  
9 impose reasonable conditions in writing that are consistent  
10 with the intent of this Section and are based on articulated  
11 public safety concerns. If the municipality determines that the  
12 applicant's location cannot be permitted due to significant  
13 safety concerns, such as high traffic volumes, poor geometrics,  
14 construction, maintenance operations, or past accident  
15 history, then the municipality may deny the application for  
16 that location and must approve one of the 3 alternate locations  
17 following the order of preference submitted by the applicant on  
18 the alternate location list. By acting under this Section, a  
19 local agency does not waive or limit any immunity from  
20 liability provided by any other provision of law.

21 ~~(3)~~ For purposes of this Section, "local agency" means a  
22 municipality, special district, fire district, joint powers of  
23 authority, or other political subdivision of the State of  
24 Illinois.

25 A home rule unit may not regulate a charitable organization  
26 in a manner that is inconsistent with this Section. This

1 Section is a limitation under subsection (i) of Section 6 of  
2 Article VII of the Illinois Constitution on the concurrent  
3 exercise by home rule units of powers and functions exercised  
4 by the State.

5 (Source: P.A. 97-692, eff. 6-15-12; 98-134, eff. 8-2-13;  
6 revised 10-8-13.)

7 Section 245. The Fire Protection District Act is amended by  
8 changing Sections 8.20 and 11j as follows:

9 (70 ILCS 705/8.20)

10 Sec. 8.20. Open burning.

11 (a) The board of trustees of any fire protection district  
12 incorporated under this Act may, by ordinance, require that the  
13 district be notified of open burning within the district before  
14 it takes place, but shall not require that a permit for open  
15 burning be obtained from the district. The district may not  
16 enforce an ordinance adopted under this Section within the  
17 corporate limits of a county with a population of 3,000,000 or  
18 more or a municipality with a population of 1,000,000 or more.

19 (b) The fire department of a fire protection district may  
20 extinguish any open burn that presents a clear, present, and  
21 unreasonable danger to persons or adjacent property or that  
22 presents an unreasonable risk because of wind, weather, or the  
23 types of combustibles. The unreasonable risk may include the  
24 height of flames, windblown embers, the creation of hazardous

1 fumes, or an unattended fire. Fire departments may not  
2 unreasonably interfere with permitted and legal open burning.

3 (c) The fire protection district may provide that persons  
4 setting open burns on any agricultural land with an area of 50  
5 acres or more may voluntarily comply with the provisions of an  
6 ordinance adopted under this Section.

7 (d) The fire chief or any other designated officer of a  
8 fire department of any fire protection district incorporated  
9 under this Act may, with the authorization of the board of  
10 trustees of the fire protection district, prohibit open burning  
11 within the district on an emergency basis, for a limited period  
12 of time, if (i) the atmospheric conditions or other  
13 circumstances create an unreasonable risk of fire because of  
14 wind, weather, or the types of combustibles and (ii) the  
15 resources of the fire department are not sufficient to control  
16 and suppress a fire resulting from one or more of the  
17 conditions or circumstances described in clause (i) of this  
18 subsection. For the purposes of this subsection, "open burning"  
19 includes, but is not limited to, the burning of landscape  
20 waste, agricultural waste, household trash, and garbage.

21 (e) The fire chief or any other designated officer of a  
22 fire department of any fire protection district incorporated  
23 under this Act may fix, charge, and collect fees associated  
24 with the fire department extinguishing an open burning that is  
25 prohibited under subsection (d) of this Section. The fee may be  
26 imposed against any person causing or engaging in the

1 prohibited activity. The total amount collected for  
2 compensation of the fire protection district shall be assessed  
3 in accordance with both the rates provided in Section 11f(c) of  
4 this Act and the fire chief's determination of the cost of  
5 personnel and equipment utilized to extinguish the fire.

6 (f) This Section does not authorize the open burning of any  
7 waste. The open burning of waste is subject to the restrictions  
8 and prohibitions of the Environmental Protection Act and the  
9 rules and regulations adopted under its authority.

10 (Source: P.A. 97-488, eff. 1-1-12; 98-279, eff. 8-9-13; revised  
11 10-8-13.)

12 (70 ILCS 705/11j)

13 Sec. 11j. Installation of access or key boxes. The board of  
14 trustees of any fire protection district may, by ordinance,  
15 require the installation of an access or key box if: (1) a  
16 structure is protected by an automatic fire alarm or security  
17 system or access to or within the structure or area is unduly  
18 difficult because of secured openings; and (2) immediate access  
19 is necessary for life-saving purposes. In the case of a health  
20 care facility that is secured by an electronic code box that is  
21 in good working order, if the owner of the health care facility  
22 provides the fire department with a valid access code, then  
23 that health care facility is not required to be accessible by  
24 an access or key box. For the purposes of this Section, "health  
25 care facility" means: a hospital licensed under the Hospital

1 Licensing Act or the University of Illinois Hospital Act; a  
2 nursing home or long-term care facility licensed under the  
3 Nursing Home Care Act; an assisted living establishment, as  
4 defined in the Assisted Living and Shared Housing Act; a mental  
5 health facility, as defined in the Mental Health and  
6 Developmental Disabilities Code; a supportive living facility  
7 certified to participate in the supportive living facilities  
8 program under Section 5-5.01a of the Illinois Public Aid Code;  
9 or a facility licensed under the Specialized Mental Health  
10 Rehabilitation Act of 2013. "Access or key box" means a secure  
11 device with a lock operable only by a fire department master  
12 key, and containing building entry keys and other keys that may  
13 be required for access in an emergency.

14 The access or key box shall be of an approved type listed  
15 in accordance with the most recently published version of the  
16 standard Underwriters Laboratories 1037 and shall contain keys  
17 to gain access as required by the fire chief of the fire  
18 protection district, or his or her designee.

19 An ordinance enacted under this Section may specify  
20 particular classes or types of structures or occupancies that  
21 are required to install an access or key box. However, an  
22 ordinance enacted under this Section shall not apply to single  
23 family residential structures or to facilities owned or  
24 operated by a public utility, as that term is defined under  
25 Section 3-105 of the Public Utilities Act.

26 (Source: P.A. 98-388, eff. 8-16-13; revised 10-8-13.)



1 Section 250. The Park District Code is amended by changing  
2 Section 11.2-1 as follows:

3 (70 ILCS 1205/11.2-1) (from Ch. 105, par. 11.2-1)

4 Sec. 11.2-1. In each park district a fund to be known as a  
5 "Working Cash Fund" may be created, set apart, maintained and  
6 administered in the manner prescribed in this Article, for the  
7 purpose of enabling the district to have in its treasury at all  
8 times ~~time~~ sufficient money to meet demands thereon for  
9 ordinary and necessary expenditures for corporate purposes.  
10 (Source: P.A. 79-1379; revised 9-24-13.)

11 Section 255. The Elmwood Park Grade Separation Authority  
12 Act is amended by changing Sections 10, 50, and 60 as follows:

13 (70 ILCS 1935/10)

14 Sec. 10. Legislative declaration. The General Assembly  
15 declares that the welfare, health, prosperity, and moral and  
16 general well being of the people of the State are, in large  
17 measure, dependent upon the sound and orderly development of  
18 municipal areas. The Village of Elmwood Park, l by reason of the  
19 location there of Grand Avenue and its use for vehicular travel  
20 in access to the entire west metropolitan Chicago area,  
21 including municipalities in 2 counties, as well as commercial  
22 and industrial growth patterns and accessibility to O'Hare

1 International Airport, manufacturing and freight related  
2 services, has become and will increasingly be the hub of  
3 transportation from all parts of the region and throughout the  
4 west metropolitan area. Motor vehicle traffic, pedestrian  
5 travel, and the safety of both motorists and pedestrians are  
6 substantially aggravated by the location of a major railroad  
7 right-of-way that divides the Village into north and south  
8 halves. The presence of the railroad right-of-way has  
9 effectively impeded the development of highway usage and  
10 rights-of-way and is detrimental to the orderly expansion of  
11 industry and commerce and to progress throughout the region.  
12 Additionally, the railroad grade crossing located on Grand  
13 Avenue within the Village of Elmwood Park has posed a  
14 significant safety hazard to the public. The Illinois Commerce  
15 Commission Collision History illustrates that there have been 8  
16 fatalities and 29 injuries since 1956 at the railroad grade  
17 crossing located on Grand Avenue within the Village. The  
18 presence of the railroad right-of-way at grade crossing within  
19 the Village is detrimental to the safety of the public, as well  
20 as to the orderly expansion of industry and commerce and to  
21 progress of the region. To alleviate this situation, it is  
22 necessary to separate the grade crossing on Grand Avenue within  
23 the Village, to relocate the railroad tracks and right-of-way,  
24 ~~and~~ to acquire property for separation of the railroad or  
25 highway, and to create an agency to facilitate and accomplish  
26 that grade separation.

1 (Source: P.A. 98-564, eff. 8-27-13; revised 10-8-13.)

2 (70 ILCS 1935/50)

3 Sec. 50. Board; composition; qualification; compensation  
4 and expenses. The Authority shall be governed by a 9-member  
5 board consisting of members appointed by the Governor with the  
6 advice and consent of the Senate. Five members shall be voting  
7 members and 4 members shall be non-voting members. The voting  
8 members shall consist of the following:

9 (1) two former public officials who served within the  
10 Township of Leyden or the Village of Elmwood Park and are  
11 recommended to the Governor by the Village President of the  
12 Village of Elmwood Park;

13 (2) two prior employees of Canadian Pacific Railway  
14 with management experience; and

15 (3) one resident of the Township of Leyden or the  
16 Village of Elmwood Park.

17 The non-voting members shall consist of the following:

18 (1) the Village President of the Village of Elmwood  
19 Park;

20 (2) one current employee of Canadian Pacific Railway  
21 with management experience;

22 (3) one current employee of Northeast Illinois  
23 Regional Commuter Railroad Corporation with management  
24 experience; and

25 (4) one current employee of the Department of

1           Transportation with management experience.

2           The members of the board shall serve without compensation,  
3 but may be reimbursed for actual expenses incurred by them in  
4 the performance of their duties prescribed by the Authority.  
5 However, any member of the board who serves as secretary or  
6 treasurer may receive compensation for services as that  
7 officer.

8           (Source: P.A. 98-564, eff. 8-27-13; revised 10-17-13.)

9           (70 ILCS 1935/60)

10          Sec. 60. Organization; chair and temporary secretary. As  
11 soon as possible after the effective date of this ~~amendatory~~  
12 ~~Act of the 98th General Assembly~~, the board shall organize for  
13 the transaction of business, select a chair from its voting  
14 members and a temporary secretary from its own number, and  
15 adopt bylaws to govern its proceedings. The initial chair and  
16 successors shall be elected by the board from time to time from  
17 among members. The Authority may act through its board members  
18 by entering into an agreement that a member act on the  
19 Authority's behalf, in which instance the act or performance  
20 directed shall be deemed to be exclusively of, for, and by the  
21 Authority and not the individual act of the member or its  
22 represented person.

23          (Source: P.A. 98-564, eff. 8-27-13; revised 10-8-13.)

24          Section 260. The Rescue Squad Districts Act is amended by

1 changing Section 12 as follows:

2 (70 ILCS 2005/12) (from Ch. 85, par. 6862)

3 Sec. 12. A district organized under this Act, in the  
4 preparation of its annual budget and appropriation ordinance,  
5 may provide that an amount equal to not more than 0.5% of the  
6 total equalized assessed value of real property situated in the  
7 district shall be allocated to and accumulated in an ~~a~~  
8 Equipment Repair or Replacement Fund for the purposes of  
9 equipment repairs or replacements of specific types of district  
10 equipment. Expenditures from the Equipment Repair or  
11 Replacement Fund shall be budgeted and appropriated for the  
12 fiscal year in which the equipment repair or replacement will  
13 occur. Upon completion or abandonment of any object or purpose  
14 for which an Equipment Repair or Replacement Fund has been  
15 initiated, monies remaining in the fund shall be transferred  
16 into the general corporate fund of the district on the first  
17 day of the fiscal year following the abandonment or completion  
18 resulting in the surplus moneys in such fund.

19 (Source: P.A. 86-916; revised 10-8-13.)

20 Section 265. The Regional Transportation Authority Act is  
21 amended by changing Section 3B.09b as follows:

22 (70 ILCS 3615/3B.09b)

23 Sec. 3B.09b. Payment of fares by credit card.

1 (a) By February 28, 2010, the Commuter Rail Board shall  
2 allow passengers to purchase fares by credit card (i) through  
3 an Internet website operated by the Board, (ii) at its LaSalle  
4 Street Station, Union Station, Ogilvie Transportation Center,  
5 and Millennium ~~Millenium~~ Station, (iii) at stations with  
6 agents, and (iv) from vending machines capable of providing  
7 fares by credit card at the 14 largest stations on the Metra  
8 Electric Line.

9 (b) The Board may not require a passenger who chooses to  
10 purchase a fare by credit card to pay an additional fee.

11 (Source: P.A. 96-621, eff. 1-1-10; revised 9-13-13.)

12 Section 270. The School Code is amended by setting forth  
13 and renumbering multiple versions of Section 2-3.157 and by  
14 changing Sections 10-19, 20-1, 21B-30, and 27-24 as follows:

15 (105 ILCS 5/2-3.157)

16 Sec. 2-3.157. (Repealed).

17 (Source: P.A. 98-578, eff. 8-27-13. Repealed internally, eff.  
18 1-2-14.)

19 (105 ILCS 5/2-3.158)

20 (Section scheduled to be repealed on May 31, 2015)

21 Sec. 2-3.158 ~~2-3.157~~. Task Force on Civic Education.

22 (a) The State Board of Education shall establish the Task  
23 Force on Civic Education, to be comprised of all of the

1 following members, with an emphasis on bipartisan legislative  
2 representation and diverse non-legislative stakeholder  
3 representation:

4 (1) One member appointed by the Speaker of the House of  
5 Representatives.

6 (2) One member appointed by the President of the  
7 Senate.

8 (3) One member appointed by the Minority Leader of the  
9 House of Representatives.

10 (4) One member appointed by the Minority Leader of the  
11 Senate.

12 (5) One member appointed by the head of an association  
13 representing a teachers union.

14 (6) One member appointed by the head of an association  
15 representing the Chicago Teachers Union.

16 (7) One member appointed by the head of an association  
17 representing social studies teachers.

18 (8) One member appointed by the head of an association  
19 representing school boards.

20 (9) One member appointed by the head of an association  
21 representing the media.

22 (10) One member appointed by the head of an association  
23 representing the non-profit sector that promotes civic  
24 education as a core mission.

25 (11) One member appointed by the head of an association  
26 representing the non-profit sector that promotes civic

1 engagement among the general public.

2 (12) One member appointed by the president of an  
3 institution of higher education who teaches college or  
4 graduate-level government courses or facilitates a program  
5 dedicated to cultivating civic leaders.

6 (13) One member appointed by the head of an association  
7 representing principals or district superintendents.

8 (b) The members of the Task Force shall serve without  
9 compensation but shall be reimbursed for their reasonable and  
10 necessary expenses from funds appropriated to the State Board  
11 of Education for that purpose. The members of the Task Force  
12 shall be reimbursed for their travel expenses from  
13 appropriations to the State Board of Education available for  
14 that purpose and subject to the rules of the appropriate travel  
15 control board.

16 (c) The members of the Task Force shall be considered  
17 members with voting rights. A quorum of the Task Force shall  
18 consist of a simple majority of the members of the Task Force.  
19 All actions and recommendations of the Task Force must be  
20 approved by a simple majority vote of the members.

21 (d) The Task Force shall meet initially at the call of the  
22 State Superintendent of Education, shall elect one member as  
23 chairperson at its initial meeting through a simple majority  
24 vote of the Task Force, and shall thereafter meet at the call  
25 of the chairperson.

26 (e) The State Board of Education shall provide



1 administrative and other support to the Task Force.

2 (f) The Task Force is charged with all of the following  
3 tasks:

4 (1) To analyze the current state of civic education in  
5 this State.

6 (2) To analyze current civic education laws in other  
7 jurisdictions, both mandated and permissive.

8 (3) To identify best practices in civic education in  
9 other jurisdictions.

10 (4) To make recommendations to the General Assembly  
11 focused on substantially increasing civic literacy and the  
12 capacity of youth to obtain the requisite knowledge,  
13 skills, and practices to be civically informed members of  
14 the public.

15 (5) To make funding recommendations if the Task Force's  
16 recommendations to the General Assembly would require a  
17 fiscal commitment.

18 (g) No later than May 31, 2014, the Task Force shall  
19 summarize its findings and recommendations in a report to the  
20 General Assembly, filed as provided in Section 3.1 of the  
21 General Assembly Organization Act. Upon filing its report, the  
22 Task Force is dissolved.

23 (h) This Section is repealed on May 31, 2015.

24 (Source: P.A. 98-301, eff. 8-9-13; revised 10-4-13.)

25 (105 ILCS 5/2-3.159)

1           Sec. 2-3.159 ~~2-3.157~~. State Seal of Biliteracy.

2           (a) In this Section, "foreign language" means any language  
3 other than English, including all modern languages, Latin,  
4 American Sign Language, Native American languages, and native  
5 languages.

6           (b) The State Seal of Biliteracy program is established to  
7 recognize public high school graduates who have attained a high  
8 level of proficiency in one or more languages in addition to  
9 English. The State Seal of Biliteracy shall be awarded  
10 beginning with the 2014-2015 school year. School district  
11 participation in this program is voluntary.

12           (c) The purposes of the State Seal of Biliteracy are as  
13 follows:

14                 (1) To encourage pupils to study languages.

15                 (2) To certify attainment of biliteracy.

16                 (3) To provide employers with a method of identifying  
17 people with language and biliteracy skills.

18                 (4) To provide universities with an additional method  
19 to recognize applicants seeking admission.

20                 (5) To prepare pupils with 21st century skills.

21                 (6) To recognize the value of foreign language and  
22 native language instruction in public schools.

23                 (7) To strengthen intergroup relationships, affirm the  
24 value of diversity, and honor the multiple cultures and  
25 languages of a community.

26           (d) The State Seal of Biliteracy certifies attainment of a

1 high level of proficiency, sufficient for meaningful use in  
2 college and a career, by a graduating public high school pupil  
3 in one or more languages in addition to English.

4 (e) The State Board of Education shall adopt such rules as  
5 may be necessary to establish the criteria that pupils must  
6 achieve to earn a State Seal of Biliteracy, which may include  
7 without limitation attainment of units of credit in English  
8 language arts and languages other than English and passage of  
9 such assessments of foreign language proficiency as may be  
10 approved by the State Board of Education for this purpose.

11 (f) The State Board of Education shall do both of the  
12 following:

13 (1) Prepare and deliver to participating school  
14 districts an appropriate mechanism for designating the  
15 State Seal of Biliteracy on the diploma and transcript of  
16 the pupil indicating that the pupil has been awarded a  
17 State Seal of Biliteracy by the State Board of Education.

18 (2) Provide other information the State Board of  
19 Education deems necessary for school districts to  
20 successfully participate in the program.

21 (g) A school district that participates in the program  
22 under this Section shall do both of the following:

23 (1) Maintain appropriate records in order to identify  
24 pupils who have earned a State Seal of Biliteracy.

25 (2) Make the appropriate designation on the diploma and  
26 transcript of each pupil who earns a State Seal of

1           Biliteracy.

2           (h) No fee shall be charged to a pupil to receive the  
3 designation pursuant to this Section. Notwithstanding this  
4 prohibition, costs may be incurred by the pupil in  
5 demonstrating proficiency, including without limitation any  
6 assessments required under subsection (e) of this Section.

7           (Source: P.A. 98-560, eff. 8-27-13; revised 10-4-13.)

8           (105 ILCS 5/10-19) (from Ch. 122, par. 10-19)

9           Sec. 10-19. Length of school term - experimental programs.

10          Each school board shall annually prepare a calendar for the  
11 school term, specifying the opening and closing dates and  
12 providing a minimum term of at least 185 days to insure 176  
13 days of actual pupil attendance, computable under Section  
14 18-8.05, except that for the 1980-1981 school year only 175  
15 days of actual pupil attendance shall be required because of  
16 the closing of schools pursuant to Section 24-2 on January 29,  
17 1981 upon the appointment by the President of that day as a day  
18 of thanksgiving for the freedom of the Americans who had been  
19 held hostage in Iran. Any days allowed by law for teachers'  
20 institutes ~~institute~~ but not used as such or used as parental  
21 institutes as provided in Section 10-22.18d shall increase the  
22 minimum term by the school days not so used. Except as provided  
23 in Section 10-19.1, the board may not extend the school term  
24 beyond such closing date unless that extension of term is  
25 necessary to provide the minimum number of computable days. In

1 case of such necessary extension school employees shall be paid  
2 for such additional time on the basis of their regular  
3 contracts. A school board may specify a closing date earlier  
4 than that set on the annual calendar when the schools of the  
5 district have provided the minimum number of computable days  
6 under this Section. Nothing in this Section prevents the board  
7 from employing superintendents of schools, principals and  
8 other nonteaching personnel for a period of 12 months, or in  
9 the case of superintendents for a period in accordance with  
10 Section 10-23.8, or prevents the board from employing other  
11 personnel before or after the regular school term with payment  
12 of salary proportionate to that received for comparable work  
13 during the school term.

14 A school board may make such changes in its calendar for  
15 the school term as may be required by any changes in the legal  
16 school holidays prescribed in Section 24-2. A school board may  
17 make changes in its calendar for the school term as may be  
18 necessary to reflect the utilization of teachers' institute  
19 days as parental institute days as provided in Section  
20 10-22.18d.

21 The calendar for the school term and any changes must be  
22 submitted to and approved by the regional superintendent of  
23 schools before the calendar or changes may take effect.

24 With the prior approval of the State Board of Education and  
25 subject to review by the State Board of Education every 3  
26 years, any school board may, by resolution of its board and in

1 agreement with affected exclusive collective bargaining  
2 agents, establish experimental educational programs, including  
3 but not limited to programs for self-directed learning or  
4 outside of formal class periods, which programs when so  
5 approved shall be considered to comply with the requirements of  
6 this Section as respects numbers of days of actual pupil  
7 attendance and with the other requirements of this Act as  
8 respects courses of instruction.

9 (Source: P.A. 93-1036, eff. 9-14-04; revised 11-12-13.)

10 (105 ILCS 5/20-1) (from Ch. 122, par. 20-1)

11 Sec. 20-1. Authority to create working cash fund. In each  
12 school district, whether organized under general law or special  
13 charter, having a population of less than 500,000 inhabitants,  
14 a fund to be known as a "Working Cash Fund" may be created and  
15 maintained consistent with the limitations of this Article, for  
16 the purpose of enabling the district to have in its treasury at  
17 all times ~~time~~ sufficient money to meet demands thereon for  
18 expenditures for corporate purposes.

19 (Source: P.A. 96-1277, eff. 7-26-10; revised 9-12-13.)

20 (105 ILCS 5/21B-30)

21 Sec. 21B-30. Educator testing.

22 (a) This Section applies beginning on July 1, 2012.

23 (b) The State Board of Education, in consultation with the  
24 State Educator Preparation and Licensure Board, shall design

1 and implement a system of examinations, which shall be required  
2 prior to the issuance of educator licenses. These examinations  
3 and indicators must be based on national and State professional  
4 teaching standards, as determined by the State Board of  
5 Education, in consultation with the State Educator Preparation  
6 and Licensure Board. The State Board of Education may adopt  
7 such rules as may be necessary to implement and administer this  
8 Section. No score on a test required under this Section, other  
9 than a test of basic skills, shall be more than 5 years old at  
10 the time that an individual makes application for an educator  
11 license or endorsement.

12 (c) Applicants seeking a Professional Educator License or  
13 an Educator License with Stipulations shall be required to pass  
14 a test of basic skills before the license is issued, unless the  
15 endorsement the individual is seeking does not require passage  
16 of the test. All applicants completing Illinois-approved,  
17 teacher education or school service personnel preparation  
18 programs shall be required to pass the State Board of  
19 Education's recognized test of basic skills prior to starting  
20 their student teaching or starting the final semester of their  
21 internship, unless required earlier at the discretion of the  
22 recognized, Illinois institution in which they are completing  
23 their approved program. An individual who passes a test of  
24 basic skills does not need to do so again for subsequent  
25 endorsements or other educator licenses.

26 (d) All applicants seeking a State license shall be

1 required to pass a test of content area knowledge for each area  
2 of endorsement for which there is an applicable test. There  
3 shall be no exception to this requirement. No candidate shall  
4 be allowed to student teach or serve as the teacher of record  
5 until he or she has passed the applicable content area test.

6 (e) All applicants seeking a State license endorsed in a  
7 teaching field shall pass the assessment of professional  
8 teaching (APT). Passage of the APT is required for completion  
9 of an approved Illinois educator preparation program.

10 (f) Beginning on September 1, 2015, all candidates  
11 completing teacher preparation programs in this State are  
12 required to pass an evidence-based assessment of teacher  
13 effectiveness approved by the State Board of Education, in  
14 consultation with the State Educator Preparation and Licensure  
15 Board. All recognized institutions offering approved teacher  
16 preparation programs must begin phasing in the approved teacher  
17 performance assessment no later than July 1, 2013.

18 (g) Tests of basic skills and content area knowledge and  
19 the assessment of professional teaching shall be the tests that  
20 from time to time are designated by the State Board of  
21 Education, in consultation with the State Educator Preparation  
22 and Licensure Board, and may be tests prepared by an  
23 educational testing organization or tests designed by the State  
24 Board of Education, in consultation with the State Educator  
25 Preparation and Licensure Board. The areas to be covered by a  
26 test of basic skills shall include reading, language arts, and



1 mathematics. The test of content area knowledge shall assess  
2 content knowledge in a specific subject field. The tests must  
3 be designed to be racially neutral to ensure that no person  
4 taking the tests is discriminated against on the basis of race,  
5 color, national origin, or other factors unrelated to the  
6 person's ability to perform as a licensed employee. The score  
7 required to pass the tests shall be fixed by the State Board of  
8 Education, in consultation with the State Educator Preparation  
9 and Licensure Board. The tests shall be administered not fewer  
10 than 3 times a year at such time and place as may be designated  
11 by the State Board of Education, in consultation with the State  
12 Educator Preparation and Licensure Board.

13 The State Board shall implement a test or tests to assess  
14 the speaking, reading, writing, and grammar skills of  
15 applicants for an endorsement or a license issued under  
16 subdivision (G) of paragraph (2) of Section 21B-20 of this Code  
17 in the English language and in the language of the transitional  
18 bilingual education program requested by the applicant.

19 (h) Except as provided in Section 34-6 of this Code, the  
20 provisions of this Section shall apply equally in any school  
21 district subject to Article 34 of this Code.

22 (i) The rules developed to implement and enforce the  
23 testing requirements under this Section shall include  
24 provisions governing test selection, test validation and  
25 determination of a passing score, administration of the tests,  
26 frequency of administration, applicant fees, frequency of

1 applicants taking the tests, the years for which a score is  
2 valid, and appropriate special accommodations. The State Board  
3 of Education shall develop such rules as may be needed to  
4 ensure uniformity from year to year in the level of difficulty  
5 for each form of an assessment.

6 (Source: P.A. 97-607, eff. 8-26-11; 98-361, eff. 1-1-14;  
7 98-581, eff. 8-27-13; revised 9-9-13.)

8 (105 ILCS 5/27-24) (from Ch. 122, par. 27-24)

9 Sec. 27-24. Short title. Sections 27-24 through 27-24.10  
10 ~~27-24.8~~ of this Article are known and may be cited as the  
11 Driver Education Act.

12 (Source: P.A. 76-1835; revised 11-14-13.)

13 Section 275. The Critical Health Problems and  
14 Comprehensive Health Education Act is amended by changing  
15 Section 3 as follows:

16 (105 ILCS 110/3)

17 Sec. 3. Comprehensive Health Education Program. The  
18 program established under this Act shall include, but not be  
19 limited to, the following major educational areas as a basis  
20 for curricula in all elementary and secondary schools in this  
21 State: human ecology and health, human growth and development,  
22 the emotional, psychological, physiological, hygienic and  
23 social responsibilities of family life, including sexual

1 abstinence until marriage, prevention and control of disease,  
2 including instruction in grades 6 through 12 on the prevention,  
3 transmission and spread of AIDS, age-appropriate sexual abuse  
4 and assault awareness and prevention education in grades  
5 pre-kindergarten through 12, public and environmental health,  
6 consumer health, safety education and disaster survival,  
7 mental health and illness, personal health habits, alcohol,  
8 drug use, and abuse including the medical and legal  
9 ramifications of alcohol, drug, and tobacco use, abuse during  
10 pregnancy, evidence-based and medically accurate information  
11 regarding sexual abstinence, tobacco, nutrition, and dental  
12 health. The program shall also provide course material and  
13 instruction to advise pupils of the Abandoned Newborn Infant  
14 Protection Act. The program shall include information about  
15 cancer, including without limitation types of cancer, signs and  
16 symptoms, risk factors, the importance of early prevention and  
17 detection, and information on where to go for help.  
18 Notwithstanding the above educational areas, the following  
19 areas may also be included as a basis for curricula in all  
20 elementary and secondary schools in this State: basic first aid  
21 (including, but not limited to, cardiopulmonary resuscitation  
22 and the Heimlich maneuver), heart disease, diabetes, stroke,  
23 the prevention of child abuse, neglect, and suicide, and teen  
24 dating violence in grades 7 through 12.

25 The school board of each public elementary and secondary  
26 school in the State shall encourage all teachers and other

1 school personnel to acquire, develop, and maintain the  
2 knowledge and skills necessary to properly administer  
3 life-saving techniques, including without limitation the  
4 Heimlich maneuver and rescue breathing. The training shall be  
5 in accordance with standards of the American Red Cross, the  
6 American Heart Association, or another nationally recognized  
7 certifying organization. A school board may use the services of  
8 non-governmental entities whose personnel have expertise in  
9 life-saving techniques to instruct teachers and other school  
10 personnel in these techniques. Each school board is encouraged  
11 to have in its employ, or on its volunteer staff, at least one  
12 person who is certified, by the American Red Cross or by  
13 another qualified certifying agency, as qualified to  
14 administer first aid and cardiopulmonary resuscitation. In  
15 addition, each school board is authorized to allocate  
16 appropriate portions of its institute or inservice days to  
17 conduct training programs for teachers and other school  
18 personnel who have expressed an interest in becoming qualified  
19 to administer emergency first aid or cardiopulmonary  
20 resuscitation. School boards are urged to encourage their  
21 teachers and other school personnel who coach school athletic  
22 programs and other extracurricular school activities to  
23 acquire, develop, and maintain the knowledge and skills  
24 necessary to properly administer first aid and cardiopulmonary  
25 resuscitation in accordance with standards and requirements  
26 established by the American Red Cross or another qualified

1 certifying agency. Subject to appropriation, the State Board of  
2 Education shall establish and administer a matching grant  
3 program to pay for half of the cost that a school district  
4 incurs in training those teachers and other school personnel  
5 who express an interest in becoming qualified to administer  
6 cardiopulmonary resuscitation (which training must be in  
7 accordance with standards of the American Red Cross, the  
8 American Heart Association, or another nationally recognized  
9 certifying organization) or in learning how to use an automated  
10 external defibrillator. A school district that applies for a  
11 grant must demonstrate that it has funds to pay half of the  
12 cost of the training for which matching grant money is sought.  
13 The State Board of Education shall award the grants on a  
14 first-come, first-serve basis.

15 No pupil shall be required to take or participate in any  
16 class or course on AIDS or family life instruction if his  
17 parent or guardian submits written objection thereto, and  
18 refusal to take or participate in the course or program shall  
19 not be reason for suspension or expulsion of the pupil.

20 Curricula developed under programs established in  
21 accordance with this Act in the major educational area of  
22 alcohol and drug use and abuse shall include classroom  
23 instruction in grades 5 through 12. The instruction, which  
24 shall include matters relating to both the physical and legal  
25 effects and ramifications of drug and substance abuse, shall be  
26 integrated into existing curricula; and the State Board of

1 Education shall develop and make available to all elementary  
2 and secondary schools in this State instructional materials and  
3 guidelines which will assist the schools in incorporating the  
4 instruction into their existing curricula. In addition, school  
5 districts may offer, as part of existing curricula during the  
6 school day or as part of an after school program, support  
7 services and instruction for pupils or pupils whose parent,  
8 parents, or guardians are chemically dependent.

9 (Source: P.A. 97-1147, eff. 1-24-13; 98-190, eff. 8-6-13;  
10 98-441, eff. 1-1-14; revised 9-9-13.)

11 Section 280. The Public Community College Act is amended by  
12 changing Section 2-16.02 as follows:

13 (110 ILCS 805/2-16.02) (from Ch. 122, par. 102-16.02)

14 Sec. 2-16.02. Grants. Any community college district that  
15 maintains a community college recognized by the State Board  
16 shall receive, when eligible, grants enumerated in this  
17 Section. Funded semester credit hours or other measures or both  
18 as specified by the State Board shall be used to distribute  
19 grants to community colleges. Funded semester credit hours  
20 shall be defined, for purposes of this Section, as the greater  
21 of (1) the number of semester credit hours, or equivalent, in  
22 all funded instructional categories of students who have been  
23 certified as being in attendance at midterm during the  
24 respective terms of the base fiscal year or (2) the average of

1 semester credit hours, or equivalent, in all funded  
2 instructional categories of students who have been certified as  
3 being in attendance at midterm during the respective terms of  
4 the base fiscal year and the 2 prior fiscal years. For purposes  
5 of this Section, "base fiscal year" means the fiscal year 2  
6 years prior to the fiscal year for which the grants are  
7 appropriated. Such students shall have been residents of  
8 Illinois and shall have been enrolled in courses that are part  
9 of instructional program categories approved by the State Board  
10 and that are applicable toward an associate degree or  
11 certificate. Courses that are eligible for reimbursement are  
12 those courses for which the district pays 50% or more of the  
13 program costs from unrestricted revenue sources, with the  
14 exception of courses offered by contract with the Department of  
15 Corrections in correctional institutions. For the purposes of  
16 this Section, "unrestricted revenue sources" means those  
17 revenues in which the provider of the revenue imposes no  
18 financial limitations upon the district as it relates to the  
19 expenditure of the funds. Except for Fiscal Year 2012, base  
20 operating grants shall be paid based on rates per funded  
21 semester credit hour or equivalent calculated by the State  
22 Board for funded instructional categories using cost of  
23 instruction, enrollment, inflation, and other relevant  
24 factors. For Fiscal Year 2012, the allocations for base  
25 operating grants to community college districts shall be the  
26 same as they were in Fiscal Year 2011, reduced or increased

1 proportionately according to the appropriation for base  
2 operating grants for Fiscal Year 2012.

3 Equalization grants shall be calculated by the State Board  
4 by determining a local revenue factor for each district by: (A)  
5 adding (1) each district's Corporate Personal Property  
6 Replacement Fund allocations from the base fiscal year or the  
7 average of the base fiscal year and prior year, whichever is  
8 less, divided by the applicable statewide average tax rate to  
9 (2) the district's most recently audited year's equalized  
10 assessed valuation or the average of the most recently audited  
11 year and prior year, whichever is less, (B) then dividing by  
12 the district's audited full-time equivalent resident students  
13 for the base fiscal year or the average for the base fiscal  
14 year and the 2 prior fiscal years, whichever is greater, and  
15 (C) then multiplying by the applicable statewide average tax  
16 rate. The State Board shall calculate a statewide weighted  
17 average threshold by applying the same methodology to the  
18 totals of all districts' Corporate Personal Property Tax  
19 Replacement Fund allocations, equalized assessed valuations,  
20 and audited full-time equivalent district resident students  
21 and multiplying by the applicable statewide average tax rate.  
22 The difference between the statewide weighted average  
23 threshold and the local revenue factor, multiplied by the  
24 number of full-time equivalent resident students, shall  
25 determine the amount of equalization funding that each district  
26 is eligible to receive. A percentage factor, as determined by



1 the State Board, may be applied to the statewide threshold as a  
2 method for allocating equalization funding. A minimum  
3 equalization grant of an amount per district as determined by  
4 the State Board shall be established for any community college  
5 district which qualifies for an equalization grant based upon  
6 the preceding criteria, but becomes ineligible for  
7 equalization funding, or would have received a grant of less  
8 than the minimum equalization grant, due to threshold  
9 prorations applied to reduce equalization funding. As of July  
10 1, 2013, a community college district eligible to receive an  
11 equalization grant based upon the preceding criteria must  
12 maintain a minimum required combined in-district tuition and  
13 universal fee rate per semester credit hour equal to 70% of the  
14 State-average combined rate, as determined by the State Board,  
15 or the total revenue received by the community college district  
16 from combined in-district tuition and universal fees must be at  
17 least 30% of the total revenue received by the community  
18 college district, as determined by the State Board, for  
19 equalization funding. As of July 1, 2004, a community college  
20 district must maintain a minimum required operating tax rate  
21 equal to at least 95% of its maximum authorized tax rate to  
22 qualify for equalization funding. This 95% minimum tax rate  
23 requirement shall be based upon the maximum operating tax rate  
24 as limited by the Property Tax Extension Limitation Law.

25 The State Board shall distribute such other grants as may  
26 be authorized or appropriated by the General Assembly.

1           Each community college district entitled to State grants  
2 under this Section must submit a report of its enrollment to  
3 the State Board not later than 30 days following the end of  
4 each semester, quarter, or term in a format prescribed by the  
5 State Board. These semester credit hours, or equivalent, shall  
6 be certified by each district on forms provided by the State  
7 Board. Each district's certified semester credit hours, or  
8 equivalent, are subject to audit pursuant to Section 3-22.1.

9           The State Board shall certify, prepare, and submit monthly  
10 vouchers to the State Comptroller setting forth an amount equal  
11 to one-twelfth of the grants approved by the State Board for  
12 base operating grants and equalization grants. The State Board  
13 shall prepare and submit to the State Comptroller vouchers for  
14 payments of other grants as appropriated by the General  
15 Assembly. If the amount appropriated for grants is different  
16 from the amount provided for such grants under this Act, the  
17 grants shall be proportionately reduced or increased  
18 accordingly.

19           For the purposes of this Section, "resident student" means  
20 a student in a community college district who maintains  
21 residency in that district or meets other residency definitions  
22 established by the State Board, and who was enrolled either in  
23 one of the approved instructional program categories in that  
24 district, or in another community college district to which the  
25 resident's district is paying tuition under Section 6-2 or with  
26 which the resident's district has entered into a cooperative

1 agreement in lieu of such tuition.

2 For the purposes of this Section, a "full-time equivalent"  
3 student is equal to 30 semester credit hours.

4 The Illinois Community College Board Contracts and Grants  
5 Fund is hereby created in the State Treasury. Items of income  
6 to this fund shall include any grants, awards, endowments, or  
7 like proceeds, and where appropriate, other funds made  
8 available through contracts with governmental, public, and  
9 private agencies or persons. The General Assembly shall from  
10 time to time make appropriations payable from such fund for the  
11 support, improvement, and expenses of the State Board and  
12 Illinois community college districts.

13 (Source: P.A. 97-72, eff. 7-1-11; 97-1160, eff. 2-1-13; 98-46,  
14 eff. 6-28-13; revised 8-12-13.)

15 Section 285. The Pawnbroker Regulation Act is amended by  
16 changing Section 7 as follows:

17 (205 ILCS 510/7) (from Ch. 17, par. 4657)

18 Sec. 7. Daily report.

19 (a) Except as provided in subsection (b), it shall be the  
20 duty of every pawnbroker to make out and deliver to the sheriff  
21 of the county in which such pawnbroker does business, on each  
22 day before the hours of 12 o'clock noon, a legible and exact  
23 copy from the standard record book, as required in Section 5 of  
24 this Act, that lists all personal property and any other

1 valuable thing received on deposit or purchased during the  
2 preceding day, including the exact time when received or  
3 purchased, and a description of the person or person by whom  
4 left in pledge, or from whom the same were purchased; provided,  
5 that in cities or towns having 25,000 or more inhabitants, a  
6 copy of the ~~such~~ report shall at the same time also be  
7 delivered to the superintendent of police or the chief police  
8 officer of such city or town. Such report may be made by  
9 computer printout or input memory device if the format has been  
10 approved by the local law enforcement agency.

11 (b) In counties with more than 3,000,000 inhabitants, a  
12 pawnbroker must provide the daily report to the sheriff only if  
13 the pawnshop is located in an unincorporated area of the  
14 county. Pawnbrokers located in cities or towns in such counties  
15 must deliver such reports to the superintendent of police or  
16 the chief police officer of such city or town.

17 (Source: P.A. 90-477, eff. 7-1-98; 90-602, eff. 7-1-98; revised  
18 11-14-13.)

19 Section 290. The Alternative Health Care Delivery Act is  
20 amended by changing Section 30 as follows:

21 (210 ILCS 3/30)

22 Sec. 30. Demonstration program requirements. The  
23 requirements set forth in this Section shall apply to  
24 demonstration programs.

1 (a) (Blank).

2 (a-5) There shall be no more than the total number of  
3 postsurgical recovery care centers with a certificate of need  
4 for beds as of January 1, 2008.

5 (a-10) There shall be no more than a total of 9 children's  
6 respite care center alternative health care models in the  
7 demonstration program, which shall be located as follows:

8 (1) Two in the City of Chicago.

9 (2) One in Cook County outside the City of Chicago.

10 (3) A total of 2 in the area comprised of DuPage, Kane,  
11 Lake, McHenry, and Will counties.

12 (4) A total of 2 in municipalities with a population of  
13 50,000 or more and not located in the areas described in  
14 paragraphs (1), (2), or (3).

15 (5) A total of 2 in rural areas, as defined by the  
16 Health Facilities and Services Review Board.

17 No more than one children's respite care model owned and  
18 operated by a licensed skilled pediatric facility shall be  
19 located in each of the areas designated in this subsection  
20 (a-10).

21 (a-15) There shall be 5 authorized community-based  
22 residential rehabilitation center alternative health care  
23 models in the demonstration program.

24 (a-20) There shall be an authorized Alzheimer's disease  
25 management center alternative health care model in the  
26 demonstration program. The Alzheimer's disease management

1 center shall be located in Will County, owned by a  
2 not-for-profit entity, and endorsed by a resolution approved by  
3 the county board before the effective date of this amendatory  
4 Act of the 91st General Assembly.

5 (a-25) There shall be no more than 10 birth center  
6 alternative health care models in the demonstration program,  
7 located as follows:

8 (1) Four in the area comprising Cook, DuPage, Kane,  
9 Lake, McHenry, and Will counties, one of which shall be  
10 owned or operated by a hospital and one of which shall be  
11 owned or operated by a federally qualified health center.

12 (2) Three in municipalities with a population of 50,000  
13 or more not located in the area described in paragraph (1)  
14 of this subsection, one of which shall be owned or operated  
15 by a hospital and one of which shall be owned or operated  
16 by a federally qualified health center.

17 (3) Three in rural areas, one of which shall be owned  
18 or operated by a hospital and one of which shall be owned  
19 or operated by a federally qualified health center.

20 The first 3 birth centers authorized to operate by the  
21 Department shall be located in or predominantly serve the  
22 residents of a health professional shortage area as determined  
23 by the United States Department of Health and Human Services.  
24 There shall be no more than 2 birth centers authorized to  
25 operate in any single health planning area for obstetric  
26 services as determined under the Illinois Health Facilities

1 Planning Act. If a birth center is located outside of a health  
2 professional shortage area, (i) the birth center shall be  
3 located in a health planning area with a demonstrated need for  
4 obstetrical service beds, as determined by the Health  
5 Facilities and Services Review Board or (ii) there must be a  
6 reduction in the existing number of obstetrical service beds in  
7 the planning area so that the establishment of the birth center  
8 does not result in an increase in the total number of  
9 obstetrical service beds in the health planning area.

10 (b) Alternative health care models, other than a model  
11 authorized under subsection (a-10) or (a-20), shall obtain a  
12 certificate of need from the Health Facilities and Services  
13 Review Board under the Illinois Health Facilities Planning Act  
14 before receiving a license by the Department. If, after  
15 obtaining its initial certificate of need, an alternative  
16 health care delivery model that is a community based  
17 residential rehabilitation center seeks to increase the bed  
18 capacity of that center, it must obtain a certificate of need  
19 from the Health Facilities and Services Review Board before  
20 increasing the bed capacity. Alternative health care models in  
21 medically underserved areas shall receive priority in  
22 obtaining a certificate of need.

23 (c) An alternative health care model license shall be  
24 issued for a period of one year and shall be annually renewed  
25 if the facility or program is in substantial compliance with  
26 the Department's rules adopted under this Act. A licensed

1 alternative health care model that continues to be in  
2 substantial compliance after the conclusion of the  
3 demonstration program shall be eligible for annual renewals  
4 unless and until a different licensure program for that type of  
5 health care model is established by legislation, except that a  
6 postsurgical recovery care center meeting the following  
7 requirements may apply within 3 years after August 25, 2009  
8 (the effective date of Public Act 96-669) for a Certificate of  
9 Need permit to operate as a hospital:

10 (1) The postsurgical recovery care center shall apply  
11 to the Health Facilities and Services Review Board for a  
12 Certificate of Need permit to discontinue the postsurgical  
13 recovery care center and to establish a hospital.

14 (2) If the postsurgical recovery care center obtains a  
15 Certificate of Need permit to operate as a hospital, it  
16 shall apply for licensure as a hospital under the Hospital  
17 Licensing Act and shall meet all statutory and regulatory  
18 requirements of a hospital.

19 (3) After obtaining licensure as a hospital, any  
20 license as an ambulatory surgical treatment center and any  
21 license as a postsurgical ~~post-surgical~~ recovery care  
22 center shall be null and void.

23 (4) The former postsurgical recovery care center that  
24 receives a hospital license must seek and use its best  
25 efforts to maintain certification under Titles XVIII and  
26 XIX of the federal Social Security Act.



1           The Department may issue a provisional license to any  
2 alternative health care model that does not substantially  
3 comply with the provisions of this Act and the rules adopted  
4 under this Act if (i) the Department finds that the alternative  
5 health care model has undertaken changes and corrections which  
6 upon completion will render the alternative health care model  
7 in substantial compliance with this Act and rules and (ii) the  
8 health and safety of the patients of the alternative health  
9 care model will be protected during the period for which the  
10 provisional license is issued. The Department shall advise the  
11 licensee of the conditions under which the provisional license  
12 is issued, including the manner in which the alternative health  
13 care model fails to comply with the provisions of this Act and  
14 rules, and the time within which the changes and corrections  
15 necessary for the alternative health care model to  
16 substantially comply with this Act and rules shall be  
17 completed.

18           (d) Alternative health care models shall seek  
19 certification under Titles XVIII and XIX of the federal Social  
20 Security Act. In addition, alternative health care models shall  
21 provide charitable care consistent with that provided by  
22 comparable health care providers in the geographic area.

23           (d-5) (Blank).

24           (e) Alternative health care models shall, to the extent  
25 possible, link and integrate their services with nearby health  
26 care facilities.

1 (f) Each alternative health care model shall implement a  
2 quality assurance program with measurable benefits and at  
3 reasonable cost.

4 (Source: P.A. 96-31, eff. 6-30-09; 96-129, eff. 8-4-09; 96-669,  
5 eff. 8-25-09; 96-812, eff. 1-1-10; 96-1000, eff. 7-2-10;  
6 96-1071, eff. 7-16-10; 96-1123, eff. 1-1-11; 97-135, eff.  
7 7-14-11; 97-333, eff. 8-12-11; 97-813, eff. 7-13-12; revised  
8 11-12-13.)

9 Section 295. The Illinois Clinical Laboratory and Blood  
10 Bank Act is amended by changing Section 7-101 as follows:

11 (210 ILCS 25/7-101) (from Ch. 111 1/2, par. 627-101)

12 Sec. 7-101. Examination of specimens. A clinical  
13 laboratory shall examine specimens only at the request of (i) a  
14 licensed physician, (ii) a licensed dentist, (iii) a licensed  
15 podiatric physician, (iv) a licensed optometrist, (v) a  
16 licensed physician assistant in accordance with the written  
17 guidelines required under subdivision (3) of Section 4 and  
18 under Section 7.5 of the Physician Assistant Practice Act of  
19 1987, (v-A) an advanced practice nurse in accordance with the  
20 written collaborative agreement required under Section 65-35  
21 of the Nurse Practice Act, (vi) an authorized law enforcement  
22 agency or, in the case of blood alcohol, at the request of the  
23 individual for whom the test is to be performed in compliance  
24 with Sections 11-501 and 11-501.1 of the Illinois Vehicle Code,

1 or (vii) a genetic counselor with the specific authority from a  
2 referral to order a test or tests pursuant to subsection (b) of  
3 Section 20 of the Genetic Counselor Licensing Act. If the  
4 request to a laboratory is oral, the physician or other  
5 authorized person shall submit a written request to the  
6 laboratory within 48 hours. If the laboratory does not receive  
7 the written request within that period, it shall note that fact  
8 in its records. For purposes of this Section, a request made by  
9 electronic mail or fax constitutes a written request.

10 (Source: P.A. 97-333, eff. 8-12-11; 98-185, eff. 1-1-14;  
11 98-214, eff. 8-9-13; revised 10-15-13.)

12 Section 300. The Abused and Neglected Long Term Care  
13 Facility Residents Reporting Act is amended by changing Section  
14 4 as follows:

15 (210 ILCS 30/4) (from Ch. 111 1/2, par. 4164)

16 Sec. 4. Any long term care facility administrator, agent or  
17 employee or any physician, hospital, surgeon, dentist,  
18 osteopath, chiropractor, podiatric physician, accredited  
19 religious practitioner who provides treatment by spiritual  
20 means alone through prayer in accordance with the tenets and  
21 practices of the accrediting church, coroner, social worker,  
22 social services administrator, registered nurse, law  
23 enforcement officer, field personnel of the Department of  
24 Healthcare and Family Services, field personnel of the Illinois

1 Department of Public Health and County or Municipal Health  
2 Departments, personnel of the Department of Human Services  
3 (acting as the successor to the Department of Mental Health and  
4 Developmental Disabilities or the Department of Public Aid),  
5 personnel of the Guardianship and Advocacy Commission,  
6 personnel of the State Fire Marshal, local fire department  
7 inspectors or other personnel, or personnel of the Illinois  
8 Department on Aging, or its subsidiary Agencies on Aging, or  
9 employee of a facility licensed under the Assisted Living and  
10 Shared Housing Act, having reasonable cause to believe any  
11 resident with whom they have direct contact has been subjected  
12 to abuse or neglect shall immediately report or cause a report  
13 to be made to the Department. Persons required to make reports  
14 or cause reports to be made under this Section include all  
15 employees of the State of Illinois who are involved in  
16 providing services to residents, including professionals  
17 providing medical or rehabilitation services and all other  
18 persons having direct contact with residents; and further  
19 include all employees of community service agencies who provide  
20 services to a resident of a public or private long term care  
21 facility outside of that facility. Any long term care surveyor  
22 of the Illinois Department of Public Health who has reasonable  
23 cause to believe in the course of a survey that a resident has  
24 been abused or neglected and initiates an investigation while  
25 on site at the facility shall be exempt from making a report  
26 under this Section but the results of any such investigation

1 shall be forwarded to the central register in a manner and form  
2 described by the Department.

3 The requirement of this Act shall not relieve any long term  
4 care facility administrator, agent or employee of  
5 responsibility to report the abuse or neglect of a resident  
6 under Section 3-610 of the Nursing Home Care Act or under  
7 Section 3-610 of the ID/DD Community Care Act or under Section  
8 2-107 of the Specialized Mental Health Rehabilitation Act of  
9 2013.

10 In addition to the above persons required to report  
11 suspected resident abuse and neglect, any other person may make  
12 a report to the Department, or to any law enforcement officer,  
13 if such person has reasonable cause to suspect a resident has  
14 been abused or neglected.

15 This Section also applies to residents whose death occurs  
16 from suspected abuse or neglect before being found or brought  
17 to a hospital.

18 A person required to make reports or cause reports to be  
19 made under this Section who fails to comply with the  
20 requirements of this Section is guilty of a Class A  
21 misdemeanor.

22 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,  
23 eff. 7-13-12; 98-104, eff. 7-22-13; 98-214, eff. 8-9-13;  
24 revised 9-9-13.)

25 Section 305. The Community Living Facilities Licensing Act

1 is amended by changing Section 9 as follows:

2 (210 ILCS 35/9) (from Ch. 111 1/2, par. 4189)

3 Sec. 9. Regular licenses.

4 (1) A regular license shall be valid for a one-year period  
5 from the date of authorization. A license is not transferable.

6 (2) Within 120 to 150 days prior to the date of expiration  
7 of the license, the licensee shall apply to the Department for  
8 renewal of the license. The procedure for renewing a valid  
9 license for a Community Living Facility shall be the same as  
10 for applying for the initial license, pursuant to subsections  
11 (1) through (4) of Section 7 of this Act. If the Department has  
12 determined on the basis of available documentation that the  
13 Community Living Facility is in substantial compliance with  
14 this Act and the rules promulgated under this Act, and has  
15 provided to the Department an accurate disclosure document in  
16 accordance with the Alzheimer's Disease and Related Dementias  
17 Special Care Disclosure Act, it shall renew the regular license  
18 for another one-year period.

19 (3) Whenever ownership of a facility is transferred from  
20 the licensee to any other person, agency, association,  
21 corporation, partnership, or organization, the transferee  
22 ~~transferee~~ must obtain a new probationary license. The  
23 transferee ~~transferee~~ shall notify the Department of the  
24 transfer and apply for a new license at least 30 days prior to  
25 final transfer. The requirement for an on-site inspection in

1 Section 7 may be waived if the Department has conducted a  
2 survey of the Community Living Facility within the past 60 days  
3 and the survey disclosed substantial compliance with this Act  
4 and rules and regulations promulgated hereunder.

5 (Source: P.A. 96-990, eff. 7-2-10; revised 9-11-13.)

6 Section 310. The Nursing Home Care Act is amended by  
7 changing Sections 3-112 and 3-304.1 as follows:

8 (210 ILCS 45/3-112) (from Ch. 111 1/2, par. 4153-112)

9 Sec. 3-112. (a) Whenever ownership of a facility is  
10 transferred from the person named in the license to any other  
11 person, the transferee must obtain a new probationary license.  
12 The transferee shall notify the Department of the transfer and  
13 apply for a new license at least 30 days prior to final  
14 transfer.

15 (b) The transferor shall notify the Department at least 30  
16 days prior to final transfer. The transferor shall remain  
17 responsible for the operation of the facility until such time  
18 as a license is issued to the transferee ~~transferree~~.

19 (Source: P.A. 81-223; revised 9-11-13.)

20 (210 ILCS 45/3-304.1)

21 Sec. 3-304.1. Public computer access to information.

22 (a) The Department must make information regarding nursing  
23 homes in the State available to the public in electronic form

1 on the World Wide Web, including all of the following  
2 information:

3 (1) who regulates nursing homes;

4 (2) information in the possession of the Department  
5 that is listed in Sections 3-210 and 3-304;

6 (3) deficiencies and plans of correction;

7 (4) enforcement remedies;

8 (5) penalty letters;

9 (6) designation of penalty monies;

10 (7) the U.S. Department of Health and Human Services'  
11 Health Care Financing Administration special projects or  
12 federally required inspections;

13 (8) advisory standards;

14 (9) deficiency-free surveys;

15 (10) enforcement actions and enforcement summaries;

16 (11) distressed facilities; ~~and~~

17 (12) the report submitted under Section 3-518; ~~and~~

18 (13) ~~(12)~~ a link to the most recent facility cost  
19 report filed with the Department of Healthcare and Family  
20 Services;

21 (14) ~~(13)~~ a link to the most recent Consumer Choice  
22 Information Report filed with the Department on Aging;

23 (15) ~~(14)~~ whether the facility is part of a chain; the  
24 facility shall be deemed part of a chain if it meets  
25 criteria established by the United States Department of  
26 Health and Human Services that identify it as owned by a



1 chain organization;

2 (16) ~~(15)~~ whether the facility is a for-profit or  
3 not-for-profit facility; and

4 (17) ~~(16)~~ whether the facility is or is part of a  
5 continuing care retirement community.

6 (b) No fee or other charge may be imposed by the Department  
7 as a condition of accessing the information.

8 (c) The electronic public access provided through the World  
9 Wide Web shall be in addition to any other electronic or print  
10 distribution of the information.

11 (d) The information shall be made available as provided in  
12 this Section in the shortest practicable time after it is  
13 publicly available in any other form.

14 (Source: P.A. 98-85, eff. 7-15-13; 98-505, eff. 1-1-14; revised  
15 9-9-13.)

16 Section 315. The Emergency Medical Services (EMS) Systems  
17 Act is amended by changing Section 3.117 as follows:

18 (210 ILCS 50/3.117)

19 Sec. 3.117. Hospital Designations.

20 (a) The Department shall attempt to designate Primary  
21 Stroke Centers in all areas of the State.

22 (1) The Department shall designate as many certified  
23 Primary Stroke Centers as apply for that designation  
24 provided they are certified by a nationally-recognized

1 certifying body, approved by the Department, and  
2 certification criteria are consistent with the most  
3 current nationally-recognized, evidence-based stroke  
4 guidelines related to reducing the occurrence,  
5 disabilities, and death associated with stroke.

6 (2) A hospital certified as a Primary Stroke Center by  
7 a nationally-recognized certifying body approved by the  
8 Department, shall send a copy of the Certificate to the  
9 Department and shall be deemed, within 30 days of its  
10 receipt by the Department, to be a State-designated Primary  
11 Stroke Center.

12 (3) With respect to a hospital that is a designated  
13 Primary Stroke Center, the Department shall have the  
14 authority and responsibility to do the following:

15 (A) Suspend or revoke a hospital's Primary Stroke  
16 Center designation upon receiving notice that the  
17 hospital's Primary Stroke Center certification has  
18 lapsed or has been revoked by the State recognized  
19 certifying body.

20 (B) Suspend a hospital's Primary Stroke Center  
21 designation, in extreme circumstances where patients  
22 may be at risk for immediate harm or death, until such  
23 time as the certifying body investigates and makes a  
24 final determination regarding certification.

25 (C) Restore any previously suspended or revoked  
26 Department designation upon notice to the Department

1           that the certifying body has confirmed or restored the  
2           Primary Stroke Center certification of that previously  
3           designated hospital.

4           (D) Suspend a hospital's Primary Stroke Center  
5           designation at the request of a hospital seeking to  
6           suspend its own Department designation.

7           (4) Primary Stroke Center designation shall remain  
8           valid at all times while the hospital maintains its  
9           certification as a Primary Stroke Center, in good standing,  
10          with the certifying body. The duration of a Primary Stroke  
11          Center designation shall coincide with the duration of its  
12          Primary Stroke Center certification. Each designated  
13          Primary Stroke Center shall have its designation  
14          automatically renewed upon the Department's receipt of a  
15          copy of the accrediting body's certification renewal.

16          (5) A hospital that no longer meets  
17          nationally-recognized, evidence-based standards for  
18          Primary Stroke Centers, or loses its Primary Stroke Center  
19          certification, shall immediately notify the Department and  
20          the Regional EMS Advisory Committee.

21          (b) The Department shall attempt to designate hospitals as  
22          Emergent Stroke Ready Hospitals capable of providing emergent  
23          stroke care in all areas of the State.

24          (1) The Department shall designate as many Emergent  
25          Stroke Ready Hospitals as apply for that designation as  
26          long as they meet the criteria in this Act.

1           (2) Hospitals may apply for, and receive, Emergent  
2           Stroke Ready Hospital designation from the Department,  
3           provided that the hospital attests, on a form developed by  
4           the Department in consultation with the State Stroke  
5           Advisory Subcommittee, that it meets, and will continue to  
6           meet, the criteria for Emergent Stroke Ready Hospital  
7           designation.

8           (3) Hospitals seeking Emergent Stroke Ready Hospital  
9           designation shall develop policies and procedures that  
10          consider nationally-recognized, evidence-based protocols  
11          for the provision of emergent stroke care. Hospital  
12          policies relating to emergent stroke care and stroke  
13          patient outcomes shall be reviewed at least annually, or  
14          more often as needed, by a hospital committee that oversees  
15          quality improvement. Adjustments shall be made as  
16          necessary to advance the quality of stroke care delivered.  
17          Criteria for Emergent Stroke Ready Hospital designation of  
18          hospitals shall be limited to the ability of a hospital to:

19                (A) create written acute care protocols related to  
20                emergent stroke care;

21                (B) maintain a written transfer agreement with one  
22                or more hospitals that have neurosurgical expertise;

23                (C) designate a director of stroke care, which may  
24                be a clinical member of the hospital staff or the  
25                designee of the hospital administrator, to oversee the  
26                hospital's stroke care policies and procedures;

1 (D) administer thrombolytic therapy, or  
2 subsequently developed medical therapies that meet  
3 nationally-recognized, evidence-based stroke  
4 guidelines;

5 (E) conduct brain image tests at all times;

6 (F) conduct blood coagulation studies at all  
7 times; and

8 (G) maintain a log of stroke patients, which shall  
9 be available for review upon request by the Department  
10 or any hospital that has a written transfer agreement  
11 with the Emergent Stroke Ready Hospital.

12 (4) With respect to Emergent Stroke Ready Hospital  
13 designation, the Department shall have the authority and  
14 responsibility to do the following:

15 (A) Require hospitals applying for Emergent Stroke  
16 Ready Hospital designation to attest, on a form  
17 developed by the Department in consultation with the  
18 State Stroke Advisory Subcommittee, that the hospital  
19 meets, and will continue to meet, the criteria for an a  
20 Emergent Stroke Ready Hospital.

21 (B) Designate a hospital as an Emergent Stroke  
22 Ready Hospital no more than 20 business days after  
23 receipt of an attestation that meets the requirements  
24 for attestation.

25 (C) Require annual written attestation, on a form  
26 developed by the Department in consultation with the

1 State Stroke Advisory Subcommittee, by Emergent Stroke  
2 Ready Hospitals to indicate compliance with Emergent  
3 Stroke Ready Hospital criteria, as described in this  
4 Section, and automatically renew Emergent Stroke Ready  
5 Hospital designation of the hospital.

6 (D) Issue an Emergency Suspension of Emergent  
7 Stroke Ready Hospital designation when the Director,  
8 or his or her designee, has determined that the  
9 hospital no longer meets the Emergent Stroke Ready  
10 Hospital criteria and an immediate and serious danger  
11 to the public health, safety, and welfare exists. If  
12 the Emergent Stroke Ready Hospital fails to eliminate  
13 the violation immediately or within a fixed period of  
14 time, not exceeding 10 days, as determined by the  
15 Director, the Director may immediately revoke the  
16 Emergent Stroke Ready Hospital designation. The  
17 Emergent Stroke Ready Hospital may appeal the  
18 revocation within 15 days after receiving the  
19 Director's revocation order, by requesting an  
20 administrative hearing.

21 (E) After notice and an opportunity for an  
22 administrative hearing, suspend, revoke, or refuse to  
23 renew an Emergent Stroke Ready Hospital designation,  
24 when the Department finds the hospital is not in  
25 substantial compliance with current Emergent Stroke  
26 Ready Hospital criteria.

1           (c) The Department shall consult with the State Stroke  
2 Advisory Subcommittee for developing the designation and  
3 de-designation processes for Primary Stroke Centers and  
4 Emergent Stroke Ready Hospitals.

5           (Source: P.A. 96-514, eff. 1-1-10; revised 11-12-13.)

6           Section 320. The End Stage Renal Disease Facility Act is  
7 amended by changing Section 60 as follows:

8           (210 ILCS 62/60)

9           Sec. 60. Notice of administrative actions; hearing  
10 procedures.

11           (a) Notice of all administrative actions taken under this  
12 Act shall be effected by registered mail, certified mail, or  
13 personal service and shall set forth the particular reasons for  
14 the proposed action and provide the applicant or licensee with  
15 an opportunity to request a hearing. If a hearing request is  
16 not received within 10 days after receipt of the notice of  
17 administrative action, the right to a hearing is waived.

18           (b) The procedure governing hearings authorized by this  
19 Section shall be in accordance with rules promulgated by the  
20 Department consistent with this Act. A hearing shall be  
21 conducted by the Director or by an individual designated in  
22 writing by the Director as administrative law judge. A full and  
23 complete record shall be kept of all proceedings, including  
24 notice of hearing, complaint, and all other documents in the

1 nature of pleadings, written motions filed in the proceedings,  
2 and the report and orders of the Director and administrative  
3 law judge. All testimony shall be reported but need not be  
4 transcribed unless the decision is appealed pursuant to Section  
5 70 of this Act. Any interested party may obtain a copy or  
6 copies of the transcript on payment of the cost of preparing  
7 such copy or copies.

8 (c) The Director or administrative law judge shall, upon  
9 his own motion or on the written request of any party to the  
10 proceeding, issue subpoenas requiring the attendance and  
11 testimony of witnesses and subpoenas duces tecum requiring the  
12 production of books, papers, records or memoranda. The fees of  
13 witnesses for attendance and travel shall be the same as the  
14 fees of witnesses before any circuit court of this State. Such  
15 fees shall be paid when the witness is excused from further  
16 attendance. When the witness is subpoenaed at the instance of  
17 the Director or administrative law judge, such fees shall be  
18 paid in the same manner as other expenses of the Department.  
19 When the witness is subpoenaed at the instance of any other  
20 party to a proceeding, the Department may require that the cost  
21 of service of the subpoena or subpoena duces tecum and the fee  
22 of the witness be borne by the party at whose instance the  
23 witness is summoned. In such case, the Department, in its  
24 discretion, may require a deposit to cover the cost of such  
25 service and witness fees. A subpoena or subpoena duces tecum  
26 issued under this Section shall be served in the same manner as



1 a subpoena issued by a court.

2 (d) Any circuit court of this State, upon the application  
3 of the Director or the application of any other party to the  
4 proceeding, may, in its discretion, compel the attendance of  
5 witnesses, the production of books, papers, records or  
6 memoranda, and the giving of testimony before the Director or  
7 administrative law judge conducting an investigation or  
8 holding a hearing authorized by this Act, by an attachment for  
9 contempt, or otherwise, in the same manner as production of  
10 evidence may be compelled before the court.

11 (e) The Director or administrative law judge, or any party  
12 in a hearing before the Department, may compel the attendance  
13 of witnesses and the production of books, papers, records, or  
14 memoranda.

15 (f) The Director or administrative law judge shall make  
16 findings of fact in such hearing and the Director shall render  
17 his decision within 60 days after the termination or waiving of  
18 the hearing unless he or she requires additional time for a  
19 proper disposition of the matter. When an ~~a~~ administrative law  
20 judge has conducted the hearing, the Director shall review the  
21 record and findings of fact before rendering a decision. A copy  
22 of the findings of fact and decision of the Director shall be  
23 served upon the applicant or licensee in person, by registered  
24 mail or by certified mail in the same manner as the service of  
25 the notice of hearing. The decision denying, suspending, or  
26 revoking a license shall become final 35 days after it is

1 mailed or served, unless the applicant or licensee, within the  
2 35-day period, petitions for review pursuant to Section 70 of  
3 this Act.

4 (Source: P.A. 92-794, eff. 7-1-03; revised 11-13-13.)

5 Section 325. The Hospital Emergency Service Act is amended  
6 by changing Section 1.3 as follows:

7 (210 ILCS 80/1.3)

8 Sec. 1.3. Long-term acute care hospitals. For the purpose  
9 of this Act, general acute care hospitals designated by  
10 Medicare as long-term acute care hospitals are not required to  
11 provide hospital emergency services described in Section 1 of  
12 this Act. Hospitals defined in this Section may provide  
13 hospital emergency services at their option.

14 Any hospital defined in this Section that opts to  
15 discontinue emergency services described in Section 1 shall:

16 (1) comply with all provisions of the federal Emergency  
17 Medical Treatment and ~~&~~ Labor Act (EMTALA);

18 (2) comply with all provisions required under the  
19 Social Security Act;

20 (3) provide annual notice to communities in the  
21 hospital's service area about available emergency medical  
22 services; and

23 (4) make educational materials available to  
24 individuals who are present at the hospital concerning the

1 availability of medical services within the hospital's  
2 service area.

3 Long-term acute care hospitals that operate standby  
4 emergency services as of January 1, 2011 may discontinue  
5 hospital emergency services by notifying the Department of  
6 Public Health. Long-term acute care hospitals that operate  
7 basic or comprehensive emergency services must notify the  
8 Health Facilities and Services Review Board and follow the  
9 appropriate procedures.

10 (Source: P.A. 97-667, eff. 1-13-12; revised 9-11-13.)

11 Section 330. The Language Assistance Services Act is  
12 amended by changing Section 15 as follows:

13 (210 ILCS 87/15)

14 Sec. 15. Language assistance services.

15 (a) To ensure ~~insure~~ access to health care information and  
16 services for limited-English-speaking or non-English-speaking  
17 residents and deaf residents, a health facility must do the  
18 following:

19 (1) Adopt and review annually a policy for providing  
20 language assistance services to patients with language or  
21 communication barriers. The policy shall include  
22 procedures for providing, to the extent possible as  
23 determined by the facility, the use of an interpreter  
24 whenever a language or communication barrier exists,

1       except where the patient, after being informed of the  
2       availability of the interpreter service, chooses to use a  
3       family member or friend who volunteers to interpret. The  
4       procedures shall be designed to maximize efficient use of  
5       interpreters and minimize delays in providing interpreters  
6       to patients. The procedures shall insure, to the extent  
7       possible as determined by the facility, that interpreters  
8       are available, either on the premises or accessible by  
9       telephone, 24 hours a day. The facility shall annually  
10      transmit to the Department of Public Health a copy of the  
11      updated policy and shall include a description of the  
12      facility's efforts to insure adequate and speedy  
13      communication between patients with language or  
14      communication barriers and staff.

15           (2) Develop, and post in conspicuous locations,  
16      notices that advise patients and their families of the  
17      availability of interpreters, the procedure for obtaining  
18      an interpreter, and the telephone numbers to call for  
19      filing complaints concerning interpreter service problems,  
20      including, but not limited to, a TTY number for persons who  
21      are deaf or hard of hearing. The notices shall be posted,  
22      at a minimum, in the emergency room, the admitting area,  
23      the facility entrance, and the outpatient area. Notices  
24      shall inform patients that interpreter services are  
25      available on request, shall list the languages most  
26      commonly encountered at the facility for which interpreter

1 services are available, and shall instruct patients to  
2 direct complaints regarding interpreter services to the  
3 Department of Public Health, including the telephone  
4 numbers to call for that purpose.

5 (3) Notify the facility's employees of the language  
6 services available at the facility and train them on how to  
7 make those language services available to patients.

8 (b) In addition, a health facility may do one or more of  
9 the following:

10 (1) Identify and record a patient's primary language  
11 and dialect on one or more of the following: a patient  
12 medical chart, hospital bracelet, bedside notice, or  
13 nursing card.

14 (2) Prepare and maintain, as needed, a list of  
15 interpreters who have been identified as proficient in sign  
16 language according to the Interpreter for the Deaf  
17 Licensure Act of 2007 ~~Interpreters for the Deaf Act~~ and a  
18 list of the languages of the population of the geographical  
19 area served by the facility.

20 (3) Review all standardized written forms, waivers,  
21 documents, and informational materials available to  
22 patients on admission to determine which to translate into  
23 languages other than English.

24 (4) Consider providing its nonbilingual staff with  
25 standardized picture and phrase sheets for use in routine  
26 communications with patients who have language or

1 communication barriers.

2 (5) Develop community liaison groups to enable the  
3 facility and the limited-English-speaking,  
4 non-English-speaking, and deaf communities to ensure  
5 ~~insure~~ the adequacy of the interpreter services.

6 (Source: P.A. 95-667, eff. 10-11-07; revised 10-7-13.)

7 Section 335. The Mobile Home Park Act is amended by  
8 changing Section 2 as follows:

9 (210 ILCS 115/2) (from Ch. 111 1/2, par. 712)

10 Sec. 2. Unless the context clearly requires otherwise, the  
11 words and phrases set forth in the Sections following this  
12 Section and preceding Section 3 ~~Sections 2.1 to 2.9 inclusive,~~  
13 shall have the meanings set forth in this Act.

14 (Source: P.A. 78-1170; revised 11-13-13.)

15 Section 340. The Illinois Insurance Code is amended by  
16 changing Section 500-100 as follows:

17 (215 ILCS 5/500-100)

18 (Section scheduled to be repealed on January 1, 2017)

19 Sec. 500-100. Limited lines producer license.

20 (a) An individual who is at least 18 years of age and whom  
21 the Director considers to be competent, trustworthy, and of  
22 good business reputation may obtain a limited lines producer

1 license for one or more of the following classes:

2 (1) insurance on baggage or limited travel health,  
3 accident, or trip cancellation insurance sold in  
4 connection with transportation provided by a common  
5 carrier;

6 (2) industrial life insurance, as defined in Section  
7 228 of this Code;

8 (3) industrial accident and health insurance, as  
9 defined in Section 368 of this Code;

10 (4) insurance issued by a company organized under the  
11 Farm Mutual Insurance Company Act of 1986;

12 (5) legal expense insurance;

13 (6) enrollment of recipients of public aid or medicare  
14 in a health maintenance organization;

15 (7) a limited health care plan issued by an  
16 organization having a certificate of authority under the  
17 Limited Health Service Organization Act;

18 (8) credit life and credit accident and health  
19 insurance and other credit insurance policies approved or  
20 permitted by the Director; a credit insurance company must  
21 conduct a training program in which an applicant shall  
22 receive basic instruction about the credit insurance  
23 products that he or she ~~they~~ will be selling.

24 (b) The application for a limited lines producer license  
25 must be submitted on a form prescribed by the Director by a  
26 designee of the insurance company, health maintenance

1 organization, or limited health service organization  
2 appointing the limited insurance representative. The insurance  
3 company, health maintenance organization, or limited health  
4 service organization must pay the fee required by Section  
5 500-135.

6 (c) A limited lines producer may represent more than one  
7 insurance company, health maintenance organization, or limited  
8 health service organization.

9 (d) An applicant who has met the requirements of this  
10 Section shall be issued a perpetual limited lines producer  
11 license.

12 (e) A limited lines producer license shall remain in effect  
13 as long as the appointing insurance company pays the respective  
14 fee required by Section 500-135 prior to January 1 of each  
15 year, unless the license is revoked or suspended pursuant to  
16 Section 500-70. Failure of the insurance company to pay the  
17 license fee or to submit the required documents shall cause  
18 immediate termination of the limited line insurance producer  
19 license with respect to which the failure occurs.

20 (f) A limited lines producer license may be terminated by  
21 the insurance company or the licensee.

22 (g) A person whom the Director considers to be competent,  
23 trustworthy, and of good business reputation may be issued a  
24 car rental limited line license. A car rental limited line  
25 license for a rental company shall remain in effect as long as  
26 the car rental limited line licensee pays the respective fee



1 required by Section 500-135 prior to the next fee date unless  
2 the car rental license is revoked or suspended pursuant to  
3 Section 500-70. Failure of the car rental limited line licensee  
4 to pay the license fee or to submit the required documents  
5 shall cause immediate suspension of the car rental limited line  
6 license. A car rental limited line license for rental companies  
7 may be voluntarily terminated by the car rental limited line  
8 licensee. The license fee shall not be refunded upon  
9 termination of the car rental limited line license by the car  
10 rental limited line licensee.

11 (h) A limited lines producer issued a license pursuant to  
12 this Section is not subject to the requirements of Section  
13 500-30.

14 (i) A limited lines producer license must contain the name,  
15 address and personal identification number of the licensee, the  
16 date the license was issued, general conditions relative to the  
17 license's expiration or termination, and any other information  
18 the Director considers proper. A limited line producer license,  
19 if applicable, must also contain the name and address of the  
20 appointing insurance company.

21 (Source: P.A. 98-159, eff. 8-2-13; revised 11-12-13.)

22 Section 345. The Reinsurance Intermediary Act is amended by  
23 changing Sections 20 and 45 as follows:

24 (215 ILCS 100/20) (from Ch. 73, par. 1620)

1           Sec. 20. Books and records; reinsurance intermediary  
2 brokers.

3           (a) For at least 10 years after expiration of each contract  
4 of reinsurance transacted by it, the intermediary broker shall  
5 keep a complete record for each transaction showing:

6           (1) The type of contract, limits, underwriting  
7 restrictions, classes or risks, and territory.

8           (2) Period of coverage, including effective and  
9 expiration dates, cancellation provisions, and notice  
10 required of cancellations.

11           (3) Reporting and settlement requirements of balances.

12           (4) Rate used to compute the reinsurance premium.

13           (5) Names and addresses of assuming reinsurers.

14           (6) Rates of all reinsurance commissions, including  
15 the commissions on any retrocessions handled by the  
16 intermediary broker.

17           (7) Related correspondence and memoranda.

18           (8) Proof of placement.

19           (9) Details regarding retrocessions handled by the  
20 intermediary broker including the identity of  
21 retrocessionaires and percentage of each contract assumed  
22 or ceded.

23           (10) Financial records including, but not limited to,  
24 premium and loss accounts.

25           (11) When an ~~a~~ intermediary broker procures a  
26 reinsurance contract on behalf of a licensed ceding

1 insurer:

2 (A) directly from any assuming reinsurer, written  
3 evidence that the assuming reinsurer has agreed to  
4 assume the risk;

5 (B) if placed through a representative of the  
6 assuming reinsurer, other than an employee, written  
7 evidence that the reinsurer has delegated binding  
8 authority to the representative.

9 (b) The insurer shall have access and the right to copy and  
10 audit all accounts and records maintained by the intermediary  
11 broker related to its business in a form usable by the insurer.  
12 (Source: P.A. 87-108; revised 11-13-13.)

13 (215 ILCS 100/45) (from Ch. 73, par. 1645)

14 Sec. 45. Duties of reinsurers utilizing the services of a  
15 reinsurance intermediary manager.

16 (a) A reinsurer shall not engage the services of any  
17 person, firm, association, or corporation to act as an ~~a~~  
18 intermediary manager on its behalf unless the person is  
19 licensed as required by Section 10.

20 (b) The reinsurer shall annually obtain a copy of  
21 statements, audited by an independent certified public  
22 accountant in a form acceptable to the Director, of the  
23 financial condition of each intermediary manager that the  
24 reinsurer has contracted.

25 (c) If an intermediary manager establishes loss reserves,

1 the reinsurer shall annually obtain the opinion of an actuary  
2 attesting to the adequacy of loss reserves established for  
3 losses incurred and outstanding on business produced by the  
4 intermediary manager. This opinion shall be in addition to any  
5 other required loss reserve certification.

6 (d) Binding authority for all retrocessional contracts or  
7 participation in reinsurance syndicates shall rest with an  
8 officer of the reinsurer who shall not be affiliated with the  
9 intermediary manager.

10 (e) Within 30 days of termination of a contract with an  
11 intermediary manager, the reinsurer shall provide written  
12 notification of termination to the Director.

13 (f) A reinsurer shall not appoint to its board of  
14 directors, any officer, director, employee, controlling  
15 shareholder, or subproducer of its intermediary manager. This  
16 subsection shall not apply to relationships governed by the  
17 Holding Company Act.

18 (Source: P.A. 87-108; revised 11-14-13.)

19 Section 350. The Illinois Health Benefits Exchange Law is  
20 amended by changing Section 5-10 as follows:

21 (215 ILCS 122/5-10)

22 Sec. 5-10. Exchange functions.

23 (a) The Illinois Health Benefits Exchange shall meet the  
24 core functions identified by Section 1311 of the Patient

1 Protection and Affordable Care Act and subsequent federal  
2 guidance and regulations.

3 (b) In order to meet the deadline of October 1, 2013  
4 established by federal law to have operational a State  
5 exchange, the Department of Insurance and the Commission on  
6 Government ~~Governmental~~ Forecasting and Accountability is  
7 authorized to apply for, accept, receive, and use as  
8 appropriate for and on behalf of the State any grant money  
9 provided by the federal government and to share federal grant  
10 funding with, give support to, and coordinate with other  
11 agencies of the State and federal government or third parties  
12 as determined by the Governor.

13 (Source: P.A. 97-142, eff. 7-14-11; revised 9-11-13.)

14 Section 355. The Viatical Settlements Act of 2009 is  
15 amended by changing Section 72 as follows:

16 (215 ILCS 159/72)

17 Sec. 72. Crimes and offenses.

18 (a) A person acting in this State as a viatical settlement  
19 provider without having been licensed pursuant to Section 10 of  
20 this Act who willfully violates any provision of this Act or  
21 any rule adopted or order issued under this Act is guilty of a  
22 Class A misdemeanor and may be subject to a fine of not more  
23 than \$3,000. When such violation results in a loss of more than  
24 \$10,000, the person shall be guilty of a Class 3 felony and may

1 be subject to a fine of not more than \$10,000.

2 (b) A person acting in this State as a viatical settlement  
3 broker without having met the licensure and notification  
4 requirements established by Section 10 of this Act who  
5 willfully violates any provision of this Act or any rule  
6 adopted or order issued under this Act is guilty of a Class A  
7 misdemeanor and may be subject to a fine of not more than  
8 \$3,000. When such violation results in a loss of more than  
9 \$10,000, the person shall be guilty of a Class 3 felony and may  
10 be subject to a fine of not more than \$10,000.

11 (c) The Director may refer such evidence as is available  
12 concerning violations of this Act or any rule adopted or order  
13 issued under this Act or of the failure of a person to comply  
14 with the licensing requirements of this Act to the Attorney  
15 General or the proper county attorney who may, with or without  
16 such reference, institute the appropriate criminal proceedings  
17 under this Act.

18 (d) A person commits the offense of viatical settlement  
19 fraud when:

20 (1) For the purpose of depriving another of property or  
21 for pecuniary gain any person knowingly:

22 (A) presents, causes to be presented, or prepares  
23 with knowledge or belief that it will be presented to  
24 or by a viatical settlement provider, viatical  
25 settlement broker, life expectancy provider, viatical  
26 settlement purchaser, financing entity, insurer,

1 insurance producer, or any other person, false  
2 material information, or conceals material  
3 information, as part of, in support of or concerning a  
4 fact material to one or more of the following:

5 (i) an application for the issuance of a  
6 viatical settlement contract or insurance policy;

7 (ii) the underwriting of a viatical settlement  
8 contract or insurance policy;

9 (iii) a claim for payment or benefit pursuant  
10 to a viatical settlement contract or insurance  
11 policy;

12 (iv) premiums paid on an insurance policy;

13 (v) payments and changes in ownership or  
14 beneficiary made in accordance with the terms of a  
15 viatical settlement contract or insurance policy;

16 (vi) the reinstatement or conversion of an  
17 insurance policy;

18 (vii) in the solicitation, offer,  
19 effectuation, or sale of a viatical settlement  
20 contract or insurance policy;

21 (viii) the issuance of written evidence of a  
22 viatical settlement contract or insurance; or

23 (ix) a financing transaction; or

24 (B) employs any plan, financial structure, device,  
25 scheme, or artifice to defraud related to viaticated  
26 policies; or

1 (C) enters into any act, practice, or arrangement  
2 which involves stranger-originated life insurance;

3 (2) In furtherance of a scheme to defraud, to further a  
4 fraud, or to prevent or hinder the detection of a scheme to  
5 defraud any person knowingly does or permits his employees  
6 or agents to do any of the following:

7 (A) remove, conceal, alter, destroy, or sequester  
8 from the Director the assets or records of a licensee  
9 or other person engaged in the business of viatical  
10 settlements;

11 (B) misrepresent or conceal the financial  
12 condition of a licensee, financing entity, insurer, or  
13 other person;

14 (C) transact the business of viatical settlements  
15 in violation of laws requiring a license, certificate  
16 of authority, or other legal authority for the  
17 transaction of the business of viatical settlements;  
18 or

19 (D) file with the Director or the equivalent chief  
20 insurance regulatory official of another jurisdiction  
21 a document containing false information or otherwise  
22 conceals information about a material fact from the  
23 Director;

24 (3) Any person knowingly steals, misappropriates, or  
25 converts monies, funds, premiums, credits, or other  
26 property of a viatical settlement provider, insurer,



1 insured, viator, insurance policyowner, or any other  
2 person engaged in the business of viatical settlements or  
3 insurance;

4 (4) Any person recklessly enters into, negotiates,  
5 brokers, or otherwise deals in a viatical settlement  
6 contract, the subject of which is a life insurance policy  
7 that was obtained by presenting false information  
8 concerning any fact material to the policy or by  
9 concealing, for the purpose of misleading another,  
10 information concerning any fact material to the policy,  
11 where the person or the persons intended to defraud the  
12 policy's issuer, the viatical settlement provider or the  
13 viator; or

14 (5) Any person facilitates the change of state of  
15 ownership of a policy or the state of residency of a viator  
16 to a state or jurisdiction that does not have a law similar  
17 to this Act for the express purposes of evading or avoiding  
18 the provisions of this Act.

19 (e) For purposes of this Section, "person" means (i) an  
20 individual, (ii) a corporation, (iii) an officer, agent, or  
21 employee of a corporation, (iv) a member, agent, or employee of  
22 a partnership, or (v) a member, manager, employee, officer,  
23 director, or agent of a limited liability company who, in any  
24 such capacity described by this subsection (e), commits  
25 viatical settlement fraud.

26 (Source: P.A. 96-736, eff. 7-1-10; 97-813, eff. 7-13-12;

1 revised 11-14-13.)

2 Section 360. The Health Carrier External Review Act is  
3 amended by changing Section 10 as follows:

4 (215 ILCS 180/10)

5 Sec. 10. Definitions. For the purposes of this Act:

6 "Adverse determination" means:

7 (1) a determination by a health carrier or its designee  
8 utilization review organization that, based upon the  
9 information provided, a request for a benefit under the  
10 health carrier's health benefit plan upon application of  
11 any utilization review technique does not meet the health  
12 carrier's requirements for medical necessity,  
13 appropriateness, health care setting, level of care, or  
14 effectiveness or is determined to be experimental or  
15 investigational and the requested benefit is therefore  
16 denied, reduced, or terminated or payment is not provided  
17 or made, in whole or in part, for the benefit;

18 (2) the denial, reduction, or termination of or failure  
19 to provide or make payment, in whole or in part, for a  
20 benefit based on a determination by a health carrier or its  
21 designee utilization review organization that a  
22 preexisting condition was present before the effective  
23 date of coverage; or

24 (3) a rescission ~~recission~~ of coverage determination,

1           which does not include a cancellation or discontinuance of  
2           coverage that is attributable to a failure to timely pay  
3           required premiums or contributions towards the cost of  
4           coverage.

5           "Authorized representative" means:

6           (1) a person to whom a covered person has given express  
7           written consent to represent the covered person for  
8           purposes of this Law;

9           (2) a person authorized by law to provide substituted  
10          consent for a covered person;

11          (3) a family member of the covered person or the  
12          covered person's treating health care professional when  
13          the covered person is unable to provide consent;

14          (4) a health care provider when the covered person's  
15          health benefit plan requires that a request for a benefit  
16          under the plan be initiated by the health care provider; or

17          (5) in the case of an urgent care request, a health  
18          care provider with knowledge of the covered person's  
19          medical condition.

20          "Best evidence" means evidence based on:

21          (1) randomized clinical trials;

22          (2) if randomized clinical trials are not available,  
23          then cohort studies or case-control studies;

24          (3) if items (1) and (2) are not available, then  
25          case-series; or

26          (4) if items (1), (2), and (3) are not available, then

1 expert opinion.

2 "Case-series" means an evaluation of a series of patients  
3 with a particular outcome, without the use of a control group.

4 "Clinical review criteria" means the written screening  
5 procedures, decision abstracts, clinical protocols, and  
6 practice guidelines used by a health carrier to determine the  
7 necessity and appropriateness of health care services.

8 "Cohort study" means a prospective evaluation of 2 groups  
9 of patients with only one group of patients receiving specific  
10 intervention.

11 "Concurrent review" means a review conducted during a  
12 patient's stay or course of treatment in a facility, the office  
13 of a health care professional, or other inpatient or outpatient  
14 health care setting.

15 "Covered benefits" or "benefits" means those health care  
16 services to which a covered person is entitled under the terms  
17 of a health benefit plan.

18 "Covered person" means a policyholder, subscriber,  
19 enrollee, or other individual participating in a health benefit  
20 plan.

21 "Director" means the Director of the Department of  
22 Insurance.

23 "Emergency medical condition" means a medical condition  
24 manifesting itself by acute symptoms of sufficient severity,  
25 including, but not limited to, severe pain, such that a prudent  
26 layperson who possesses an average knowledge of health and

1 medicine could reasonably expect the absence of immediate  
2 medical attention to result in:

3 (1) placing the health of the individual or, with  
4 respect to a pregnant woman, the health of the woman or her  
5 unborn child, in serious jeopardy;

6 (2) serious impairment to bodily functions; or

7 (3) serious dysfunction of any bodily organ or part.

8 "Emergency services" means health care items and services  
9 furnished or required to evaluate and treat an emergency  
10 medical condition.

11 "Evidence-based standard" means the conscientious,  
12 explicit, and judicious use of the current best evidence based  
13 on an overall systematic review of the research in making  
14 decisions about the care of individual patients.

15 "Expert opinion" means a belief or an interpretation by  
16 specialists with experience in a specific area about the  
17 scientific evidence pertaining to a particular service,  
18 intervention, or therapy.

19 "Facility" means an institution providing health care  
20 services or a health care setting.

21 "Final adverse determination" means an adverse  
22 determination involving a covered benefit that has been upheld  
23 by a health carrier, or its designee utilization review  
24 organization, at the completion of the health carrier's  
25 internal grievance process procedures as set forth by the  
26 Managed Care Reform and Patient Rights Act.

1 "Health benefit plan" means a policy, contract,  
2 certificate, plan, or agreement offered or issued by a health  
3 carrier to provide, deliver, arrange for, pay for, or reimburse  
4 any of the costs of health care services.

5 "Health care provider" or "provider" means a physician,  
6 hospital facility, or other health care practitioner licensed,  
7 accredited, or certified to perform specified health care  
8 services consistent with State law, responsible for  
9 recommending health care services on behalf of a covered  
10 person.

11 "Health care services" means services for the diagnosis,  
12 prevention, treatment, cure, or relief of a health condition,  
13 illness, injury, or disease.

14 "Health carrier" means an entity subject to the insurance  
15 laws and regulations of this State, or subject to the  
16 jurisdiction of the Director, that contracts or offers to  
17 contract to provide, deliver, arrange for, pay for, or  
18 reimburse any of the costs of health care services, including a  
19 sickness and accident insurance company, a health maintenance  
20 organization, or any other entity providing a plan of health  
21 insurance, health benefits, or health care services. "Health  
22 carrier" also means Limited Health Service Organizations  
23 (LHSO) and Voluntary Health Service Plans.

24 "Health information" means information or data, whether  
25 oral or recorded in any form or medium, and personal facts or  
26 information about events or relationships that relate to:

1           (1) the past, present, or future physical, mental, or  
2 behavioral health or condition of an individual or a member  
3 of the individual's family;

4           (2) the provision of health care services to an  
5 individual; or

6           (3) payment for the provision of health care services  
7 to an individual.

8           "Independent review organization" means an entity that  
9 conducts independent external reviews of adverse  
10 determinations and final adverse determinations.

11           "Medical or scientific evidence" means evidence found in  
12 the following sources:

13           (1) peer-reviewed scientific studies published in or  
14 accepted for publication by medical journals that meet  
15 nationally recognized requirements for scientific  
16 manuscripts and that submit most of their published  
17 articles for review by experts who are not part of the  
18 editorial staff;

19           (2) peer-reviewed medical literature, including  
20 literature relating to therapies reviewed and approved by a  
21 qualified institutional review board, biomedical  
22 compendia, and other medical literature that meet the  
23 criteria of the National Institutes of Health's Library of  
24 Medicine for indexing in Index Medicus (Medline) and  
25 Elsevier Science Ltd. for indexing in Excerpta Medicus  
26 (EMBASE);

1           (3) medical journals recognized by the Secretary of  
2 Health and Human Services under Section 1861(t)(2) of the  
3 federal Social Security Act;

4           (4) the following standard reference compendia:

5           (a) The American Hospital Formulary Service-Drug  
6 Information;

7           (b) Drug Facts and Comparisons;

8           (c) The American Dental Association Accepted  
9 Dental Therapeutics; and

10           (d) The United States Pharmacopoeia-Drug  
11 Information;

12           (5) findings, studies, or research conducted by or  
13 under the auspices of federal government agencies and  
14 nationally recognized federal research institutes,  
15 including:

16           (a) the federal Agency for Healthcare Research and  
17 Quality;

18           (b) the National Institutes of Health;

19           (c) the National Cancer Institute;

20           (d) the National Academy of Sciences;

21           (e) the Centers for Medicare & Medicaid Services;

22           (f) the federal Food and Drug Administration; and

23           (g) any national board recognized by the National  
24 Institutes of Health for the purpose of evaluating the  
25 medical value of health care services; or

26           (6) any other medical or scientific evidence that is



1 comparable to the sources listed in items (1) through (5).

2 "Person" means an individual, a corporation, a  
3 partnership, an association, a joint venture, a joint stock  
4 company, a trust, an unincorporated organization, any similar  
5 entity, or any combination of the foregoing.

6 "Prospective review" means a review conducted prior to an  
7 admission or the provision of a health care service or a course  
8 of treatment in accordance with a health carrier's requirement  
9 that the health care service or course of treatment, in whole  
10 or in part, be approved prior to its provision.

11 "Protected health information" means health information  
12 (i) that identifies an individual who is the subject of the  
13 information; or (ii) with respect to which there is a  
14 reasonable basis to believe that the information could be used  
15 to identify an individual.

16 "Randomized clinical trial" means a controlled prospective  
17 study of patients that have been randomized into an  
18 experimental group and a control group at the beginning of the  
19 study with only the experimental group of patients receiving a  
20 specific intervention, which includes study of the groups for  
21 variables and anticipated outcomes over time.

22 "Retrospective review" means any review of a request for a  
23 benefit that is not a concurrent or prospective review request.

24 "Retrospective review" does not include the review of a claim  
25 that is limited to veracity of documentation or accuracy of  
26 coding.

1 "Utilization review" has the meaning provided by the  
2 Managed Care Reform and Patient Rights Act.

3 "Utilization review organization" means a utilization  
4 review program as defined in the Managed Care Reform and  
5 Patient Rights Act.

6 (Source: P.A. 96-857, eff. 7-1-10; 97-574, eff. 8-26-11;  
7 97-813, eff. 7-13-12; revised 11-14-13.)

8 Section 365. The Public Utilities Act is amended by  
9 changing Sections 13-903 and 21-401 as follows:

10 (220 ILCS 5/13-903)

11 (Section scheduled to be repealed on July 1, 2015)

12 Sec. 13-903. Authorization, verification or notification,  
13 and dispute resolution for covered product and service charges  
14 on the telephone bill.

15 (a) Definitions. As used in this Section:

16 (1) "Subscriber" means a telecommunications carrier's  
17 retail business customer served by not more than 20 lines  
18 or a retail residential customer.

19 (2) "Telecommunications carrier" has the meaning given  
20 in Section 13-202 of the Public Utilities Act and includes  
21 agents and employees of a telecommunications carrier,  
22 except that "telecommunications carrier" does not include  
23 a provider of commercial mobile radio services (as defined  
24 by 47 U.S.C. 332(d)(1)).

1 (b) Applicability of Section. This Section does not apply  
2 to:

3 (1) changes in a subscriber's local exchange  
4 telecommunications service or interexchange  
5 telecommunications service;

6 (2) message telecommunications charges that are  
7 initiated by dialing 1+, 0+, 0-, 1010XXX, or collect calls  
8 and charges for video services if the service provider has  
9 the necessary call detail record to establish the billing  
10 for the call or service; and

11 (3) telecommunications services available on a  
12 subscriber's line when the subscriber activates and pays  
13 for the services on a per use basis.

14 (c) Requirements for billing authorized charges. A  
15 telecommunications carrier shall meet all of the following  
16 requirements before submitting charges for any product or  
17 service to be billed on any subscriber's telephone bill:

18 (1) Inform the subscriber. The telecommunications  
19 carrier offering the product or service must thoroughly  
20 inform the subscriber of the product or service being  
21 offered, including all associated charges, and explicitly  
22 inform the subscriber that the associated charges for the  
23 product or service will appear on the subscriber's  
24 telephone bill.

25 (2) Obtain subscriber authorization. The subscriber  
26 must have clearly and explicitly consented to obtaining the

1 product or service offered and to having the associated  
2 charges appear on the subscriber's telephone bill. The  
3 consent must be verified by the service provider in  
4 accordance with subsection (d) of this Section. A record of  
5 the consent must be maintained by the telecommunications  
6 carrier offering the product or service for at least 24  
7 months immediately after the consent and verification were  
8 obtained.

9 (d) Verification or notification. Except in  
10 subscriber-initiated transactions with a certificated  
11 telecommunications carrier for which the telecommunications  
12 carrier has the appropriate documentation, the  
13 telecommunications carrier, after obtaining the subscriber's  
14 authorization in the required manner, shall either verify the  
15 authorization or notify the subscriber as follows:

16 (1) Independent third-party verification:

17 (A) Verification shall be obtained by an  
18 independent third party that:

19 (i) operates from a facility physically  
20 separate from that of the telecommunications  
21 carrier;

22 (ii) is not directly or indirectly managed,  
23 controlled, directed, or owned wholly or in part by  
24 the telecommunications carrier or the carrier's  
25 marketing agent; and

26 (iii) does not derive commissions or

1 compensation based upon the number of sales  
2 confirmed.

3 (B) The third-party verification agent shall  
4 state, and shall obtain the subscriber's  
5 acknowledgment of, the following disclosures:

6 (i) the subscriber's name, address, and the  
7 telephone numbers of all telephone lines that will  
8 be charged for the product or service of the  
9 telecommunications carrier;

10 (ii) that the person speaking to the third  
11 party verification agent is in fact the  
12 subscriber;

13 (iii) that the subscriber wishes to purchase  
14 the product or service of the telecommunications  
15 carrier and is agreeing to do so;

16 (iv) that the subscriber understands that the  
17 charges for the product or service of the  
18 telecommunications carrier will appear on the  
19 subscriber's telephone bill; and

20 (v) the name and customer service telephone  
21 number of the telecommunications carrier.

22 (C) The telecommunications carrier shall retain,  
23 electronically or otherwise, proof of the verification  
24 of sales for a minimum of 24 months.

25 (2) Notification. Written notification shall be  
26 provided as follows:

1 (A) the telecommunications carrier shall mail a  
2 letter to the subscriber using first class mail,  
3 postage prepaid, no later than 10 days after initiation  
4 of the product or service;

5 (B) the letter shall be a separate document sent  
6 for the sole purpose of describing the product or  
7 service of the telecommunications carrier;

8 (C) the letter shall be printed with 10-point or  
9 larger type and clearly and conspicuously disclose the  
10 material terms and conditions of the offer of the  
11 telecommunications carrier, as described in paragraph  
12 (1) of subsection (c);

13 (D) the letter shall contain a toll-free telephone  
14 number the subscriber can call to cancel the product or  
15 service;

16 (E) the telecommunications carrier shall retain,  
17 electronically or otherwise, proof of written  
18 notification for a minimum of 24 months; and

19 (F) written notification can be provided via  
20 electronic mail if consumers are given the disclosures  
21 required by Section 101(c) of the Electronic  
22 Signatures in Global and National Commerce Act.

23 (e) Unauthorized charges.

24 (1) Responsibilities of the billing telecommunications  
25 carrier for unauthorized charges. If a subscriber's  
26 telephone bill is charged for any product or service

1 without proper subscriber authorization and verification  
2 or notification of authorization in compliance with this  
3 Section, the telecommunications carrier that billed the  
4 subscriber, on its knowledge or notification of any  
5 unauthorized charge, shall promptly, but not later than 45  
6 days after the date of the knowledge or notification of an  
7 unauthorized charge:

8 (A) notify the product or service provider to  
9 immediately cease charging the subscriber for the  
10 unauthorized product or service;

11 (B) remove the unauthorized charge from the  
12 subscriber's bill; and

13 (C) refund or credit to the subscriber all money  
14 that the subscriber has paid for any unauthorized  
15 charge.

16 (f) The Commission shall promulgate any rules necessary to  
17 ensure that subscribers are not billed on the telephone bill  
18 for products or services in a manner not in compliance with  
19 this Section. The rules promulgated under this Section shall  
20 comport with the rules, if any, promulgated by the Attorney  
21 General pursuant to the Consumer Fraud and Deceptive Business  
22 Practices Act and with any rules promulgated by the Federal  
23 Communications Commission or Federal Trade Commission.

24 (g) Complaints may be filed with the Commission under this  
25 Section by a subscriber who has been billed on the telephone  
26 bill for products or services not in compliance with this

1 Section or by the Commission on its own motion. Upon filing of  
2 the complaint, the parties may mutually agree to submit the  
3 complaint to the Commission's established mediation process.  
4 Remedies in the mediation process may include, but shall not be  
5 limited to, the remedies set forth in paragraphs (1) through  
6 (4) of this subsection. In its discretion, the Commission may  
7 deny the availability of the mediation process and submit the  
8 complaint to hearings. If the complaint is not submitted to  
9 mediation or if no agreement is reached during the mediation  
10 process, hearings shall be held on the complaint pursuant to  
11 Article X ~~10~~ of this Act. If after notice and hearing, the  
12 Commission finds that a telecommunications carrier has  
13 violated this Section or a rule promulgated under this Section,  
14 the Commission may in its discretion order any one or more of  
15 the following:

16 (1) Require the violating telecommunications carrier  
17 to pay a fine of up to \$1,000 into the Public Utility Fund  
18 for each repeated and intentional violation of this  
19 Section.

20 (2) Require the violating carrier to refund or cancel  
21 all charges for products or services not billed in  
22 compliance with this Section.

23 (3) Issue a cease and desist order.

24 (4) For a pattern of violation of this Section or for  
25 intentionally violating a cease and desist order, revoke  
26 the violating telecommunications carrier's certificate of



1 service authority.

2 (Source: P.A. 92-22, eff. 6-30-01; revised 11-12-13.)

3 (220 ILCS 5/21-401)

4 (Section scheduled to be repealed on July 1, 2015)

5 Sec. 21-401. Applications.

6 (a) (1) A person or entity seeking to provide cable service  
7 or video service pursuant to this Article shall not use the  
8 public rights-of-way for the installation or construction of  
9 facilities for the provision of cable service or video service  
10 or offer cable service or video service until it has obtained a  
11 State-issued authorization to offer or provide cable or video  
12 service under this Section, except as provided for in item (2)  
13 of this subsection (a). All cable or video providers offering  
14 or providing service in this State shall have authorization  
15 pursuant to either (i) the Cable and Video Competition Law of  
16 2007 (220 ILCS 5/21-100 et seq.); (ii) Section 11-42-11 of the  
17 Illinois Municipal Code (65 ILCS 5/11-42-11); or (iii) Section  
18 5-1095 of the Counties Code (55 ILCS 5/5-1095).

19 (2) Nothing in this Section shall prohibit a local unit of  
20 government from granting a permit to a person or entity for the  
21 use of the public rights-of-way to install or construct  
22 facilities to provide cable service or video service, at its  
23 sole discretion. No unit of local government shall be liable  
24 for denial or delay of a permit prior to the issuance of a  
25 State-issued authorization.

1           (b) The application to the Commission for State-issued  
2 authorization shall contain a completed affidavit submitted by  
3 the applicant and signed by an officer or general partner of  
4 the applicant affirming all of the following:

5           (1) That the applicant has filed or will timely file  
6 with the Federal Communications Commission all forms  
7 required by that agency in advance of offering cable  
8 service or video service in this State.

9           (2) That the applicant agrees to comply with all  
10 applicable federal and State statutes and regulations.

11           (3) That the applicant agrees to comply with all  
12 applicable local unit of government regulations.

13           (4) An exact description of the cable service or video  
14 service area where the cable service or video service will  
15 be offered during the term of the State-issued  
16 authorization. The service area shall be identified in  
17 terms of either (i) exchanges, as that term is defined in  
18 Section 13-206 of this Act; (ii) a collection of United  
19 States Census Bureau Block numbers (13 digit); (iii) if the  
20 area is smaller than the areas identified in either (i) or  
21 (ii), by geographic information system digital boundaries  
22 meeting or exceeding national map accuracy standards; or  
23 (iv) local unit of government. The description shall  
24 include the number of low-income households within the  
25 service area or footprint. If an applicant is ~~a~~ an  
26 incumbent cable operator, the incumbent cable operator and

1 any successor-in-interest shall be obligated to provide  
2 access to cable services or video services within any local  
3 units of government at the same levels required by the  
4 local franchising authorities for the local unit of  
5 government on June 30, 2007 (the effective date of Public  
6 Act 95-9), and its application shall provide a description  
7 of an area no smaller than the service areas contained in  
8 its franchise or franchises within the jurisdiction of the  
9 local unit of government in which it seeks to offer cable  
10 or video service.

11 (5) The location and telephone number of the  
12 applicant's principal place of business within this State  
13 and the names of the applicant's principal executive  
14 officers who are responsible for communications concerning  
15 the application and the services to be offered pursuant to  
16 the application, the applicant's legal name, and any name  
17 or names under which the applicant does or will provide  
18 cable services or video services in this State.

19 (6) A certification that the applicant has  
20 concurrently delivered a copy of the application to all  
21 local units of government that include all or any part of  
22 the service area identified in item (4) of this subsection  
23 (b) within such local unit of government's jurisdictional  
24 boundaries.

25 (7) The expected date that cable service or video  
26 service will be initially offered in the area identified in

1 item (4) of this subsection (b). In the event that a holder  
2 does not offer cable services or video services within 3  
3 months after the expected date, it shall amend its  
4 application and update the expected date service will be  
5 offered and explain the delay in offering cable services or  
6 video services.

7 (8) For any entity that received State-issued  
8 authorization prior to this amendatory Act of the 98th  
9 General Assembly as a cable operator and that intends to  
10 proceed as a cable operator under this Article, the entity  
11 shall file a written affidavit with the Commission and  
12 shall serve a copy of the affidavit with any local units of  
13 government affected by the authorization within 30 days  
14 after the effective date of this amendatory Act of the 98th  
15 General Assembly stating that the holder will be providing  
16 cable service under the State-issued authorization.

17 The application shall include adequate assurance that the  
18 applicant possesses the financial, managerial, legal, and  
19 technical qualifications necessary to construct and operate  
20 the proposed system, to promptly repair any damage to the  
21 public right-of-way caused by the applicant, and to pay the  
22 cost of removal of its facilities. To accomplish these  
23 requirements, the applicant may, at the time the applicant  
24 seeks to use the public rights-of-way in that jurisdiction, be  
25 required by the State of Illinois or later be required by the  
26 local unit of government, or both, to post a bond, produce a

1 certificate of insurance, or otherwise demonstrate its  
2 financial responsibility.

3 The application shall include the applicant's general  
4 standards related to customer service required by Section  
5 22-501 of this Act, which shall include, but not be limited to,  
6 installation, disconnection, service and repair obligations;  
7 appointment hours; employee ID requirements; customer service  
8 telephone numbers and hours; procedures for billing, charges,  
9 deposits, refunds, and credits; procedures for termination of  
10 service; notice of deletion of programming service and changes  
11 related to transmission of programming or changes or increases  
12 in rates; use and availability of parental control or lock-out  
13 devices; complaint procedures and procedures for bill dispute  
14 resolution and a description of the rights and remedies  
15 available to consumers if the holder does not materially meet  
16 their customer service standards; and special services for  
17 customers with visual, hearing, or mobility disabilities.

18 (c)(1) The applicant may designate information that it  
19 submits in its application or subsequent reports as  
20 confidential or proprietary, provided that the applicant  
21 states the reasons the confidential designation is necessary.  
22 The Commission shall provide adequate protection for such  
23 information pursuant to Section 4-404 of this Act. If the  
24 Commission, a local unit of government, or any other party  
25 seeks public disclosure of information designated as  
26 confidential, the Commission shall consider the confidential

1 designation in a proceeding under the Illinois Administrative  
2 Procedure Act, and the burden of proof to demonstrate that the  
3 designated information is confidential shall be upon the  
4 applicant. Designated information shall remain confidential  
5 pending the Commission's determination of whether the  
6 information is entitled to confidential treatment. Information  
7 designated as confidential shall be provided to local units of  
8 government for purposes of assessing compliance with this  
9 Article as permitted under a Protective Order issued by the  
10 Commission pursuant to the Commission's rules and to the  
11 Attorney General pursuant to Section 6.5 of the Attorney  
12 General Act (15 ILCS 205/6.5). Information designated as  
13 confidential under this Section or determined to be  
14 confidential upon Commission review shall only be disclosed  
15 pursuant to a valid and enforceable subpoena or court order or  
16 as required by the Freedom of Information Act. Nothing herein  
17 shall delay the application approval timeframes set forth in  
18 this Article.

19 (2) Information regarding the location of video services  
20 that have been or are being offered to the public and aggregate  
21 information included in the reports required by this Article  
22 shall not be designated or treated as confidential.

23 (d)(1) The Commission shall post all applications it  
24 receives under this Article on its web site within 5 business  
25 days.

26 (2) The Commission shall notify an applicant for a cable

1 service or video service authorization whether the applicant's  
2 application and affidavit are complete on or before the 15th  
3 business day after the applicant submits the application. If  
4 the application and affidavit are not complete, the Commission  
5 shall state in its notice all of the reasons the application or  
6 affidavit are incomplete, and the applicant shall resubmit a  
7 complete application. The Commission shall have 30 days after  
8 submission by the applicant of a complete application and  
9 affidavit to issue the service authorization. If the Commission  
10 does not notify the applicant regarding the completeness of the  
11 application and affidavit or issue the service authorization  
12 within the time periods required under this subsection, the  
13 application and affidavit shall be considered complete and the  
14 service authorization issued upon the expiration of the 30th  
15 day.

16 (e) Any authorization issued by the Commission will expire  
17 on December 31, 2015 and shall contain or include all of the  
18 following:

19 (1) A grant of authority, including an authorization  
20 issued prior to this amendatory Act of the 98th General  
21 Assembly, to provide cable service or video service in the  
22 service area footprint as requested in the application,  
23 subject to the provisions of this Article in existence on  
24 the date the grant of authority was issued, and any  
25 modifications to this Article enacted at any time prior to  
26 the date in Section 21-1601 of this Act, and to the laws of

1 the State and the ordinances, rules, and regulations of the  
2 local units of government.

3 (2) A grant of authority to use, occupy, and construct  
4 facilities in the public rights-of-way for the delivery of  
5 cable service or video service in the service area  
6 footprint, subject to the laws, ordinances, rules, or  
7 regulations of this State and local units of governments.

8 (3) A statement that the grant of authority is subject  
9 to lawful operation of the cable service or video service  
10 by the applicant, its affiliated entities, or its  
11 successors-in-interest.

12 (4) The Commission shall notify a local unit of  
13 government within 3 business days of the grant of any  
14 authorization within a service area footprint if that  
15 authorization includes any part of the local unit of  
16 government's jurisdictional boundaries and state whether  
17 the holder will be providing video service or cable service  
18 under the authorization.

19 (f) The authorization issued pursuant to this Section by  
20 the Commission may be transferred to any successor-in-interest  
21 to the applicant to which it is initially granted without  
22 further Commission action if the successor-in-interest (i)  
23 submits an application and the information required by  
24 subsection (b) of this Section for the successor-in-interest  
25 and (ii) is not in violation of this Article or of any federal,  
26 State, or local law, ordinance, rule, or regulation. A



1 successor-in-interest shall file its application and notice of  
2 transfer with the Commission and the relevant local units of  
3 government no less than 15 business days prior to the  
4 completion of the transfer. The Commission is not required or  
5 authorized to act upon the notice of transfer; however, the  
6 transfer is not effective until the Commission approves the  
7 successor-in-interest's application. A local unit of  
8 government or the Attorney General may seek to bar a transfer  
9 of ownership by filing suit in a court of competent  
10 jurisdiction predicated on the existence of a material and  
11 continuing breach of this Article by the holder, a pattern of  
12 noncompliance with customer service standards by the potential  
13 successor-in-interest, or the insolvency of the potential  
14 successor-in-interest. If a transfer is made when there are  
15 violations of this Article or of any federal, State, or local  
16 law, ordinance, rule, or regulation, the successor-in-interest  
17 shall be subject to 3 times the penalties provided for in this  
18 Article.

19 (g) The authorization issued pursuant to Section 21-401 of  
20 this Article by the Commission may be terminated, or its cable  
21 service or video service area footprint may be modified, by the  
22 cable service provider or video service provider by submitting  
23 notice to the Commission and to the relevant local unit of  
24 government containing a description of the change on the same  
25 terms as the initial description pursuant to item (4) of  
26 subsection (b) of this Section. The Commission is not required

1 or authorized to act upon that notice. It shall be a violation  
2 of this Article for a holder to discriminate against potential  
3 residential subscribers because of the race or income of the  
4 residents in the local area in which the group resides by  
5 terminating or modifying its cable service or video service  
6 area footprint. It shall be a violation of this Article for a  
7 holder to terminate or modify its cable service or video  
8 service area footprint if it leaves an area with no cable  
9 service or video service from any provider.

10 (h) The Commission's authority to administer this Article  
11 is limited to the powers and duties explicitly provided under  
12 this Article. Its authority under this Article does not include  
13 or limit the powers and duties that the Commission has under  
14 the other Articles of this Act, the Illinois Administrative  
15 Procedure Act, or any other law or regulation to conduct  
16 proceedings, other than as provided in subsection (c), or has  
17 to promulgate rules or regulations. The Commission shall not  
18 have the authority to limit or expand the obligations and  
19 requirements provided in this Section or to regulate or control  
20 a person or entity to the extent that person or entity is  
21 providing cable service or video service, except as provided in  
22 this Article.

23 (Source: P.A. 98-45, eff. 6-28-13; revised 11-12-13.)

24 Section 370. The Illinois Gas Pipeline Safety Act is  
25 amended by changing Section 2 as follows:

1 (220 ILCS 20/2) (from Ch. 111 2/3, par. 552)

2 Sec. 2. As used in this Act, unless the context, otherwise  
3 requires, the terms specified in the Sections following this  
4 Section and preceding Section 3 ~~Sections 2.01 through 2.07~~ have  
5 the meanings ascribed to them in those Sections.

6 (Source: P.A. 76-1588; revised 11-14-13.)

7 Section 375. The Child Care Act of 1969 is amended by  
8 changing Section 2 as follows:

9 (225 ILCS 10/2) (from Ch. 23, par. 2212)

10 Sec. 2. Terms used in this Act, unless the context  
11 otherwise requires, have the meanings ascribed to them in the  
12 Sections following this Section and preceding Section 3  
13 ~~Sections 2.01 through 2.27~~.

14 (Source: P.A. 94-586, eff. 8-15-05; revised 11-14-13.)

15 Section 380. The Clinical Social Work and Social Work  
16 Practice Act is amended by changing Section 19 as follows:

17 (225 ILCS 20/19) (from Ch. 111, par. 6369)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 19. Grounds for disciplinary action.

20 (1) The Department may refuse to issue, refuse to renew,  
21 suspend, or revoke any license, or may place on probation,

1 censure, reprimand, or take other disciplinary or  
2 non-disciplinary action deemed appropriate by the Department,  
3 including the imposition of fines not to exceed \$10,000 for  
4 each violation, with regard to any license issued under the  
5 provisions of this Act for any one or a combination of the  
6 following reasons:

7 (a) material misstatements of fact in furnishing  
8 information to the Department or to any other State agency  
9 or in furnishing information to any insurance company with  
10 respect to a claim on behalf of a licensee or a patient;

11 (b) violations or negligent or intentional disregard  
12 of this Act, or any of the rules promulgated hereunder;

13 (c) conviction of or entry of a plea of guilty or nolo  
14 contendere to any crime that is a felony under the laws of  
15 the United States or any state or territory thereof or that  
16 is a misdemeanor, of which an essential element is  
17 dishonesty, or any crime that is directly related to the  
18 practice of the clinical social work or social work  
19 professions;

20 (d) making any misrepresentation for the purpose of  
21 obtaining licenses, or violating any provision of this Act  
22 or any of the rules promulgated hereunder;

23 (e) professional incompetence;

24 (f) malpractice;

25 (g) aiding or assisting another person in violating any  
26 provision of ~~or~~ this Act or any rules;

1 (h) failing to provide information within 30 days in  
2 response to a written request made by the Department;

3 (i) engaging in dishonorable, unethical or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud or harm the public as defined by the rules of the  
6 Department, or violating the rules of professional conduct  
7 adopted by the Board and published by the Department;

8 (j) habitual or excessive use or addiction to alcohol,  
9 narcotics, stimulants, or any other chemical agent or drug  
10 that results in a clinical social worker's or social  
11 worker's inability to practice with reasonable judgment,  
12 skill, or safety;

13 (k) discipline by another jurisdiction, if at least one  
14 of the grounds for the discipline is the same or  
15 substantially equivalent to those set forth in this  
16 Section;

17 (l) directly or indirectly giving to or receiving from  
18 any person, firm, corporation, partnership, or association  
19 any fee, commission, rebate or other form of compensation  
20 for any professional service not actually rendered.  
21 Nothing in this paragraph (l) affects any bona fide  
22 independent contractor or employment arrangements among  
23 health care professionals, health facilities, health care  
24 providers, or other entities, except as otherwise  
25 prohibited by law. Any employment arrangements may include  
26 provisions for compensation, health insurance, pension, or

1 other employment benefits for the provision of services  
2 within the scope of the licensee's practice under this Act.  
3 Nothing in this paragraph (l) shall be construed to require  
4 an employment arrangement to receive professional fees for  
5 services rendered;

6 (m) a finding by the Board that the licensee, after  
7 having the license placed on probationary status, has  
8 violated the terms of probation;

9 (n) abandonment, without cause, of a client;

10 (o) wilfully filing false reports relating to a  
11 licensee's practice, including but not limited to false  
12 records filed with Federal or State agencies or  
13 departments;

14 (p) wilfully failing to report an instance of suspected  
15 child abuse or neglect as required by the Abused and  
16 Neglected Child Reporting Act;

17 (q) being named as a perpetrator in an indicated report  
18 by the Department of Children and Family Services under the  
19 Abused and Neglected Child Reporting Act, and upon proof by  
20 clear and convincing evidence that the licensee has caused  
21 a child to be or failed to take reasonable steps to prevent  
22 a child from being an abused child or neglected child as  
23 defined in the Abused and Neglected Child Reporting Act;

24 (r) physical illness, mental illness, or any other  
25 impairment or disability, including, but not limited to,  
26 deterioration through the aging process, or loss of motor

1 skills that results in the inability to practice the  
2 profession with reasonable judgment, skill or safety;

3 (s) solicitation of professional services by using  
4 false or misleading advertising; or

5 (t) violation of the Health Care Worker Self-Referral  
6 Act.

7 (2) (Blank).

8 (3) The determination by a court that a licensee is subject  
9 to involuntary admission or judicial admission as provided in  
10 the Mental Health and Developmental Disabilities Code, will  
11 result in an automatic suspension of his license. Such  
12 suspension will end upon a finding by a court that the licensee  
13 is no longer subject to involuntary admission or judicial  
14 admission and issues an order so finding and discharging the  
15 patient, and upon the recommendation of the Board to the  
16 Secretary that the licensee be allowed to resume professional  
17 practice.

18 (4) The Department may refuse to issue or renew or may  
19 suspend the license of a person who (i) fails to file a return,  
20 pay the tax, penalty, or interest shown in a filed return, or  
21 pay any final assessment of tax, penalty, or interest, as  
22 required by any tax Act administered by the Department of  
23 Revenue, until the requirements of the tax Act are satisfied or  
24 (ii) has failed to pay any court-ordered child support as  
25 determined by a court order or by referral from the Department  
26 of Healthcare and Family Services.

1           (5) In enforcing this Section, the Board upon a showing of  
2 a possible violation may compel a person licensed to practice  
3 under this Act, or who has applied for licensure or  
4 certification pursuant to this Act, to submit to a mental or  
5 physical examination, or both, as required by and at the  
6 expense of the Department. The examining physicians shall be  
7 those specifically designated by the Board. The Board or the  
8 Department may order the examining physician to present  
9 testimony concerning this mental or physical examination of the  
10 licensee or applicant. No information shall be excluded by  
11 reason of any common law or statutory privilege relating to  
12 communications between the licensee or applicant and the  
13 examining physician. The person to be examined may have, at his  
14 or her own expense, another physician of his or her choice  
15 present during all aspects of the examination. Failure of any  
16 person to submit to a mental or physical examination, when  
17 directed, shall be grounds for suspension of a license until  
18 the person submits to the examination if the Board finds, after  
19 notice and hearing, that the refusal to submit to the  
20 examination was without reasonable cause.

21           If the Board finds a person unable to practice because of  
22 the reasons set forth in this Section, the Board may require  
23 that person to submit to care, counseling, or treatment by  
24 physicians approved or designated by the Board, as a condition,  
25 term, or restriction for continued, reinstated, or renewed  
26 licensure to practice; or, in lieu of care, counseling or



1 treatment, the Board may recommend to the Department to file a  
2 complaint to immediately suspend, revoke or otherwise  
3 discipline the license of the person. Any person whose license  
4 was granted, continued, reinstated, renewed, disciplined or  
5 supervised subject to such terms, conditions or restrictions,  
6 and who fails to comply with such terms, conditions, or  
7 restrictions, shall be referred to the Secretary for a  
8 determination as to whether the person shall have his or her  
9 license suspended immediately, pending a hearing by the Board.

10 In instances in which the Secretary immediately suspends a  
11 person's license under this Section, a hearing on that person's  
12 license must be convened by the Board within 30 days after the  
13 suspension and completed without appreciable delay. The Board  
14 shall have the authority to review the subject person's record  
15 of treatment and counseling regarding the impairment, to the  
16 extent permitted by applicable federal statutes and  
17 regulations safeguarding the confidentiality of medical  
18 records.

19 A person licensed under this Act and affected under this  
20 Section shall be afforded an opportunity to demonstrate to the  
21 Board that he or she can resume practice in compliance with  
22 acceptable and prevailing standards under the provisions of his  
23 or her license.

24 (Source: P.A. 95-687, eff. 10-23-07; 96-1482, eff. 11-29-10;  
25 revised 11-14-13.)

1 Section 385. The Illinois Dental Practice Act is amended by  
2 changing Section 17 as follows:

3 (225 ILCS 25/17) (from Ch. 111, par. 2317)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 17. Acts Constituting the Practice of Dentistry. A  
6 person practices dentistry, within the meaning of this Act:

7 (1) Who represents himself or herself as being able to  
8 diagnose or diagnoses, treats, prescribes, or operates for  
9 any disease, pain, deformity, deficiency, injury, or  
10 physical condition of the human tooth, teeth, alveolar  
11 process, gums or jaw; or

12 (2) Who is a manager, proprietor, operator or conductor  
13 of a business where dental operations are performed; or

14 (3) Who performs dental operations of any kind; or

15 (4) Who uses an X-Ray machine or X-Ray films for dental  
16 diagnostic purposes; or

17 (5) Who extracts a human tooth or teeth, or corrects or  
18 attempts to correct malpositions of the human teeth or  
19 jaws; or

20 (6) Who offers or undertakes, by any means or method,  
21 to diagnose, treat or remove stains, calculus, and bonding  
22 materials from human teeth or jaws; or

23 (7) Who uses or administers local or general  
24 anesthetics in the treatment of dental or oral diseases or  
25 in any preparation incident to a dental operation of any

1 kind or character; or

2 (8) Who takes impressions of the human tooth, teeth, or  
3 jaws or performs any phase of any operation incident to the  
4 replacement of a part of a tooth, a tooth, teeth or  
5 associated tissues by means of a filling, crown, a bridge,  
6 a denture or other appliance; or

7 (9) Who offers to furnish, supply, construct,  
8 reproduce or repair, or who furnishes, supplies,  
9 constructs, reproduces or repairs, prosthetic dentures,  
10 bridges or other substitutes for natural teeth, to the user  
11 or prospective user thereof; or

12 (10) Who instructs students on clinical matters or  
13 performs any clinical operation included in the curricula  
14 of recognized dental schools and colleges; or

15 (11) Who takes impressions of human teeth or places his  
16 or her hands in the mouth of any person for the purpose of  
17 applying teeth whitening materials, or who takes  
18 impressions of human teeth or places his or her hands in  
19 the mouth of any person for the purpose of assisting in the  
20 application of teeth whitening materials. A person does not  
21 practice dentistry when he or she discloses to the consumer  
22 that he or she is not licensed as a dentist under this Act  
23 and (i) discusses the use of teeth whitening materials with  
24 a consumer purchasing these materials; (ii) provides  
25 instruction on the use of teeth whitening materials with a  
26 consumer purchasing these materials; or (iii) provides

1 appropriate equipment on-site to the consumer for the  
2 consumer to self-apply teeth whitening materials.

3 The fact that any person engages in or performs, or offers  
4 to engage in or perform, any of the practices, acts, or  
5 operations set forth in this Section, shall be prima facie  
6 evidence that such person is engaged in the practice of  
7 dentistry.

8 The following practices, acts, and operations, however,  
9 are exempt from the operation of this Act:

10 (a) The rendering of dental relief in emergency cases  
11 in the practice of his or her profession by a physician or  
12 surgeon, licensed as such under the laws of this State,  
13 unless he or she undertakes to reproduce or reproduces lost  
14 parts of the human teeth in the mouth or to restore or  
15 replace lost or missing teeth in the mouth; or

16 (b) The practice of dentistry in the discharge of their  
17 official duties by dentists in any branch of the Armed  
18 Services of the United States, the United States Public  
19 Health Service, or the United States Veterans  
20 Administration; or

21 (c) The practice of dentistry by students in their  
22 course of study in dental schools or colleges approved by  
23 the Department, when acting under the direction and  
24 supervision of dentists acting as instructors; or

25 (d) The practice of dentistry by clinical instructors  
26 in the course of their teaching duties in dental schools or

1 colleges approved by the Department:

2 (i) when acting under the direction and  
3 supervision of dentists, provided that such clinical  
4 instructors have instructed continuously in this State  
5 since January 1, 1986; or

6 (ii) when holding the rank of full professor at  
7 such approved dental school or college and possessing a  
8 current valid license or authorization to practice  
9 dentistry in another country; or

10 (e) The practice of dentistry by licensed dentists of  
11 other states or countries at meetings of the Illinois State  
12 Dental Society or component parts thereof, alumni meetings  
13 of dental colleges, or any other like dental organizations,  
14 while appearing as clinicians; or

15 (f) The use of X-Ray machines for exposing X-Ray films  
16 of dental or oral tissues by dental hygienists or dental  
17 assistants; or

18 (g) The performance of any dental service by a dental  
19 assistant, if such service is performed under the  
20 supervision and full responsibility of a dentist.

21 For purposes of this paragraph (g), "dental service" is  
22 defined to mean any intraoral procedure or act which shall  
23 be prescribed by rule or regulation of the Department.  
24 Dental service, however, shall not include:

25 (1) Any and all diagnosis of or prescription for  
26 treatment of disease, pain, deformity, deficiency,

1 injury or physical condition of the human teeth or  
2 jaws, or adjacent structures.

3 (2) Removal of, or restoration of, or addition to  
4 the hard or soft tissues of the oral cavity, except for  
5 the placing, carving, and finishing of amalgam  
6 restorations by dental assistants who have had  
7 additional formal education and certification as  
8 determined by the Department. A dentist utilizing  
9 dental assistants shall not supervise more than 4  
10 dental assistants at any one time for placing, carving,  
11 and finishing of amalgam restorations.

12 (3) Any and all correction of malformation of teeth  
13 or of the jaws.

14 (4) Administration of anesthetics, except for  
15 monitoring of nitrous oxide, conscious sedation, deep  
16 sedation, and general anesthetic as provided in  
17 Section 8.1 of this Act, that may be performed only  
18 after successful completion of a training program  
19 approved by the Department. A dentist utilizing dental  
20 assistants shall not supervise more than 4 dental  
21 assistants at any one time for the monitoring of  
22 nitrous oxide.

23 (5) Removal of calculus from human teeth.

24 (6) Taking of impressions for the fabrication of  
25 prosthetic appliances, crowns, bridges, inlays,  
26 onlays, or other restorative or replacement dentistry.

1           (7) The operative procedure of dental hygiene  
2           consisting of oral prophylactic procedures, except for  
3           coronal polishing and pit and fissure sealants, which  
4           may be performed by a dental assistant who has  
5           successfully completed a training program approved by  
6           the Department. Dental assistants may perform coronal  
7           polishing under the following circumstances: (i) the  
8           coronal polishing shall be limited to polishing the  
9           clinical crown of the tooth and existing restorations,  
10          supragingivally; (ii) the dental assistant performing  
11          the coronal polishing shall be limited to the use of  
12          rotary instruments using a rubber cup or brush  
13          polishing method (air polishing is not permitted); and  
14          (iii) the supervising dentist shall not supervise more  
15          than 4 dental assistants at any one time for the task  
16          of coronal polishing or pit and fissure sealants.

17          The limitations on the number of dental assistants a  
18          dentist may supervise contained in items (2), (4), and (7)  
19          of this paragraph (g) ~~Section~~ mean a limit of 4 total  
20          dental assistants or dental hygienists doing expanded  
21          functions covered by these Sections being supervised by one  
22          dentist.

23          (h) The practice of dentistry by an individual who:

24                 (i) has applied in writing to the Department, in  
25                 form and substance satisfactory to the Department, for  
26                 a general dental license and has complied with all

1 provisions of Section 9 of this Act, except for the  
2 passage of the examination specified in subsection  
3 (e) of Section 9 of this Act; or

4 (ii) has applied in writing to the Department, in  
5 form and substance satisfactory to the Department, for  
6 a temporary dental license and has complied with all  
7 provisions of subsection (c) of Section 11 of this  
8 Act; and

9 (iii) has been accepted or appointed for specialty  
10 or residency training by a hospital situated in this  
11 State; or

12 (iv) has been accepted or appointed for specialty  
13 training in an approved dental program situated in this  
14 State; or

15 (v) has been accepted or appointed for specialty  
16 training in a dental public health agency situated in  
17 this State.

18 The applicant shall be permitted to practice dentistry  
19 for a period of 3 months from the starting date of the  
20 program, unless authorized in writing by the Department to  
21 continue such practice for a period specified in writing by  
22 the Department.

23 The applicant shall only be entitled to perform such  
24 acts as may be prescribed by and incidental to his or her  
25 program of residency or specialty training and shall not  
26 otherwise engage in the practice of dentistry in this



1 State.

2 The authority to practice shall terminate immediately  
3 upon:

4 (1) the decision of the Department that the  
5 applicant has failed the examination; or

6 (2) denial of licensure by the Department; or

7 (3) withdrawal of the application.

8 (Source: P.A. 97-526, eff. 1-1-12; 97-886, eff. 8-2-12;  
9 97-1013, eff. 8-17-12; 98-147, eff. 1-1-14; 98-463, eff.  
10 8-16-13; revised 11-14-13.)

11 Section 390. The Dietitian Nutritionist Practice Act is  
12 amended by changing Section 95 as follows:

13 (225 ILCS 30/95) (from Ch. 111, par. 8401-95)

14 (Section scheduled to be repealed on January 1, 2023)

15 Sec. 95. Grounds for discipline.

16 (1) The Department may refuse to issue or renew, or may  
17 revoke, suspend, place on probation, reprimand, or take other  
18 disciplinary or non-disciplinary action as the Department may  
19 deem appropriate, including imposing fines not to exceed  
20 \$10,000 for each violation, with regard to any license or  
21 certificate for any one or combination of the following causes:

22 (a) Material misstatement in furnishing information to  
23 the Department.

24 (b) Violations of this Act or of rules adopted under

1           this Act.

2           (c) Conviction by plea of guilty or nolo contendere,  
3           finding of guilt, jury verdict, or entry of judgment or by  
4           sentencing of any crime, including, but not limited to,  
5           convictions, preceding sentences of supervision,  
6           conditional discharge, or first offender probation, under  
7           the laws of any jurisdiction of the United States (i) that  
8           is a felony or (ii) that is a misdemeanor, an essential  
9           element of which is dishonesty, or that is directly related  
10          to the practice of the profession.

11          (d) Fraud or any misrepresentation in applying for or  
12          procuring a license under this Act or in connection with  
13          applying for renewal of a license under this Act.

14          (e) Professional incompetence or gross negligence.

15          (f) Malpractice.

16          (g) Aiding or assisting another person in violating any  
17          provision of this Act or its rules.

18          (h) Failing to provide information within 60 days in  
19          response to a written request made by the Department.

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

23          (j) Habitual or excessive use or abuse of drugs defined  
24          in law as controlled substances, alcohol, or any other  
25          substance that results in the inability to practice with  
26          reasonable judgment, skill, or safety.

1           (k) Discipline by another state, the District of  
2 Columbia, territory, country, or governmental agency if at  
3 least one of the grounds for the discipline is the same or  
4 substantially equivalent to those set forth in this Act.

5           (l) Charging for professional services not rendered,  
6 including filing false statements for the collection of  
7 fees for which services are not rendered. Nothing in this  
8 paragraph (1) affects any bona fide independent contractor  
9 or employment arrangements among health care  
10 professionals, health facilities, health care providers,  
11 or other entities, except as otherwise prohibited by law.  
12 Any employment arrangements may include provisions for  
13 compensation, health insurance, pension, or other  
14 employment benefits for the provision of services within  
15 the scope of the licensee's practice under this Act.  
16 Nothing in this paragraph (1) shall be construed to require  
17 an employment arrangement to receive professional fees for  
18 services rendered.

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

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

25           (o) Allowing one's license under this Act to be used by  
26 an unlicensed person in violation of this Act.

1           (p) Practicing under a false or, except as provided by  
2 law, an assumed name.

3           (q) Gross and willful overcharging for professional  
4 services.

5           (r) (Blank).

6           (s) Willfully failing to report an instance of  
7 suspected child abuse or neglect as required by the Abused  
8 and Neglected Child Reporting Act.

9           (t) Cheating on or attempting to subvert a licensing  
10 examination administered under this Act.

11           (u) Mental illness or disability that results in the  
12 inability to practice under this Act with reasonable  
13 judgment, skill, or safety.

14           (v) Physical illness, including, but not limited to,  
15 deterioration through the aging process or loss of motor  
16 skill that results in a licensee's inability to practice  
17 under this Act with reasonable judgment, skill, or safety.

18           (w) Advising an individual to discontinue, reduce,  
19 increase, or otherwise alter the intake of a drug  
20 prescribed by a physician licensed to practice medicine in  
21 all its branches or by a prescriber as defined in Section  
22 102 of the Illinois Controlled Substances ~~Substance~~ Act.

23           (2) The Department may refuse to issue or may suspend  
24 without hearing, as provided for in the Code of Civil  
25 Procedure, the license of any person who fails to file a  
26 return, or pay the tax, penalty, or interest shown in a filed

1 return, or pay any final assessment of the tax, penalty, or  
2 interest as required by any tax Act administered by the  
3 Illinois Department of Revenue, until such time as the  
4 requirements of any such tax Act are satisfied in accordance  
5 with subsection (g) of Section 2105-15 of the Civil  
6 Administrative Code of Illinois.

7 (3) The Department shall deny a license or renewal  
8 authorized by this Act to a person who has defaulted on an  
9 educational loan or scholarship provided or guaranteed by the  
10 Illinois Student Assistance Commission or any governmental  
11 agency of this State in accordance with item (5) of subsection  
12 (a) of Section 2105-15 of the Civil Administrative Code of  
13 Illinois.

14 (4) In cases where the Department of Healthcare and Family  
15 Services has previously determined a licensee or a potential  
16 licensee is more than 30 days delinquent in the payment of  
17 child support and has subsequently certified the delinquency to  
18 the Department, the Department may refuse to issue or renew or  
19 may revoke or suspend that person's license or may take other  
20 disciplinary action against that person based solely upon the  
21 certification of delinquency made by the Department of  
22 Healthcare and Family Services in accordance with item (5) of  
23 subsection (a) of Section 2105-15 ~~1205-15~~ of the Civil  
24 Administrative Code of Illinois.

25 (5) The determination by a circuit court that a licensee is  
26 subject to involuntary admission or judicial admission, as

1 provided in the Mental Health and Developmental Disabilities  
2 Code, operates as an automatic suspension. The suspension shall  
3 end only upon a finding by a court that the patient is no  
4 longer subject to involuntary admission or judicial admission  
5 and the issuance of an order so finding and discharging the  
6 patient.

7 (6) In enforcing this Act, the Department, upon a showing  
8 of a possible violation, may compel an individual licensed to  
9 practice under this Act, or who has applied for licensure under  
10 this Act, to submit to a mental or physical examination, or  
11 both, as required by and at the expense of the Department. The  
12 Department may order the examining physician to present  
13 testimony concerning the mental or physical examination of the  
14 licensee or applicant. No information shall be excluded by  
15 reason of any common law or statutory privilege relating to  
16 communications between the licensee or applicant and the  
17 examining physician. The examining physicians shall be  
18 specifically designated by the Department. The individual to be  
19 examined may have, at his or her own expense, another physician  
20 of his or her choice present during all aspects of this  
21 examination. The examination shall be performed by a physician  
22 licensed to practice medicine in all its branches. Failure of  
23 an individual to submit to a mental or physical examination,  
24 when directed, shall result in an automatic suspension without  
25 hearing.

26 A person holding a license under this Act or who has

1 applied for a license under this Act who, because of a physical  
2 or mental illness or disability, including, but not limited to,  
3 deterioration through the aging process or loss of motor skill,  
4 is unable to practice the profession with reasonable judgment,  
5 skill, or safety, may be required by the Department to submit  
6 to care, counseling, or treatment by physicians approved or  
7 designated by the Department as a condition, term, or  
8 restriction for continued, reinstated, or renewed licensure to  
9 practice. Submission to care, counseling, or treatment as  
10 required by the Department shall not be considered discipline  
11 of a license. If the licensee refuses to enter into a care,  
12 counseling, or treatment agreement or fails to abide by the  
13 terms of the agreement, then the Department may file a  
14 complaint to revoke, suspend, or otherwise discipline the  
15 license of the individual. The Secretary may order the license  
16 suspended immediately, pending a hearing by the Department.  
17 Fines shall not be assessed in disciplinary actions involving  
18 physical or mental illness or impairment.

19 In instances in which the Secretary immediately suspends a  
20 person's license under this Section, a hearing on that person's  
21 license must be convened by the Department within 15 days after  
22 the suspension and completed without appreciable delay. The  
23 Department shall have the authority to review the subject  
24 individual's record of treatment and counseling regarding the  
25 impairment to the extent permitted by applicable federal  
26 statutes and regulations safeguarding the confidentiality of

1 medical records.

2 An individual licensed under this Act and affected under  
3 this Section shall be afforded an opportunity to demonstrate to  
4 the Department that he or she can resume practice in compliance  
5 with acceptable and prevailing standards under the provisions  
6 of his or her license.

7 (Source: P.A. 97-1141, eff. 12-28-12; 98-148, eff. 8-2-13;  
8 revised 11-14-13.)

9 Section 395. The Funeral Directors and Embalmers Licensing  
10 Code is amended by changing Sections 5-5, 10-5, and 15-75 as  
11 follows:

12 (225 ILCS 41/5-5)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 5-5. License requirement. It is unlawful for any  
15 person to practice, or to attempt to practice, funeral  
16 directing without a license as a funeral director issued by the  
17 Department.

18 No person shall practice funeral directing unless he or she  
19 is ~~they are~~ employed by or contracted with a fixed place of  
20 practice or establishment devoted to the care and preparation  
21 for burial or for the transportation of deceased human bodies.

22 No person shall practice funeral directing independently  
23 at the fixed place of practice or establishment of another  
24 licensee unless that person's name is published and displayed



1 at all times in connection therewith.

2 (Source: P.A. 97-1130, eff. 8-28-12; revised 11-14-13.)

3 (225 ILCS 41/10-5)

4 (Section scheduled to be repealed on January 1, 2023)

5 Sec. 10-5. License requirement. It is unlawful for any  
6 person to practice or attempt to practice funeral directing and  
7 embalming without being licensed by the Department.

8 No person shall practice funeral directing and embalming  
9 unless he or she is ~~they are~~ employed by or contracted with a  
10 fixed place of practice or establishment devoted to the care  
11 and preparation for burial or for the transportation of  
12 deceased human bodies.

13 No person shall practice funeral directing and embalming  
14 independently at the fixed place of practice or establishment  
15 of another licensee unless his or her name shall be published  
16 and displayed at all times in connection therewith.

17 No licensed intern shall independently practice funeral  
18 directing and embalming; however, a licensed funeral director  
19 and embalmer intern may under the immediate personal  
20 supervision of a licensed funeral director and embalmer assist  
21 a licensed funeral director and embalmer in the practice of  
22 funeral directing and embalming.

23 No person shall practice as a funeral director and embalmer  
24 intern unless he or she possesses a valid license in good  
25 standing to do so in the State of Illinois.

1 (Source: P.A. 97-1130, eff. 8-28-12; revised 11-14-13.)

2 (225 ILCS 41/15-75)

3 (Section scheduled to be repealed on January 1, 2023)

4 Sec. 15-75. Violations; grounds for discipline; penalties.

5 (a) Each of the following acts is a Class A misdemeanor for  
6 the first offense, and a Class 4 felony for each subsequent  
7 offense. These penalties shall also apply to unlicensed owners  
8 of funeral homes.

9 (1) Practicing the profession of funeral directing and  
10 embalming or funeral directing, or attempting to practice  
11 the profession of funeral directing and embalming or  
12 funeral directing without a license as a funeral director  
13 and embalmer or funeral director.

14 (2) Serving or attempting to serve as an intern under a  
15 licensed funeral director and embalmer without a license as  
16 a licensed funeral director and embalmer intern.

17 (3) Obtaining or attempting to obtain a license,  
18 practice or business, or any other thing of value, by fraud  
19 or misrepresentation.

20 (4) Permitting any person in one's employ, under one's  
21 control or in or under one's service to serve as a funeral  
22 director and embalmer, funeral director, or funeral  
23 director and embalmer intern when the person does not have  
24 the appropriate license.

25 (5) Failing to display a license as required by this

1 Code.

2 (6) Giving false information or making a false oath or  
3 affidavit required by this Code.

4 (b) The Department may refuse to issue or renew, revoke,  
5 suspend, place on probation or administrative supervision,  
6 reprimand, or take other disciplinary or non-disciplinary  
7 action as the Department may deem appropriate, including  
8 imposing fines not to exceed \$10,000 for each violation, with  
9 regard to any license under the Code for any one or combination  
10 of the following:

11 (1) Fraud or any misrepresentation in applying for or  
12 procuring a license under this Code or in connection with  
13 applying for renewal of a license under this Code.

14 (2) Conviction by plea of guilty or nolo contendere,  
15 finding of guilt, jury verdict, or entry of judgment or by  
16 sentencing of any crime, including, but not limited to,  
17 convictions, preceding sentences of supervision,  
18 conditional discharge, or first offender probation, under  
19 the laws of any jurisdiction of the United States: (i) that  
20 is a felony or (ii) that is a misdemeanor, an essential  
21 element of which is dishonesty, or that is directly related  
22 to the practice of the profession.

23 (3) Violation of the laws of this State relating to the  
24 funeral, burial or disposition of deceased human bodies or  
25 of the rules and regulations of the Department, or the  
26 Department of Public Health.

1           (4) Directly or indirectly paying or causing to be paid  
2 any sum of money or other valuable consideration for the  
3 securing of business or for obtaining authority to dispose  
4 of any deceased human body.

5           (5) Professional incompetence, gross negligence,  
6 malpractice, or untrustworthiness in the practice of  
7 funeral directing and embalming or funeral directing.

8           (6) (Blank).

9           (7) Engaging in, promoting, selling, or issuing burial  
10 contracts, burial certificates, or burial insurance  
11 policies in connection with the profession as a funeral  
12 director and embalmer, funeral director, or funeral  
13 director and embalmer intern in violation of any laws of  
14 the State of Illinois.

15           (8) Refusing, without cause, to surrender the custody  
16 of a deceased human body upon the proper request of the  
17 person or persons lawfully entitled to the custody of the  
18 body.

19           (9) Taking undue advantage of a client or clients as to  
20 amount to the perpetration of fraud.

21           (10) Engaging in funeral directing and embalming or  
22 funeral directing without a license.

23           (11) Encouraging, requesting, or suggesting by a  
24 licensee or some person working on his behalf and with his  
25 consent for compensation that a person utilize the services  
26 of a certain funeral director and embalmer, funeral

1 director, or funeral establishment unless that information  
2 has been expressly requested by the person. This does not  
3 prohibit general advertising or pre-need solicitation.

4 (12) Making or causing to be made any false or  
5 misleading statements about the laws concerning the  
6 disposition of human remains, including, but not limited  
7 to, the need to embalm, the need for a casket for cremation  
8 or the need for an outer burial container.

9 (13) (Blank).

10 (14) Embalming or attempting to embalm a deceased human  
11 body without express prior authorization of the person  
12 responsible for making the funeral arrangements for the  
13 body. This does not apply to cases where embalming is  
14 directed by local authorities who have jurisdiction or when  
15 embalming is required by State or local law. A licensee may  
16 embalm without express prior authorization if a good faith  
17 effort has been made to contact family members and has been  
18 unsuccessful and the licensee has no reason to believe the  
19 family opposes embalming.

20 (15) Making a false statement on a Certificate of Death  
21 where the person making the statement knew or should have  
22 known that the statement was false.

23 (16) Soliciting human bodies after death or while death  
24 is imminent.

25 (17) Performing any act or practice that is a violation  
26 of this Code, the rules for the administration of this

1 Code, or any federal, State or local laws, rules, or  
2 regulations governing the practice of funeral directing or  
3 embalming.

4 (18) Performing any act or practice that is a violation  
5 of Section 2 of the Consumer Fraud and Deceptive Business  
6 Practices Act.

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

10 (20) Taking possession of a dead human body without  
11 having first obtained express permission from the person  
12 holding the right to control the disposition in accordance  
13 with Section 5 of the Disposition of Remains Act or a  
14 public agency legally authorized to direct, control or  
15 permit the removal of deceased human bodies.

16 (21) Advertising in a false or misleading manner or  
17 advertising using the name of an unlicensed person in  
18 connection with any service being rendered in the practice  
19 of funeral directing or funeral directing and embalming.  
20 The use of any name of an unlicensed or unregistered person  
21 in an advertisement so as to imply that the person will  
22 perform services is considered misleading advertising.  
23 Nothing in this paragraph shall prevent including the name  
24 of any owner, officer or corporate director of a funeral  
25 home, who is not a licensee, in any advertisement used by a  
26 funeral home with which the individual is affiliated, if

1 the advertisement specifies the individual's affiliation  
2 with the funeral home.

3 (22) Charging for professional services not rendered,  
4 including filing false statements for the collection of  
5 fees for which services are not rendered.

6 (23) Failing to account for or remit any monies,  
7 documents, or personal property that belongs to others that  
8 comes into a licensee's possession.

9 (24) Treating any person differently to his detriment  
10 because of race, color, creed, gender, religion, or  
11 national origin.

12 (25) Knowingly making any false statements, oral or  
13 otherwise, of a character likely to influence, persuade or  
14 induce others in the course of performing professional  
15 services or activities.

16 (26) Willfully making or filing false records or  
17 reports in the practice of funeral directing and embalming,  
18 including, but not limited to, false records filed with  
19 State agencies or departments.

20 (27) Failing to acquire continuing education required  
21 under this Code.

22 (28) (Blank).

23 (29) Aiding or assisting another person in violating  
24 any provision of this Code or rules adopted pursuant to  
25 this Code.

26 (30) Failing within 10 days, to provide information in

1 response to a written request made by the Department.

2 (31) Discipline by another state, District of  
3 Columbia, territory, foreign nation, or governmental  
4 agency, if at least one of the grounds for the discipline  
5 is the same or substantially equivalent to those set forth  
6 in this Section.

7 (32) (Blank).

8 (33) Mental illness or disability which results in the  
9 inability to practice the profession with reasonable  
10 judgment, skill, or safety.

11 (34) Gross, willful, or continued overcharging for  
12 professional services, including filing false statements  
13 for collection of fees for which services are not rendered.

14 (35) Physical illness, including, but not limited to,  
15 deterioration through the aging process or loss of motor  
16 skill which results in a licensee's inability to practice  
17 under this Code with reasonable judgment, skill, or safety.

18 (36) Failing to comply with any of the following  
19 required activities:

20 (A) When reasonably possible, a funeral director  
21 licensee or funeral director and embalmer licensee or  
22 anyone acting on his or her behalf shall obtain the  
23 express authorization of the person or persons  
24 responsible for making the funeral arrangements for a  
25 deceased human body prior to removing a body from the  
26 place of death or any place it may be or embalming or



1 attempting to embalm a deceased human body, unless  
2 required by State or local law. This requirement is  
3 waived whenever removal or embalming is directed by  
4 local authorities who have jurisdiction. If the  
5 responsibility for the handling of the remains  
6 lawfully falls under the jurisdiction of a public  
7 agency, then the regulations of the public agency shall  
8 prevail.

9 (B) A licensee shall clearly mark the price of any  
10 casket offered for sale or the price of any service  
11 using the casket on or in the casket if the casket is  
12 displayed at the funeral establishment. If the casket  
13 is displayed at any other location, regardless of  
14 whether the licensee is in control of that location,  
15 the casket shall be clearly marked and the registrant  
16 shall use books, catalogues, brochures, or other  
17 printed display aids to show the price of each casket  
18 or service.

19 (C) At the time funeral arrangements are made and  
20 prior to rendering the funeral services, a licensee  
21 shall furnish a written statement of services to be  
22 retained by the person or persons making the funeral  
23 arrangements, signed by both parties, that shall  
24 contain: (i) the name, address and telephone number of  
25 the funeral establishment and the date on which the  
26 arrangements were made; (ii) the price of the service

1           selected and the services and merchandise included for  
2           that price; (iii) a clear disclosure that the person or  
3           persons making the arrangement may decline and receive  
4           credit for any service or merchandise not desired and  
5           not required by law or the funeral director or the  
6           funeral director and embalmer; (iv) the supplemental  
7           items of service and merchandise requested and the  
8           price of each item; (v) the terms or method of payment  
9           agreed upon; and (vi) a statement as to any monetary  
10          advances made by the registrant on behalf of the  
11          family. The licensee shall maintain a copy of the  
12          written statement of services in its permanent  
13          records. All written statements of services are  
14          subject to inspection by the Department.

15           (D) In all instances where the place of final  
16          disposition of a deceased human body or the cremated  
17          remains of a deceased human body is a cemetery, the  
18          licensed funeral director and embalmer, or licensed  
19          funeral director, who has been engaged to provide  
20          funeral or embalming services shall remain at the  
21          cemetery and personally witness the placement of the  
22          human remains in their designated grave or the sealing  
23          of the above ground depository, crypt, or urn. The  
24          licensed funeral director or licensed funeral director  
25          and embalmer may designate a licensed funeral director  
26          and embalmer intern or representative of the funeral

1 home to be his or her witness to the placement of the  
2 remains. If the cemetery authority, cemetery manager,  
3 or any other agent of the cemetery takes any action  
4 that prevents compliance with this paragraph (D), then  
5 the funeral director and embalmer or funeral director  
6 shall provide written notice to the Department within 5  
7 business days after failing to comply. If the  
8 Department receives this notice, then the Department  
9 shall not take any disciplinary action against the  
10 funeral director and embalmer or funeral director for a  
11 violation of this paragraph (D) unless the Department  
12 finds that the cemetery authority, manager, or any  
13 other agent of the cemetery did not prevent the funeral  
14 director and embalmer or funeral director from  
15 complying with this paragraph (D) as claimed in the  
16 written notice.

17 (E) A funeral director or funeral director and  
18 embalmer shall fully complete the portion of the  
19 Certificate of Death under the responsibility of the  
20 funeral director or funeral director and embalmer and  
21 provide all required information. In the event that any  
22 reported information subsequently changes or proves  
23 incorrect, a funeral director or funeral director and  
24 embalmer shall immediately upon learning the correct  
25 information correct the Certificate of Death.

26 (37) A finding by the Department that the license,

1 after having his or her license placed on probationary  
2 status or subjected to conditions or restrictions,  
3 violated the terms of the probation or failed to comply  
4 with such terms or conditions.

5 (38) (Blank).

6 (39) Being named as a perpetrator in an indicated  
7 report by the Department of Children and Family Services  
8 pursuant to the Abused and Neglected Child Reporting Act  
9 and, upon proof by clear and convincing evidence, being  
10 found to have caused a child to be an abused child or  
11 neglected child as defined in the Abused and Neglected  
12 Child Reporting Act.

13 (40) Habitual or excessive use or abuse of drugs  
14 defined in law as controlled substances, alcohol, or any  
15 other substance which results in the inability to practice  
16 with reasonable judgment, skill, or safety.

17 (41) Practicing under a false or, except as provided by  
18 law, an assumed name.

19 (42) Cheating on or attempting to subvert the licensing  
20 examination administered under this Code.

21 (c) The Department may refuse to issue or renew or may  
22 suspend without a hearing, as provided for in the Department of  
23 Professional Regulation Law of the Civil Administrative Code of  
24 Illinois, the license of any person who fails to file a return,  
25 to pay the tax, penalty or interest shown in a filed return, or  
26 to pay any final assessment of tax, penalty or interest as

1 required by any tax Act administered by the Illinois Department  
2 of Revenue, until the time as the requirements of the tax Act  
3 are satisfied in accordance with subsection (g) of Section  
4 2105-15 of the Department of Professional Regulation Law of the  
5 Civil Administrative Code of Illinois.

6 (d) No action may be taken under this Code against a person  
7 licensed under this Code unless the action is commenced within  
8 5 years after the occurrence of the alleged violations. A  
9 continuing violation shall be deemed to have occurred on the  
10 date when the circumstances last existed that give rise to the  
11 alleged violation.

12 (e) Nothing in this Section shall be construed or enforced  
13 to give a funeral director and embalmer, or his or her  
14 designees, authority over the operation of a cemetery or over  
15 cemetery employees. Nothing in this Section shall be construed  
16 or enforced to impose duties or penalties on cemeteries with  
17 respect to the timing of the placement of human remains in  
18 their designated grave or the sealing of the above ground  
19 depository, crypt, or urn due to patron safety, the allocation  
20 of cemetery staffing, liability insurance, a collective  
21 bargaining agreement, or other such reasons.

22 (f) All fines imposed under this Section shall be paid 60  
23 days after the effective date of the order imposing the fine.

24 (g) The Department shall deny a license or renewal  
25 authorized by this Code to a person who has defaulted on an  
26 educational loan or scholarship provided or guaranteed by the

1 Illinois Student Assistance Commission or any governmental  
2 agency of this State in accordance with item (5) of subsection  
3 (a) ~~(g)~~ of Section 2105-15 of the Department of Professional  
4 Regulation Law of the Civil Administrative Code of Illinois.

5 (h) In cases where the Department of Healthcare and Family  
6 Services has previously determined a licensee or a potential  
7 licensee is more than 30 days delinquent in the payment of  
8 child support and has subsequently certified the delinquency to  
9 the Department, the Department may refuse to issue or renew or  
10 may revoke or suspend that person's license or may take other  
11 disciplinary action against that person based solely upon the  
12 certification of delinquency made by the Department of  
13 Healthcare and Family Services in accordance with item (5) of  
14 subsection (a) ~~(g)~~ of Section 2105-15 ~~1205-15~~ of the Department  
15 of Professional Regulation Law of the Civil Administrative Code  
16 of Illinois.

17 (i) A person not licensed under this Code who is an owner  
18 of a funeral establishment or funeral business shall not aid,  
19 abet, assist, procure, advise, employ, or contract with any  
20 unlicensed person to offer funeral services or aid, abet,  
21 assist, or direct any licensed person contrary to or in  
22 violation of any rules or provisions of this Code. A person  
23 violating this subsection shall be treated as a licensee for  
24 the purposes of disciplinary action under this Section and  
25 shall be subject to cease and desist orders as provided in this  
26 Code, the imposition of a fine up to \$10,000 for each violation

1 and any other penalty provided by law.

2 (j) The determination by a circuit court that a licensee is  
3 subject to involuntary admission or judicial admission as  
4 provided in the Mental Health and Developmental Disabilities  
5 Code, as amended, operates as an automatic suspension. The  
6 suspension may end only upon a finding by a court that the  
7 licensee is no longer subject to the involuntary admission or  
8 judicial admission and issues an order so finding and  
9 discharging the licensee, and upon the recommendation of the  
10 Board to the Secretary that the licensee be allowed to resume  
11 his or her practice.

12 (k) In enforcing this Code, the Department, upon a showing  
13 of a possible violation, may compel an individual licensed to  
14 practice under this Code, or who has applied for licensure  
15 under this Code, to submit to a mental or physical examination,  
16 or both, as required by and at the expense of the Department.  
17 The Department may order the examining physician to present  
18 testimony concerning the mental or physical examination of the  
19 licensee or applicant. No information shall be excluded by  
20 reason of any common law or statutory privilege relating to  
21 communications between the licensee or applicant and the  
22 examining physician. The examining physician shall be  
23 specifically designated by the Department. The individual to be  
24 examined may have, at his or her own expense, another physician  
25 of his or her choice present during all aspects of this  
26 examination. The examination shall be performed by a physician

1 licensed to practice medicine in all its branches. Failure of  
2 an individual to submit to a mental or physical examination,  
3 when directed, shall result in an automatic suspension without  
4 hearing.

5 A person holding a license under this Code or who has  
6 applied for a license under this Code who, because of a  
7 physical or mental illness or disability, including, but not  
8 limited to, deterioration through the aging process or loss of  
9 motor skill, is unable to practice the profession with  
10 reasonable judgment, skill, or safety, may be required by the  
11 Department to submit to care, counseling, or treatment by  
12 physicians approved or designated by the Department as a  
13 condition, term, or restriction for continued, reinstated, or  
14 renewed licensure to practice. Submission to care, counseling,  
15 or treatment as required by the Department shall not be  
16 considered discipline of a license. If the licensee refuses to  
17 enter into a care, counseling, or treatment agreement or fails  
18 to abide by the terms of the agreement, the Department may file  
19 a complaint to revoke, suspend, or otherwise discipline the  
20 license of the individual. The Secretary may order the license  
21 suspended immediately, pending a hearing by the Department.  
22 Fines shall not be assessed in disciplinary actions involving  
23 physical or mental illness or impairment.

24 In instances in which the Secretary immediately suspends a  
25 person's license under this Section, a hearing on that person's  
26 license must be convened by the Department within 15 days after



1 the suspension and completed without appreciable delay. The  
2 Department shall have the authority to review the subject  
3 individual's record of treatment and counseling regarding the  
4 impairment to the extent permitted by applicable federal  
5 statutes and regulations safeguarding the confidentiality of  
6 medical records.

7 An individual licensed under this Code and affected under  
8 this Section shall be afforded an opportunity to demonstrate to  
9 the Department that he or she can resume practice in compliance  
10 with acceptable and prevailing standards under the provisions  
11 of his or her license.

12 (Source: P.A. 96-863, eff. 3-1-10; 96-1463, eff. 1-1-11;  
13 97-1130, eff. 8-28-12; revised 11-14-13.)

14 Section 400. The Health Care Worker Background Check Act is  
15 amended by changing Section 70 as follows:

16 (225 ILCS 46/70)

17 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)  
18 grant.

19 (a) In this Section:

20 "Centers for Medicare and Medicaid Services (CMMS) grant"  
21 means the grant awarded to and distributed by the Department of  
22 Public Health to enhance the conduct of criminal history  
23 records checks of certain health care employees. The CMMS grant  
24 is authorized by Section 307 of the federal Medicare

1 Prescription Drug, Improvement, and Modernization Act of 2003,  
2 which establishes the framework for a program to evaluate  
3 national and state background checks on prospective employees  
4 with direct access to patients of long-term care facilities or  
5 providers.

6 "Selected health care employer" means any of the following  
7 selected to participate in the CMMS grant:

8 (1) a community living facility as defined in the  
9 Community Living Facility Act;

10 (2) a long-term care facility as defined in the Nursing  
11 Home Care Act;

12 (3) a home health agency as defined in the Home Health,  
13 Home Services, and Home Nursing Agency Licensing Act;

14 (4) a full hospice as defined in the Hospice Licensing  
15 Act;

16 (5) an establishment licensed under the Assisted  
17 Living and Shared Housing Act;

18 (6) a supportive living facility as defined in the  
19 Illinois Public Aid Code;

20 (7) a day training program certified by the Department  
21 of Human Services;

22 (8) a community integrated living arrangement operated  
23 by a community mental health and developmental service  
24 agency as defined in the Community-Integrated ~~Community~~  
25 ~~Integrated~~ Living Arrangements Licensing and Certification  
26 Act; or

1           (9) a long-term care hospital or hospital with swing  
2           beds.

3           (b) Selected health care employers shall be phased in to  
4           participate in the CMMS grant between January 1, 2006 and  
5           January 1, 2007, as prescribed by the Department of Public  
6           Health by rule.

7           (c) With regards to individuals hired on or after January  
8           1, 2006 who have direct access to residents, patients, or  
9           clients of the selected health care employer, selected health  
10          care employers must comply with Section 25 of this Act.

11          "Individuals who have direct access" includes, but is not  
12          limited to, (i) direct care workers as described in subsection  
13          (a) of Section 25; (ii) individuals licensed by the Department  
14          of Financial and Professional Regulation, such as nurses,  
15          social workers, physical therapists, occupational therapists,  
16          and pharmacists; (iii) individuals who provide services on  
17          site, through contract; and (iv) non-direct care workers, such  
18          as those who work in environmental services, food service, and  
19          administration.

20          "Individuals who have direct access" does not include  
21          physicians or volunteers.

22          The Department of Public Health may further define  
23          "individuals who have direct access" by rule.

24          (d) Each applicant seeking employment in a position  
25          described in subsection (c) of this Section with a selected  
26          health care employer shall, as a condition of employment, have

1 his or her fingerprints submitted to the Department of State  
2 Police in an electronic format that complies with the form and  
3 manner for requesting and furnishing criminal history record  
4 information by the Department of State Police and the Federal  
5 Bureau of Investigation criminal history record databases now  
6 and hereafter filed. The Department of State Police shall  
7 forward the fingerprints to the Federal Bureau of Investigation  
8 for a national criminal history records check. The Department  
9 of State Police shall charge a fee for conducting the criminal  
10 history records check, which shall not exceed the actual cost  
11 of the records check and shall be deposited into the State  
12 Police Services Fund. The Department of State Police shall  
13 furnish, pursuant to positive identification, records of  
14 Illinois convictions to the Department of Public Health.

15 (e) A selected health care employer who makes a conditional  
16 offer of employment to an applicant shall:

17 (1) ensure that the applicant has complied with the  
18 fingerprinting requirements of this Section;

19 (2) complete documentation relating to any criminal  
20 history record, as revealed by the applicant, as prescribed  
21 by rule by the Department of Public Health;

22 (3) complete documentation of the applicant's personal  
23 identifiers as prescribed by rule by the Department of  
24 Public Health; and

25 (4) provide supervision, as prescribed by rule by the  
26 licensing agency, if the applicant is hired and allowed to

1 work prior to the results of the criminal history records  
2 check being obtained.

3 (f) A selected health care employer having actual knowledge  
4 from a source that an individual with direct access to a  
5 resident, patient, or client has been convicted of committing  
6 or attempting to commit one of the offenses enumerated in  
7 Section 25 of this Act shall contact the licensing agency or  
8 follow other instructions as prescribed by administrative  
9 rule.

10 (g) A fingerprint-based criminal history records check  
11 submitted in accordance with subsection (d) of this Section  
12 must be submitted as a fee applicant inquiry in the form and  
13 manner prescribed by the Department of State Police.

14 (h) This Section shall be inapplicable upon the conclusion  
15 of the CMMS grant.

16 (Source: P.A. 94-665, eff. 1-1-06; 94-931, eff. 6-26-06;  
17 95-331, eff. 8-21-07; revised 11-14-13.)

18 Section 405. The Hearing Instrument Consumer Protection  
19 Act is amended by changing Section 31 as follows:

20 (225 ILCS 50/31) (from Ch. 111, par. 7431)

21 (Section scheduled to be repealed on January 1, 2016)

22 Sec. 31. The provisions of "The Illinois Administrative  
23 Procedure Act", approved September 22, 1975, as amended, shall  
24 apply to this Act. All final administrative decisions of the

1 Department are subject to judicial review pursuant to the  
2 provisions of Article III ~~3~~ of the "Code of Civil Procedure",  
3 approved August 19, 1981, as amended. Any circuit court, upon  
4 the application of the licensee or the Department, may order  
5 the attendance of witnesses and the production of relevant  
6 records in any Departmental hearing relative to the application  
7 for or refusal, recall, suspension or revocation of a license.  
8 (Source: P.A. 86-800; revised 11-14-13.)

9 Section 410. The Massage Licensing Act is amended by  
10 changing Section 45 as follows:

11 (225 ILCS 57/45)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 45. Grounds for discipline.

14 (a) The Department may refuse to issue or renew, or may  
15 revoke, suspend, place on probation, reprimand, or take other  
16 disciplinary or non-disciplinary action, as the Department  
17 considers appropriate, including the imposition of fines not to  
18 exceed \$10,000 for each violation, with regard to any license  
19 or licensee for any one or more of the following:

20 (1) violations of this Act or of the rules adopted  
21 under this Act;

22 (2) conviction by plea of guilty or nolo contendere,  
23 finding of guilt, jury verdict, or entry of judgment or by  
24 sentencing of any crime, including, but not limited to,

1 convictions, preceding sentences of supervision,  
2 conditional discharge, or first offender probation, under  
3 the laws of any jurisdiction of the United States: (i) that  
4 is a felony; or (ii) that is a misdemeanor, an essential  
5 element of which is dishonesty, or that is directly related  
6 to the practice of the profession;

7 (3) professional incompetence;

8 (4) advertising in a false, deceptive, or misleading  
9 manner;

10 (5) aiding, abetting, assisting, procuring, advising,  
11 employing, or contracting with any unlicensed person to  
12 practice massage contrary to any rules or provisions of  
13 this Act;

14 (6) engaging in immoral conduct in the commission of  
15 any act, such as sexual abuse, sexual misconduct, or sexual  
16 exploitation, related to the licensee's practice;

17 (7) engaging in dishonorable, unethical, or  
18 unprofessional conduct of a character likely to deceive,  
19 defraud, or harm the public;

20 (8) practicing or offering to practice beyond the scope  
21 permitted by law or accepting and performing professional  
22 responsibilities which the licensee knows or has reason to  
23 know that he or she is not competent to perform;

24 (9) knowingly delegating professional responsibilities  
25 to a person unqualified by training, experience, or  
26 licensure to perform;

1           (10) failing to provide information in response to a  
2 written request made by the Department within 60 days;

3           (11) having a habitual or excessive use of or addiction  
4 to alcohol, narcotics, stimulants, or any other chemical  
5 agent or drug which results in the inability to practice  
6 with reasonable judgment, skill, or safety;

7           (12) having a pattern of practice or other behavior  
8 that demonstrates incapacity or incompetence to practice  
9 under this Act;

10          (13) discipline by another state, District of  
11 Columbia, territory, or foreign nation, if at least one of  
12 the grounds for the discipline is the same or substantially  
13 equivalent to those set forth in this Section;

14          (14) a finding by the Department that the licensee,  
15 after having his or her license placed on probationary  
16 status, has violated the terms of probation;

17          (15) willfully making or filing false records or  
18 reports in his or her practice, including, but not limited  
19 to, false records filed with State agencies or departments;

20          (16) making a material misstatement in furnishing  
21 information to the Department or otherwise making  
22 misleading, deceptive, untrue, or fraudulent  
23 representations in violation of this Act or otherwise in  
24 the practice of the profession;

25          (17) fraud or misrepresentation in applying for or  
26 procuring a license under this Act or in connection with



1 applying for renewal of a license under this Act;

2 (18) inability to practice the profession with  
3 reasonable judgment, skill, or safety as a result of  
4 physical illness, including, but not limited to,  
5 deterioration through the aging process, loss of motor  
6 skill, or a mental illness or disability;

7 (19) charging for professional services not rendered,  
8 including filing false statements for the collection of  
9 fees for which services are not rendered;

10 (20) practicing under a false or, except as provided by  
11 law, an assumed name; or

12 (21) cheating on or attempting to subvert the licensing  
13 examination administered under this Act.

14 All fines shall be paid within 60 days of the effective  
15 date of the order imposing the fine.

16 (b) A person not licensed under this Act and engaged in the  
17 business of offering massage therapy services through others,  
18 shall not aid, abet, assist, procure, advise, employ, or  
19 contract with any unlicensed person to practice massage therapy  
20 contrary to any rules or provisions of this Act. A person  
21 violating this subsection (b) shall be treated as a licensee  
22 for the purposes of disciplinary action under this Section and  
23 shall be subject to cease and desist orders as provided in  
24 Section 90 of this Act.

25 (c) The Department shall revoke any license issued under  
26 this Act of any person who is convicted of prostitution, rape,

1 sexual misconduct, or any crime that subjects the licensee to  
2 compliance with the requirements of the Sex Offender  
3 Registration Act and any such conviction shall operate as a  
4 permanent bar in the State of Illinois to practice as a massage  
5 therapist.

6 (d) The Department may refuse to issue or may suspend the  
7 license of any person who fails to file a tax return, to pay  
8 the tax, penalty, or interest shown in a filed tax return, or  
9 to pay any final assessment of tax, penalty, or interest, as  
10 required by any tax Act administered by the Illinois Department  
11 of Revenue, until such time as the requirements of the tax Act  
12 are satisfied in accordance with subsection (g) of Section  
13 2105-15 of the Civil Administrative Code of Illinois.

14 (e) The Department shall deny a license or renewal  
15 authorized by this Act to a person who has defaulted on an  
16 educational loan or scholarship provided or guaranteed by the  
17 Illinois Student Assistance Commission or any governmental  
18 agency of this State in accordance with item (5) of subsection  
19 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of  
20 Illinois.

21 (f) In cases where the Department of Healthcare and Family  
22 Services has previously determined that a licensee or a  
23 potential licensee is more than 30 days delinquent in the  
24 payment of child support and has subsequently certified the  
25 delinquency to the Department, the Department may refuse to  
26 issue or renew or may revoke or suspend that person's license

1 or may take other disciplinary action against that person based  
2 solely upon the certification of delinquency made by the  
3 Department of Healthcare and Family Services in accordance with  
4 item (5) of subsection (a) ~~(g)~~ of Section 2105-15 of the Civil  
5 Administrative Code of Illinois.

6 (g) The determination by a circuit court that a licensee is  
7 subject to involuntary admission or judicial admission, as  
8 provided in the Mental Health and Developmental Disabilities  
9 Code, operates as an automatic suspension. The suspension will  
10 end only upon a finding by a court that the patient is no  
11 longer subject to involuntary admission or judicial admission  
12 and the issuance of a court order so finding and discharging  
13 the patient.

14 (h) In enforcing this Act, the Department or Board, upon a  
15 showing of a possible violation, may compel an individual  
16 licensed to practice under this Act, or who has applied for  
17 licensure under this Act, to submit to a mental or physical  
18 examination, or both, as required by and at the expense of the  
19 Department. The Department or Board may order the examining  
20 physician to present testimony concerning the mental or  
21 physical examination of the licensee or applicant. No  
22 information shall be excluded by reason of any common law or  
23 statutory privilege relating to communications between the  
24 licensee or applicant and the examining physician. The  
25 examining physicians shall be specifically designated by the  
26 Board or Department. The individual to be examined may have, at

1 his or her own expense, another physician of his or her choice  
2 present during all aspects of this examination. The examination  
3 shall be performed by a physician licensed to practice medicine  
4 in all its branches. Failure of an individual to submit to a  
5 mental or physical examination, when directed, shall result in  
6 an automatic suspension without hearing.

7 A person holding a license under this Act or who has  
8 applied for a license under this Act who, because of a physical  
9 or mental illness or disability, including, but not limited to,  
10 deterioration through the aging process or loss of motor skill,  
11 is unable to practice the profession with reasonable judgment,  
12 skill, or safety, may be required by the Department to submit  
13 to care, counseling, or treatment by physicians approved or  
14 designated by the Department as a condition, term, or  
15 restriction for continued, reinstated, or renewed licensure to  
16 practice. Submission to care, counseling, or treatment as  
17 required by the Department shall not be considered discipline  
18 of a license. If the licensee refuses to enter into a care,  
19 counseling, or treatment agreement or fails to abide by the  
20 terms of the agreement, the Department may file a complaint to  
21 revoke, suspend, or otherwise discipline the license of the  
22 individual. The Secretary may order the license suspended  
23 immediately, pending a hearing by the Department. Fines shall  
24 not be assessed in disciplinary actions involving physical or  
25 mental illness or impairment.

26 In instances in which the Secretary immediately suspends a

1 person's license under this Section, a hearing on that person's  
2 license must be convened by the Department within 15 days after  
3 the suspension and completed without appreciable delay. The  
4 Department and Board shall have the authority to review the  
5 subject individual's record of treatment and counseling  
6 regarding the impairment to the extent permitted by applicable  
7 federal statutes and regulations safeguarding the  
8 confidentiality of medical records.

9 An individual licensed under this Act and affected under  
10 this Section shall be afforded an opportunity to demonstrate to  
11 the Department or Board that he or she can resume practice in  
12 compliance with acceptable and prevailing standards under the  
13 provisions of his or her license.

14 (Source: P.A. 97-514, eff. 8-23-11; revised 11-14-13.)

15 Section 415. The Nurse Practice Act is amended by changing  
16 Section 65-35 as follows:

17 (225 ILCS 65/65-35) (was 225 ILCS 65/15-15)

18 (Section scheduled to be repealed on January 1, 2018)

19 Sec. 65-35. Written collaborative agreements.

20 (a) A written collaborative agreement is required for all  
21 advanced practice nurses engaged in clinical practice, except  
22 for advanced practice nurses who are authorized to practice in  
23 a hospital or ambulatory surgical treatment center.

24 (a-5) If an advanced practice nurse engages in clinical

1 practice outside of a hospital or ambulatory surgical treatment  
2 center in which he or she is authorized to practice, the  
3 advanced practice nurse must have a written collaborative  
4 agreement.

5 (b) A written collaborative agreement shall describe the  
6 working relationship of the advanced practice nurse with the  
7 collaborating physician or podiatric physician and shall  
8 authorize the categories of care, treatment, or procedures to  
9 be performed by the advanced practice nurse. A collaborative  
10 agreement with a dentist must be in accordance with subsection  
11 (c-10) of this Section. Collaboration does not require an  
12 employment relationship between the collaborating physician  
13 and advanced practice nurse. Collaboration means the  
14 relationship under which an advanced practice nurse works with  
15 a collaborating physician or podiatric physician in an active  
16 clinical practice to deliver health care services in accordance  
17 with (i) the advanced practice nurse's training, education, and  
18 experience and (ii) collaboration and consultation as  
19 documented in a jointly developed written collaborative  
20 agreement.

21 The agreement shall promote the exercise of professional  
22 judgment by the advanced practice nurse commensurate with his  
23 or her education and experience. The services to be provided by  
24 the advanced practice nurse shall be services that the  
25 collaborating physician or podiatric physician is authorized  
26 to and generally provides or may provide in his or her clinical

1 medical or podiatric practice, except as set forth in  
2 subsection ~~subsections~~ (b-5) or (c-5) of this Section. The  
3 agreement need not describe the exact steps that an advanced  
4 practice nurse must take with respect to each specific  
5 condition, disease, or symptom but must specify which  
6 authorized procedures require the presence of the  
7 collaborating physician or podiatric physician as the  
8 procedures are being performed. The collaborative relationship  
9 under an agreement shall not be construed to require the  
10 personal presence of a physician or podiatric physician at the  
11 place where services are rendered. Methods of communication  
12 shall be available for consultation with the collaborating  
13 physician or podiatric physician in person or by  
14 telecommunications in accordance with established written  
15 guidelines as set forth in the written agreement.

16 (b-5) Absent an employment relationship, a written  
17 collaborative agreement may not (1) restrict the categories of  
18 patients of an advanced practice nurse within the scope of the  
19 advanced practice nurses training and experience, (2) limit  
20 third party payors or government health programs, such as the  
21 medical assistance program or Medicare with which the advanced  
22 practice nurse contracts, or (3) limit the geographic area or  
23 practice location of the advanced practice nurse in this State.

24 (c) Collaboration and consultation under all collaboration  
25 agreements shall be adequate if a collaborating physician or  
26 podiatric physician does each of the following:

1           (1) Participates in the joint formulation and joint  
2 approval of orders or guidelines with the advanced practice  
3 nurse and he or she periodically reviews such orders and  
4 the services provided patients under such orders in  
5 accordance with accepted standards of medical practice or  
6 podiatric practice and advanced practice nursing practice.

7           (2) Provides collaboration and consultation with the  
8 advanced practice nurse at least once a month. In the case  
9 of anesthesia services provided by a certified registered  
10 nurse anesthetist, an anesthesiologist, a physician, a  
11 dentist, or a podiatric physician must participate through  
12 discussion of and agreement with the anesthesia plan and  
13 remain physically present and available on the premises  
14 during the delivery of anesthesia services for diagnosis,  
15 consultation, and treatment of emergency medical  
16 conditions.

17           (3) Is available through telecommunications for  
18 consultation on medical problems, complications, or  
19 emergencies or patient referral. In the case of anesthesia  
20 services provided by a certified registered nurse  
21 anesthetist, an anesthesiologist, a physician, a dentist,  
22 or a podiatric physician must participate through  
23 discussion of and agreement with the anesthesia plan and  
24 remain physically present and available on the premises  
25 during the delivery of anesthesia services for diagnosis,  
26 consultation, and treatment of emergency medical



1 conditions.

2 The agreement must contain provisions detailing notice for  
3 termination or change of status involving a written  
4 collaborative agreement, except when such notice is given for  
5 just cause.

6 (c-5) A certified registered nurse anesthetist, who  
7 provides anesthesia services outside of a hospital or  
8 ambulatory surgical treatment center shall enter into a written  
9 collaborative agreement with an anesthesiologist or the  
10 physician licensed to practice medicine in all its branches or  
11 the podiatric physician performing the procedure. Outside of a  
12 hospital or ambulatory surgical treatment center, the  
13 certified registered nurse anesthetist may provide only those  
14 services that the collaborating podiatric physician is  
15 authorized to provide pursuant to the Podiatric Medical  
16 Practice Act of 1987 and rules adopted thereunder. A certified  
17 registered nurse anesthetist may select, order, and administer  
18 medication, including controlled substances, and apply  
19 appropriate medical devices for delivery of anesthesia  
20 services under the anesthesia plan agreed with by the  
21 anesthesiologist or the operating physician or operating  
22 podiatric physician.

23 (c-10) A certified registered nurse anesthetist who  
24 provides anesthesia services in a dental office shall enter  
25 into a written collaborative agreement with an  
26 anesthesiologist or the physician licensed to practice

1 medicine in all its branches or the operating dentist  
2 performing the procedure. The agreement shall describe the  
3 working relationship of the certified registered nurse  
4 anesthetist and dentist and shall authorize the categories of  
5 care, treatment, or procedures to be performed by the certified  
6 registered nurse anesthetist. In a collaborating dentist's  
7 office, the certified registered nurse anesthetist may only  
8 provide those services that the operating dentist with the  
9 appropriate permit is authorized to provide pursuant to the  
10 Illinois Dental Practice Act and rules adopted thereunder. For  
11 anesthesia services, an anesthesiologist, physician, or  
12 operating dentist shall participate through discussion of and  
13 agreement with the anesthesia plan and shall remain physically  
14 present and be available on the premises during the delivery of  
15 anesthesia services for diagnosis, consultation, and treatment  
16 of emergency medical conditions. A certified registered nurse  
17 anesthetist may select, order, and administer medication,  
18 including controlled substances, and apply appropriate medical  
19 devices for delivery of anesthesia services under the  
20 anesthesia plan agreed with by the operating dentist.

21 (d) A copy of the signed, written collaborative agreement  
22 must be available to the Department upon request from both the  
23 advanced practice nurse and the collaborating physician or  
24 podiatric physician.

25 (e) Nothing in this Act shall be construed to limit the  
26 delegation of tasks or duties by a physician to a licensed

1 practical nurse, a registered professional nurse, or other  
2 persons in accordance with Section 54.2 of the Medical Practice  
3 Act of 1987. Nothing in this Act shall be construed to limit  
4 the method of delegation that may be authorized by any means,  
5 including, but not limited to, oral, written, electronic,  
6 standing orders, protocols, guidelines, or verbal orders.

7 (f) An advanced practice nurse shall inform each  
8 collaborating physician, dentist, or podiatric physician of  
9 all collaborative agreements he or she has signed and provide a  
10 copy of these to any collaborating physician, dentist, or  
11 podiatric physician upon request.

12 (g) For the purposes of this Act, "generally provides or  
13 may provide in his or her clinical medical practice" means  
14 categories of care or treatment, not specific tasks or duties,  
15 the physician ~~podiatric physician~~ provides individually or  
16 through delegation to other persons so that the physician  
17 ~~podiatric physician~~ has the experience and ability to provide  
18 collaboration and consultation. This definition shall not be  
19 construed to prohibit an advanced practice nurse from providing  
20 primary health treatment or care within the scope of his or her  
21 training and experience, including, but not limited to, health  
22 screenings, patient histories, physical examinations, women's  
23 health examinations, or school physicals that may be provided  
24 as part of the routine practice of an advanced practice nurse  
25 or on a volunteer basis.

26 For the purposes of this Act, "generally provides or may

1 ~~provide in to his or her patients in the normal course of his~~  
2 or her clinical podiatric practice" means services, not  
3 specific tasks or duties, that the podiatric physician  
4 ~~podiatrist~~ routinely provides individually or through  
5 delegation to other persons so that the podiatric physician  
6 ~~podiatrist~~ has the experience and ability to provide  
7 collaboration and consultation.

8 (Source: P.A. 97-358, eff. 8-12-11; 98-192, eff. 1-1-14;  
9 98-214, eff. 8-9-13; revised 9-24-13.)

10 Section 420. The Illinois Occupational Therapy Practice  
11 Act is amended by changing Sections 3, 3.1, 15, 19, and 21 as  
12 follows:

13 (225 ILCS 75/3) (from Ch. 111, par. 3703)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 3. Licensure requirement; exempt activities. After  
16 the effective date of this Act, no person shall practice  
17 occupational therapy or hold himself out as an occupational  
18 therapist or an occupational therapy assistant, or as being  
19 able to practice occupational therapy or to render services  
20 designated as occupational therapy in this State, unless he is  
21 licensed in accordance with the provisions of this Act.

22 Nothing in this Act shall be construed as preventing or  
23 restricting the practice, services, or activities of:

24 (1) Any person licensed in this State by any other law

1 from engaging in the profession or occupation for which he  
2 is licensed; or

3 (2) Any person employed as an occupational therapist or  
4 occupational therapy assistant by the Government of the  
5 United States, if such person provides occupational  
6 therapy solely under the direction or control of the  
7 organization by which he or she is employed; or

8 (3) Any person pursuing a course of study leading to a  
9 degree or certificate in occupational therapy at an  
10 accredited or approved educational program if such  
11 activities and services constitute a part of a supervised  
12 course of study, and if such person is designated by a  
13 title which clearly indicates his or her status as a  
14 student or trainee; or

15 (4) Any person fulfilling the supervised work  
16 experience requirements of Sections 8 and 9 of this Act, if  
17 such activities and services constitute a part of the  
18 experience necessary to meet the requirement of those  
19 Sections; or

20 (5) Any person performing occupational therapy  
21 services in the State, if such a person is not a resident  
22 of this State and is not licensed under this Act, and if  
23 such services are performed for no more than 60 days a  
24 calendar year in association with an occupational  
25 therapist licensed under this Act and if such person meets  
26 the qualifications for license under this Act and:

1           (i) such person is licensed under the law of  
2 another state which has licensure requirements at  
3 least as restrictive as the requirements of this Act,  
4 or

5           (ii) such person meets the requirements for  
6 certification as an Occupational Therapist Registered  
7 (O.T.R.) or a Certified Occupational Therapy Assistant  
8 (C.O.T.A.) established by the National Board for  
9 Certification of Occupational Therapy or another  
10 nationally recognized credentialing body approved by  
11 the Board; or

12           (6) The practice of occupational therapy by one who has  
13 applied in writing to the Department for a license, in form  
14 and substance satisfactory to the Department, and has  
15 complied with all the provisions of either Section 8 or 9  
16 except the passing of the examination to be eligible to  
17 receive such license. In no event shall this exemption  
18 extend to any person for longer than 6 months, except as  
19 follows:

20           (i) if the date on which a person can take the next  
21 available examination authorized by the Department  
22 extends beyond 6 months from the date the person  
23 completes the occupational therapy program as required  
24 under Section 8 or 9, the Department shall extend the  
25 exemption until the results of that examination become  
26 available to the Department; or

1 (ii) if the Department is unable to complete its  
2 evaluation and processing of a person's application  
3 for a license within 6 months after the date on which  
4 the application is submitted to the Department in  
5 proper form, the Department shall extend the exemption  
6 until the Department has completed its evaluation and  
7 processing of the application.

8 In the event such applicant fails the examination, the  
9 applicant shall cease work immediately until such time as  
10 the applicant is licensed to practice occupational therapy  
11 in this State; ~~or-~~

12 (7) The practice of occupational therapy by one who has  
13 applied to the Department, in form and substance  
14 satisfactory to the Department, and who is licensed to  
15 practice occupational therapy under the laws of another  
16 state, territory of the United States or country and who is  
17 qualified to receive a license under the provisions of  
18 either Section 8 or 9 of this Act. In no event shall this  
19 exemption extend to any person for longer than 6 months; i  
20 ~~or-~~

21 (8) (Blank).

22 (Source: P.A. 98-264, eff. 12-31-13; revised 11-14-13.)

23 (225 ILCS 75/3.1)

24 (Section scheduled to be repealed on January 1, 2024)

25 Sec. 3.1. Referrals.

1           (a) A licensed occupational therapist or licensed  
2 occupational therapy assistant may consult with, educate,  
3 evaluate, and monitor services for individuals, groups, and  
4 populations concerning occupational therapy needs. Except as  
5 indicated in subsections (b) and (c) of this Section,  
6 implementation of direct occupational therapy treatment to  
7 individuals for their specific health care conditions shall be  
8 based upon a referral from a licensed physician, dentist,  
9 podiatric physician, or advanced practice nurse who has a  
10 written collaborative agreement with a collaborating physician  
11 to provide or accept referrals from licensed occupational  
12 therapists, physician assistant who has been delegated  
13 authority to provide or accept referrals from or to licensed  
14 occupational therapists, or optometrist.

15           (b) A referral is not required for the purpose of providing  
16 consultation, habilitation, screening, education, wellness,  
17 prevention, environmental assessments, and work-related  
18 ergonomic services to individuals, groups, or populations.

19           (c) Referral from a physician or other health care provider  
20 is not required for evaluation or intervention for children and  
21 youths if an occupational therapist or occupational therapy  
22 assistant provides services in a school-based or educational  
23 environment, including the child's home.

24           (d) An occupational therapist shall refer to a licensed  
25 physician, dentist, optometrist, advanced practice nurse,  
26 physician assistant, or podiatric physician any patient whose



1 medical condition should, at the time of evaluation or  
2 treatment, be determined to be beyond the scope of practice of  
3 the occupational therapist.

4 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;  
5 revised 9-9-13.)

6 (225 ILCS 75/15) (from Ch. 111, par. 3715)

7 (Section scheduled to be repealed on January 1, 2024)

8 Sec. 15. Any person who is issued a license as an  
9 occupational therapist registered under the terms of this Act  
10 may use the words "occupational therapist" or "licensed  
11 occupational therapist", or may use the letters "O.T.", "OT/L",  
12 or "OTR/L", in connection with his or her name or place of  
13 business to denote his or her licensure under this Act.

14 Any person who is issued a license as an ~~a~~ occupational  
15 therapy assistant under the terms of this Act may use the  
16 words, "occupational therapy assistant" or "licensed  
17 occupational therapy assistant", or he or she may use the  
18 letters "O.T.A.", "OTA/L", or "COTA/L" in connection with his  
19 or her name or place of business to denote his or her licensure  
20 under this Act.

21 (Source: P.A. 98-264, eff. 12-31-13; revised 11-12-13.)

22 (225 ILCS 75/19) (from Ch. 111, par. 3719)

23 (Section scheduled to be repealed on January 1, 2024)

24 Sec. 19. Grounds for discipline.

1           (a) The Department may refuse to issue or renew, or may  
2           revoke, suspend, place on probation, reprimand or take other  
3           disciplinary or non-disciplinary action as the Department may  
4           deem proper, including imposing fines not to exceed \$10,000 for  
5           each violation and the assessment of costs as provided under  
6           Section 19.3 of this Act, with regard to any license for any  
7           one or combination of the following:

8           (1) Material misstatement in furnishing information to  
9           the Department;

10          (2) Violations of this Act, or of the rules promulgated  
11          thereunder;

12          (3) Conviction by plea of guilty or nolo contendere,  
13          finding of guilt, jury verdict, or entry of judgment or  
14          sentencing of any crime, including, but not limited to,  
15          convictions, preceding sentences of supervision,  
16          conditional discharge, or first offender probation, under  
17          the laws of any jurisdiction of the United States that is  
18          (i) a felony or (ii) a misdemeanor, an essential element of  
19          which is dishonesty, or that is directly related to the  
20          practice of the profession;

21          (4) Fraud or any misrepresentation in applying for or  
22          procuring a license under this Act, or in connection with  
23          applying for renewal of a license under this Act;

24          (5) Professional incompetence;

25          (6) Aiding or assisting another person, firm,  
26          partnership or corporation in violating any provision of

1           this Act or rules;

2           (7) Failing, within 60 days, to provide information in  
3 response to a written request made by the Department;

4           (8) Engaging in dishonorable, unethical or  
5 unprofessional conduct of a character likely to deceive,  
6 defraud or harm the public;

7           (9) Habitual or excessive use or abuse of drugs defined  
8 in law as controlled substances, alcohol, or any other  
9 substance that results in the inability to practice with  
10 reasonable judgment, skill, or safety;

11           (10) Discipline by another state, unit of government,  
12 government agency, the District of Columbia, a territory,  
13 or foreign nation, if at least one of the grounds for the  
14 discipline is the same or substantially equivalent to those  
15 set forth herein;

16           (11) Directly or indirectly giving to or receiving from  
17 any person, firm, corporation, partnership, or association  
18 any fee, commission, rebate or other form of compensation  
19 for professional services not actually or personally  
20 rendered. Nothing in this paragraph (11) affects any bona  
21 fide independent contractor or employment arrangements  
22 among health care professionals, health facilities, health  
23 care providers, or other entities, except as otherwise  
24 prohibited by law. Any employment arrangements may include  
25 provisions for compensation, health insurance, pension, or  
26 other employment benefits for the provision of services

1 within the scope of the licensee's practice under this Act.  
2 Nothing in this paragraph (11) shall be construed to  
3 require an employment arrangement to receive professional  
4 fees for services rendered;

5 (12) A finding by the Department that the license  
6 holder, after having his license disciplined, has violated  
7 the terms of the discipline;

8 (13) Wilfully making or filing false records or reports  
9 in the practice of occupational therapy, including but not  
10 limited to false records filed with the State agencies or  
11 departments;

12 (14) Physical illness, including but not limited to,  
13 deterioration through the aging process, or loss of motor  
14 skill which results in the inability to practice under this  
15 Act with reasonable judgment, skill, or safety;

16 (15) Solicitation of professional services other than  
17 by permitted advertising;

18 (16) Allowing one's license under this Act to be used  
19 by an unlicensed person in violation of this Act;

20 (17) Practicing under a false or, except as provided by  
21 law, assumed name;

22 (18) Professional incompetence or gross negligence;

23 (19) Malpractice;

24 (20) Promotion of the sale of drugs, devices,  
25 appliances, or goods provided for a patient in any manner  
26 to exploit the client for financial gain of the licensee;

1           (21) Gross, willful, or continued overcharging for  
2 professional services;

3           (22) Mental illness or disability that results in the  
4 inability to practice under this Act with reasonable  
5 judgment, skill, or safety;

6           (23) Violating the Health Care Worker Self-Referral  
7 Act;

8           (24) Having treated patients other than by the practice  
9 of occupational therapy as defined in this Act, or having  
10 treated patients as a licensed occupational therapist  
11 independent of a referral from a physician, advanced  
12 practice nurse or physician assistant in accordance with  
13 Section 3.1, dentist, podiatric physician, or optometrist,  
14 or having failed to notify the physician, advanced practice  
15 nurse, physician assistant, dentist, podiatric physician,  
16 or optometrist who established a diagnosis that the patient  
17 is receiving occupational therapy pursuant to that  
18 diagnosis;

19           (25) Cheating on or attempting to subvert the licensing  
20 examination administered under this Act; and

21           (26) Charging for professional services not rendered,  
22 including filing false statements for the collection of  
23 fees for which services are not rendered.

24           All fines imposed under this Section shall be paid within  
25 60 days after the effective date of the order imposing the fine  
26 or in accordance with the terms set forth in the order imposing

1 the fine.

2 (b) The determination by a circuit court that a license  
3 holder is subject to involuntary admission or judicial  
4 admission as provided in the Mental Health and Developmental  
5 Disabilities Code, as now or hereafter amended, operates as an  
6 automatic suspension. Such suspension will end only upon a  
7 finding by a court that the patient is no longer subject to  
8 involuntary admission or judicial admission and an order by the  
9 court so finding and discharging the patient. In any case where  
10 a license is suspended under this provision, the licensee shall  
11 file a petition for restoration and shall include evidence  
12 acceptable to the Department that the licensee can resume  
13 practice in compliance with acceptable and prevailing  
14 standards of their profession.

15 (c) The Department may refuse to issue or may suspend  
16 without hearing, as provided for in the Code of Civil  
17 Procedure, the license of any person who fails to file a  
18 return, to pay the tax, penalty, or interest shown in a filed  
19 return, or to pay any final assessment of tax, penalty, or  
20 interest as required by any tax Act administered by the  
21 Illinois Department of Revenue, until such time as the  
22 requirements of any such tax Act are satisfied in accordance  
23 with subsection (a) of Section 2105-15 of the Department of  
24 Professional Regulation Law of the Civil Administrative Code of  
25 Illinois.

26 (d) In enforcing this Section, the Department, upon a

1 showing of a possible violation, may compel any individual who  
2 is licensed under this Act or any individual who has applied  
3 for licensure to submit to a mental or physical examination or  
4 evaluation, or both, which may include a substance abuse or  
5 sexual offender evaluation, at the expense of the Department.  
6 The Department shall specifically designate the examining  
7 physician licensed to practice medicine in all of its branches  
8 or, if applicable, the multidisciplinary team involved in  
9 providing the mental or physical examination and evaluation.  
10 The multidisciplinary team shall be led by a physician licensed  
11 to practice medicine in all of its branches and may consist of  
12 one or more or a combination of physicians licensed to practice  
13 medicine in all of its branches, licensed chiropractic  
14 physicians, licensed clinical psychologists, licensed clinical  
15 social workers, licensed clinical professional counselors, and  
16 other professional and administrative staff. Any examining  
17 physician or member of the multidisciplinary team may require  
18 any person ordered to submit to an examination and evaluation  
19 pursuant to this Section to submit to any additional  
20 supplemental testing deemed necessary to complete any  
21 examination or evaluation process, including, but not limited  
22 to, blood testing, urinalysis, psychological testing, or  
23 neuropsychological testing.

24 The Department may order the examining physician or any  
25 member of the multidisciplinary team to provide to the  
26 Department any and all records, including business records,

1 that relate to the examination and evaluation, including any  
2 supplemental testing performed. The Department may order the  
3 examining physician or any member of the multidisciplinary team  
4 to present testimony concerning this examination and  
5 evaluation of the licensee or applicant, including testimony  
6 concerning any supplemental testing or documents relating to  
7 the examination and evaluation. No information, report,  
8 record, or other documents in any way related to the  
9 examination and evaluation shall be excluded by reason of any  
10 common law or statutory privilege relating to communication  
11 between the licensee or applicant and the examining physician  
12 or any member of the multidisciplinary team. No authorization  
13 is necessary from the licensee or applicant ordered to undergo  
14 an evaluation and examination for the examining physician or  
15 any member of the multidisciplinary team to provide  
16 information, reports, records, or other documents or to provide  
17 any testimony regarding the examination and evaluation. The  
18 individual to be examined may have, at his or her own expense,  
19 another physician of his or her choice present during all  
20 aspects of the examination.

21 Failure of any individual to submit to mental or physical  
22 examination or evaluation, or both, when directed, shall result  
23 in an automatic suspension without hearing, until such time as  
24 the individual submits to the examination. If the Department  
25 finds a licensee unable to practice because of the reasons set  
26 forth in this Section, the Department shall require the



1 licensee to submit to care, counseling, or treatment by  
2 physicians approved or designated by the Department as a  
3 condition for continued, reinstated, or renewed licensure.

4 When the Secretary immediately suspends a license under  
5 this Section, a hearing upon such person's license must be  
6 convened by the Department within 15 days after the suspension  
7 and completed without appreciable delay. The Department shall  
8 have the authority to review the licensee's record of treatment  
9 and counseling regarding the impairment to the extent permitted  
10 by applicable federal statutes and regulations safeguarding  
11 the confidentiality of medical records.

12 Individuals licensed under this Act that are affected under  
13 this Section, shall be afforded an opportunity to demonstrate  
14 to the Department that they can resume practice in compliance  
15 with acceptable and prevailing standards under the provisions  
16 of their license.

17 (e) The Department shall deny a license or renewal  
18 authorized by this Act to a person who has defaulted on an  
19 educational loan or scholarship provided or guaranteed by the  
20 Illinois Student Assistance Commission or any governmental  
21 agency of this State in accordance with paragraph (5) of  
22 subsection (a) of Section 2105-15 of the Department of  
23 Professional Regulation Law of the Civil Administrative Code of  
24 Illinois.

25 (f) In cases where the Department of Healthcare and Family  
26 Services has previously determined a licensee or a potential

1 licensee is more than 30 days delinquent in the payment of  
2 child support and has subsequently certified the delinquency to  
3 the Department, the Department may refuse to issue or renew or  
4 may revoke or suspend that person's license or may take other  
5 disciplinary action against that person based solely upon the  
6 certification of delinquency made by the Department of  
7 Healthcare and Family Services in accordance with paragraph (5)  
8 of subsection (a) of Section 2105-15 of the Department of  
9 Professional Regulation Law of the Civil Administrative Code of  
10 Illinois.

11 (Source: P.A. 98-214, eff. 8-9-13; 98-264, eff. 12-31-13;  
12 revised 9-24-13.)

13 (225 ILCS 75/21) (from Ch. 111, par. 3737)

14 (Section scheduled to be repealed on January 1, 2024)

15 Sec. 21. Home rule. The regulation and licensing as an ~~a~~  
16 occupational therapist are exclusive powers and functions of  
17 the State. A home rule unit may not regulate or license an  
18 occupational therapist or the practice of occupational  
19 therapy. This Section is a denial and limitation of home rule  
20 powers and functions under subsection (h) of Section 6 of  
21 Article VII of the Illinois Constitution.

22 (Source: P.A. 98-264, eff. 12-31-13; revised 11-12-13.)

23 Section 425. The Orthotics, Prosthetics, and Pedorthics  
24 Practice Act is amended by changing Section 90 as follows:

1 (225 ILCS 84/90)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 90. Grounds for discipline.

4 (a) The Department may refuse to issue or renew a license,  
5 or may revoke or suspend a license, or may suspend, place on  
6 probation, or reprimand a licensee or take other disciplinary  
7 or non-disciplinary action as the Department may deem proper,  
8 including, but not limited to, the imposition of fines not to  
9 exceed \$10,000 for each violation for one or any combination of  
10 the following:

11 (1) Making a material misstatement in furnishing  
12 information to the Department or the Board.

13 (2) Violations of or negligent or intentional  
14 disregard of this Act or its rules.

15 (3) Conviction of, or entry of a plea of guilty or nolo  
16 contendere to any crime that is a felony under the laws of  
17 the United States or any state or territory thereof or that  
18 is a misdemeanor of which an essential element is  
19 dishonesty, or any crime that is directly related to the  
20 practice of the profession.

21 (4) Making a misrepresentation for the purpose of  
22 obtaining a license.

23 (5) A pattern of practice or other behavior that  
24 demonstrates incapacity or incompetence to practice under  
25 this Act.

1           (6) Gross negligence under this Act.

2           (7) Aiding or assisting another person in violating a  
3 provision of this Act or its rules.

4           (8) Failing to provide information within 60 days in  
5 response to a written request made by the Department.

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

9           (10) Inability to practice with reasonable judgment,  
10 skill, or safety as a result of habitual or excessive use  
11 or addiction to alcohol, narcotics, stimulants, or any  
12 other chemical agent or drug.

13           (11) Discipline by another state or territory of the  
14 United States, the federal government, or foreign nation,  
15 if at least one of the grounds for the discipline is the  
16 same or substantially equivalent to one set forth in this  
17 Section.

18           (12) Directly or indirectly giving to or receiving from  
19 a person, firm, corporation, partnership, or association a  
20 fee, commission, rebate, or other form of compensation for  
21 professional services not actually or personally rendered.  
22 Nothing in this paragraph (12) affects any bona fide  
23 independent contractor or employment arrangements among  
24 health care professionals, health facilities, health care  
25 providers, or other entities, except as otherwise  
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or  
2 other employment benefits for the provision of services  
3 within the scope of the licensee's practice under this Act.  
4 Nothing in this paragraph (12) shall be construed to  
5 require an employment arrangement to receive professional  
6 fees for services rendered.

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

10 (14) Abandonment of a patient or client.

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

14 (16) Willfully failing to report an instance of  
15 suspected child abuse or neglect as required by the Abused  
16 and Neglected Child Reporting Act.

17 (17) Inability to practice the profession with  
18 reasonable judgment, skill, or safety as a result of a  
19 physical illness, including, but not limited to,  
20 deterioration through the aging process or loss of motor  
21 skill, or a mental illness or disability.

22 (18) Solicitation of professional services using false  
23 or misleading advertising.

24 (b) In enforcing this Section, the Department or Board upon  
25 a showing of a possible violation, may compel a licensee or  
26 applicant to submit to a mental or physical examination, or

1 both, as required by and at the expense of the Department. The  
2 Department or Board may order the examining physician to  
3 present testimony concerning the mental or physical  
4 examination of the licensee or applicant. No information shall  
5 be excluded by reason of any common law or statutory privilege  
6 relating to communications between the licensee or applicant  
7 and the examining physician. The examining physicians shall be  
8 specifically designated by the Board or Department. The  
9 individual to be examined may have, at his or her own expense,  
10 another physician of his or her choice present during all  
11 aspects of this examination. Failure of an individual to submit  
12 to a mental or physical examination, when directed, shall be  
13 grounds for the immediate suspension of his or her license  
14 until the individual submits to the examination if the  
15 Department finds that the refusal to submit to the examination  
16 was without reasonable cause as defined by rule.

17 In instances in which the Secretary immediately suspends a  
18 person's license for his or her failure to submit to a mental  
19 or physical examination, when directed, a hearing on that  
20 person's license must be convened by the Department within 15  
21 days after the suspension and completed without appreciable  
22 delay.

23 In instances in which the Secretary otherwise suspends a  
24 person's license pursuant to the results of a compelled mental  
25 or physical examination, a hearing on that person's license  
26 must be convened by the Department within 15 days after the

1 suspension and completed without appreciable delay. The  
2 Department and Board shall have the authority to review the  
3 subject individual's record of treatment and counseling  
4 regarding the impairment to the extent permitted by applicable  
5 federal statutes and regulations safeguarding the  
6 confidentiality of medical records.

7 An individual licensed under this Act and affected under  
8 this Section shall be afforded an opportunity to demonstrate to  
9 the Department or Board that he or she can resume practice in  
10 compliance with acceptable and prevailing standards under the  
11 provisions of his or her license.

12 (c) The Department shall deny a license or renewal  
13 authorized by this Act to a person who has defaulted on an  
14 educational loan or scholarship provided or guaranteed by the  
15 Illinois Student Assistance Commission or any governmental  
16 agency of this State in accordance with subsection (a)(5) of  
17 Section 2105-15 ~~45~~ of the Department of Professional Regulation  
18 Law of the Civil Administrative Code of Illinois (20 ILCS  
19 2105/2105-15).

20 (d) In cases where the Department of Healthcare and Family  
21 Services (formerly Department of Public Aid) has previously  
22 determined that a licensee or a potential licensee is more than  
23 30 days delinquent in the payment of child support and has  
24 subsequently certified the delinquency to the Department, the  
25 Department may refuse to issue or renew or may revoke or  
26 suspend that person's license or may take other disciplinary

1 action against that person based solely upon the certification  
2 of delinquency made by the Department of Healthcare and Family  
3 Services in accordance with subsection (a)(5) of Section  
4 2105-15 ~~15~~ of the Department of Professional Regulation Law of  
5 the Civil Administrative Code of Illinois (20 ILCS  
6 2105/2105-15).

7 (e) The Department may refuse to issue or renew a license,  
8 or may revoke or suspend a license, for failure to file a  
9 return, to pay the tax, penalty, or interest shown in a filed  
10 return, or to pay any final assessment of tax, penalty, or  
11 interest as required by any tax Act administered by the  
12 Department of Revenue, until such time as the requirements of  
13 the tax Act are satisfied in accordance with subsection (g) of  
14 Section 2105-15 ~~15~~ of the Department of Professional Regulation  
15 Law of the Civil Administrative Code of Illinois (20 ILCS  
16 2105/2105-15).

17 (Source: P.A. 96-682, eff. 8-25-09; 96-1482, eff. 11-29-10;  
18 revised 11-14-13.)

19 Section 430. The Pharmacy Practice Act is amended by  
20 changing Section 3 as follows:

21 (225 ILCS 85/3)

22 (Section scheduled to be repealed on January 1, 2018)

23 Sec. 3. Definitions. For the purpose of this Act, except  
24 where otherwise limited therein:



1           (a) "Pharmacy" or "drugstore" means and includes every  
2 store, shop, pharmacy department, or other place where  
3 pharmacist care is provided by a pharmacist (1) where drugs,  
4 medicines, or poisons are dispensed, sold or offered for sale  
5 at retail, or displayed for sale at retail; or (2) where  
6 prescriptions of physicians, dentists, advanced practice  
7 nurses, physician assistants, veterinarians, podiatric  
8 physicians, or optometrists, within the limits of their  
9 licenses, are compounded, filled, or dispensed; or (3) which  
10 has upon it or displayed within it, or affixed to or used in  
11 connection with it, a sign bearing the word or words  
12 "Pharmacist", "Druggist", "Pharmacy", "Pharmaceutical Care",  
13 "Apothecary", "Drugstore", "Medicine Store", "Prescriptions",  
14 "Drugs", "Dispensary", "Medicines", or any word or words of  
15 similar or like import, either in the English language or any  
16 other language; or (4) where the characteristic prescription  
17 sign (Rx) or similar design is exhibited; or (5) any store, or  
18 shop, or other place with respect to which any of the above  
19 words, objects, signs or designs are used in any advertisement.

20           (b) "Drugs" means and includes (1) articles recognized in  
21 the official United States Pharmacopoeia/National Formulary  
22 (USP/NF), or any supplement thereto and being intended for and  
23 having for their main use the diagnosis, cure, mitigation,  
24 treatment or prevention of disease in man or other animals, as  
25 approved by the United States Food and Drug Administration, but  
26 does not include devices or their components, parts, or

1 accessories; and (2) all other articles intended for and having  
2 for their main use the diagnosis, cure, mitigation, treatment  
3 or prevention of disease in man or other animals, as approved  
4 by the United States Food and Drug Administration, but does not  
5 include devices or their components, parts, or accessories; and  
6 (3) articles (other than food) having for their main use and  
7 intended to affect the structure or any function of the body of  
8 man or other animals; and (4) articles having for their main  
9 use and intended for use as a component or any articles  
10 specified in clause (1), (2) or (3); but does not include  
11 devices or their components, parts or accessories.

12 (c) "Medicines" means and includes all drugs intended for  
13 human or veterinary use approved by the United States Food and  
14 Drug Administration.

15 (d) "Practice of pharmacy" means (1) the interpretation and  
16 the provision of assistance in the monitoring, evaluation, and  
17 implementation of prescription drug orders; (2) the dispensing  
18 of prescription drug orders; (3) participation in drug and  
19 device selection; (4) drug administration limited to the  
20 administration of oral, topical, injectable, and inhalation as  
21 follows: in the context of patient education on the proper use  
22 or delivery of medications; vaccination of patients 14 years of  
23 age and older pursuant to a valid prescription or standing  
24 order, by a physician licensed to practice medicine in all its  
25 branches, upon completion of appropriate training, including  
26 how to address contraindications and adverse reactions set

1     forth by rule, with notification to the patient's physician and  
2     appropriate record retention, or pursuant to hospital pharmacy  
3     and therapeutics committee policies and procedures; (5)  
4     vaccination of patients ages 10 through 13 limited to the  
5     Influenza (inactivated influenza vaccine and live attenuated  
6     influenza intranasal vaccine) and Tdap (defined as tetanus,  
7     diphtheria, acellular pertussis) vaccines, pursuant to a valid  
8     prescription or standing order, by a physician licensed to  
9     practice medicine in all its branches, upon completion of  
10    appropriate training, including how to address  
11    contraindications and adverse reactions set forth by rule, with  
12    notification to the patient's physician and appropriate record  
13    retention, or pursuant to hospital pharmacy and therapeutics  
14    committee policies and procedures; (6) drug regimen review; (7)  
15    drug or drug-related research; (8) the provision of patient  
16    counseling; (9) the practice of telepharmacy; (10) the  
17    provision of those acts or services necessary to provide  
18    pharmacist care; (11) medication therapy management; and (12)  
19    the responsibility for compounding and labeling of drugs and  
20    devices (except labeling by a manufacturer, repackager, or  
21    distributor of non-prescription drugs and commercially  
22    packaged legend drugs and devices), proper and safe storage of  
23    drugs and devices, and maintenance of required records. A  
24    pharmacist who performs any of the acts defined as the practice  
25    of pharmacy in this State must be actively licensed as a  
26    pharmacist under this Act.

1 (e) "Prescription" means and includes any written, oral,  
2 facsimile, or electronically transmitted order for drugs or  
3 medical devices, issued by a physician licensed to practice  
4 medicine in all its branches, dentist, veterinarian, ~~or~~  
5 podiatric physician, or optometrist, within the limits of their  
6 licenses, by a physician assistant in accordance with  
7 subsection (f) of Section 4, or by an advanced practice nurse  
8 in accordance with subsection (g) of Section 4, containing the  
9 following: (1) name of the patient; (2) date when prescription  
10 was issued; (3) name and strength of drug or description of the  
11 medical device prescribed; and (4) quantity; (5) directions for  
12 use; (6) prescriber's name, address, and signature; and (7) DEA  
13 number where required, for controlled substances. The  
14 prescription may, but is not required to, list the illness,  
15 disease, or condition for which the drug or device is being  
16 prescribed. DEA numbers shall not be required on inpatient drug  
17 orders.

18 (f) "Person" means and includes a natural person,  
19 copartnership, association, corporation, government entity, or  
20 any other legal entity.

21 (g) "Department" means the Department of Financial and  
22 Professional Regulation.

23 (h) "Board of Pharmacy" or "Board" means the State Board of  
24 Pharmacy of the Department of Financial and Professional  
25 Regulation.

26 (i) "Secretary" means the Secretary of Financial and

1 Professional Regulation.

2 (j) "Drug product selection" means the interchange for a  
3 prescribed pharmaceutical product in accordance with Section  
4 25 of this Act and Section 3.14 of the Illinois Food, Drug and  
5 Cosmetic Act.

6 (k) "Inpatient drug order" means an order issued by an  
7 authorized prescriber for a resident or patient of a facility  
8 licensed under the Nursing Home Care Act, the ID/DD Community  
9 Care Act, the Specialized Mental Health Rehabilitation Act of  
10 2013, or the Hospital Licensing Act, or "An Act in relation to  
11 the founding and operation of the University of Illinois  
12 Hospital and the conduct of University of Illinois health care  
13 programs", approved July 3, 1931, as amended, or a facility  
14 which is operated by the Department of Human Services (as  
15 successor to the Department of Mental Health and Developmental  
16 Disabilities) or the Department of Corrections.

17 (k-5) "Pharmacist" means an individual health care  
18 professional and provider currently licensed by this State to  
19 engage in the practice of pharmacy.

20 (l) "Pharmacist in charge" means the licensed pharmacist  
21 whose name appears on a pharmacy license and who is responsible  
22 for all aspects of the operation related to the practice of  
23 pharmacy.

24 (m) "Dispense" or "dispensing" means the interpretation,  
25 evaluation, and implementation of a prescription drug order,  
26 including the preparation and delivery of a drug or device to a

1 patient or patient's agent in a suitable container  
2 appropriately labeled for subsequent administration to or use  
3 by a patient in accordance with applicable State and federal  
4 laws and regulations. "Dispense" or "dispensing" does not mean  
5 the physical delivery to a patient or a patient's  
6 representative in a home or institution by a designee of a  
7 pharmacist or by common carrier. "Dispense" or "dispensing"  
8 also does not mean the physical delivery of a drug or medical  
9 device to a patient or patient's representative by a  
10 pharmacist's designee within a pharmacy or drugstore while the  
11 pharmacist is on duty and the pharmacy is open.

12 (n) "Nonresident pharmacy" means a pharmacy that is located  
13 in a state, commonwealth, or territory of the United States,  
14 other than Illinois, that delivers, dispenses, or distributes,  
15 through the United States Postal Service, commercially  
16 acceptable parcel delivery service, or other common carrier, to  
17 Illinois residents, any substance which requires a  
18 prescription.

19 (o) "Compounding" means the preparation and mixing of  
20 components, excluding flavorings, (1) as the result of a  
21 prescriber's prescription drug order or initiative based on the  
22 prescriber-patient-pharmacist relationship in the course of  
23 professional practice or (2) for the purpose of, or incident  
24 to, research, teaching, or chemical analysis and not for sale  
25 or dispensing. "Compounding" includes the preparation of drugs  
26 or devices in anticipation of receiving prescription drug

1 orders based on routine, regularly observed dispensing  
2 patterns. Commercially available products may be compounded  
3 for dispensing to individual patients only if all of the  
4 following conditions are met: (i) the commercial product is not  
5 reasonably available from normal distribution channels in a  
6 timely manner to meet the patient's needs and (ii) the  
7 prescribing practitioner has requested that the drug be  
8 compounded.

9 (p) (Blank).

10 (q) (Blank).

11 (r) "Patient counseling" means the communication between a  
12 pharmacist or a student pharmacist under the supervision of a  
13 pharmacist and a patient or the patient's representative about  
14 the patient's medication or device for the purpose of  
15 optimizing proper use of prescription medications or devices.  
16 "Patient counseling" may include without limitation (1)  
17 obtaining a medication history; (2) acquiring a patient's  
18 allergies and health conditions; (3) facilitation of the  
19 patient's understanding of the intended use of the medication;  
20 (4) proper directions for use; (5) significant potential  
21 adverse events; (6) potential food-drug interactions; and (7)  
22 the need to be compliant with the medication therapy. A  
23 pharmacy technician may only participate in the following  
24 aspects of patient counseling under the supervision of a  
25 pharmacist: (1) obtaining medication history; (2) providing  
26 the offer for counseling by a pharmacist or student pharmacist;

1 and (3) acquiring a patient's allergies and health conditions.

2 (s) "Patient profiles" or "patient drug therapy record"  
3 means the obtaining, recording, and maintenance of patient  
4 prescription information, including prescriptions for  
5 controlled substances, and personal information.

6 (t) (Blank).

7 (u) "Medical device" means an instrument, apparatus,  
8 implement, machine, contrivance, implant, in vitro reagent, or  
9 other similar or related article, including any component part  
10 or accessory, required under federal law to bear the label  
11 "Caution: Federal law requires dispensing by or on the order of  
12 a physician". A seller of goods and services who, only for the  
13 purpose of retail sales, compounds, sells, rents, or leases  
14 medical devices shall not, by reasons thereof, be required to  
15 be a licensed pharmacy.

16 (v) "Unique identifier" means an electronic signature,  
17 handwritten signature or initials, thumb print, or other  
18 acceptable biometric or electronic identification process as  
19 approved by the Department.

20 (w) "Current usual and customary retail price" means the  
21 price that a pharmacy charges to a non-third-party payor.

22 (x) "Automated pharmacy system" means a mechanical system  
23 located within the confines of the pharmacy or remote location  
24 that performs operations or activities, other than compounding  
25 or administration, relative to storage, packaging, dispensing,  
26 or distribution of medication, and which collects, controls,



1 and maintains all transaction information.

2 (y) "Drug regimen review" means and includes the evaluation  
3 of prescription drug orders and patient records for (1) known  
4 allergies; (2) drug or potential therapy contraindications;  
5 (3) reasonable dose, duration of use, and route of  
6 administration, taking into consideration factors such as age,  
7 gender, and contraindications; (4) reasonable directions for  
8 use; (5) potential or actual adverse drug reactions; (6)  
9 drug-drug interactions; (7) drug-food interactions; (8)  
10 drug-disease contraindications; (9) therapeutic duplication;  
11 (10) patient laboratory values when authorized and available;  
12 (11) proper utilization (including over or under utilization)  
13 and optimum therapeutic outcomes; and (12) abuse and misuse.

14 (z) "Electronic transmission prescription" means any  
15 prescription order for which a facsimile or electronic image of  
16 the order is electronically transmitted from a licensed  
17 prescriber to a pharmacy. "Electronic transmission  
18 prescription" includes both data and image prescriptions.

19 (aa) "Medication therapy management services" means a  
20 distinct service or group of services offered by licensed  
21 pharmacists, physicians licensed to practice medicine in all  
22 its branches, advanced practice nurses authorized in a written  
23 agreement with a physician licensed to practice medicine in all  
24 its branches, or physician assistants authorized in guidelines  
25 by a supervising physician that optimize therapeutic outcomes  
26 for individual patients through improved medication use. In a

1 retail or other non-hospital pharmacy, medication therapy  
2 management services shall consist of the evaluation of  
3 prescription drug orders and patient medication records to  
4 resolve conflicts with the following:

5 (1) known allergies;

6 (2) drug or potential therapy contraindications;

7 (3) reasonable dose, duration of use, and route of  
8 administration, taking into consideration factors such as  
9 age, gender, and contraindications;

10 (4) reasonable directions for use;

11 (5) potential or actual adverse drug reactions;

12 (6) drug-drug interactions;

13 (7) drug-food interactions;

14 (8) drug-disease contraindications;

15 (9) identification of therapeutic duplication;

16 (10) patient laboratory values when authorized and  
17 available;

18 (11) proper utilization (including over or under  
19 utilization) and optimum therapeutic outcomes; and

20 (12) drug abuse and misuse.

21 "Medication therapy management services" includes the  
22 following:

23 (1) documenting the services delivered and  
24 communicating the information provided to patients'  
25 prescribers within an appropriate time frame, not to exceed  
26 48 hours;

1           (2) providing patient counseling designed to enhance a  
2           patient's understanding and the appropriate use of his or  
3           her medications; and

4           (3) providing information, support services, and  
5           resources designed to enhance a patient's adherence with  
6           his or her prescribed therapeutic regimens.

7           "Medication therapy management services" may also include  
8           patient care functions authorized by a physician licensed to  
9           practice medicine in all its branches for his or her identified  
10          patient or groups of patients under specified conditions or  
11          limitations in a standing order from the physician.

12          "Medication therapy management services" in a licensed  
13          hospital may also include the following:

14               (1) reviewing assessments of the patient's health  
15               status; and

16               (2) following protocols of a hospital pharmacy and  
17               therapeutics committee with respect to the fulfillment of  
18               medication orders.

19          (bb) "Pharmacist care" means the provision by a pharmacist  
20          of medication therapy management services, with or without the  
21          dispensing of drugs or devices, intended to achieve outcomes  
22          that improve patient health, quality of life, and comfort and  
23          enhance patient safety.

24          (cc) "Protected health information" means individually  
25          identifiable health information that, except as otherwise  
26          provided, is:

1 (1) transmitted by electronic media;

2 (2) maintained in any medium set forth in the  
3 definition of "electronic media" in the federal Health  
4 Insurance Portability and Accountability Act; or

5 (3) transmitted or maintained in any other form or  
6 medium.

7 "Protected health information" does not include  
8 individually identifiable health information found in:

9 (1) education records covered by the federal Family  
10 Educational Right and Privacy Act; or

11 (2) employment records held by a licensee in its role  
12 as an employer.

13 (dd) "Standing order" means a specific order for a patient  
14 or group of patients issued by a physician licensed to practice  
15 medicine in all its branches in Illinois.

16 (ee) "Address of record" means the address recorded by the  
17 Department in the applicant's or licensee's application file or  
18 license file, as maintained by the Department's licensure  
19 maintenance unit.

20 (ff) "Home pharmacy" means the location of a pharmacy's  
21 primary operations.

22 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-813,  
23 eff. 7-13-12; 97-1043, eff. 8-21-12; 98-104, eff. 7-22-13;  
24 98-214, eff. 8-9-13; revised 9-24-13.)

25 Section 435. The Boxing and Full-contact Martial Arts Act

1 is amended by changing Section 8 as follows:

2 (225 ILCS 105/8) (from Ch. 111, par. 5008)

3 (Section scheduled to be repealed on January 1, 2022)

4 Sec. 8. Permits.

5 (a) A promoter who desires to obtain a permit to conduct a  
6 professional or amateur contest, or a combination of both,  
7 shall apply to the Department at least 20 days prior to the  
8 event, in writing, on forms furnished by the Department. The  
9 application shall be accompanied by the required fee and shall  
10 contain, but not be limited to, the following information to be  
11 submitted at times specified by rule:

12 (1) the legal names and addresses of the promoter;

13 (2) the name of the matchmaker;

14 (3) the time and exact location of the professional or  
15 amateur contest, or a combination of both. It is the  
16 responsibility of the promoter to ensure that the building  
17 to be used for the event complies with all laws,  
18 ordinances, and regulations in the city, town, village, or  
19 county where the contest is to be held;

20 (4) proof of adequate security measures, as determined  
21 by Department rule, to ensure the protection of the safety  
22 of contestants and the general public while attending  
23 professional or amateur contests, or a combination of both;

24 (5) proof of adequate medical supervision, as  
25 determined by Department rule, to ensure the protection of

1 the health and safety of professionals' or amateurs' while  
2 participating in the contest;

3 (6) the names of the professionals or amateurs  
4 competing subject to Department approval;

5 (7) proof of insurance for not less than \$50,000 as  
6 further defined by rule for each professional or amateur  
7 participating in a professional or amateur contest, or a  
8 combination of both; insurance required under this  
9 paragraph (7) ~~(6)~~ shall cover (i) hospital, medication,  
10 physician, and other such expenses as would accrue in the  
11 treatment of an injury as a result of the professional or  
12 amateur contest; (ii) payment to the estate of the  
13 professional or amateur in the event of his or her death as  
14 a result of his or her participation in the professional or  
15 amateur contest; and (iii) accidental death and  
16 dismemberment; the terms of the insurance coverage must not  
17 require the contestant to pay a deductible. The promoter  
18 may not carry an insurance policy with a deductible in an  
19 amount greater than \$500 for the medical, surgical, or  
20 hospital care for injuries a contestant sustains while  
21 engaged in a contest, and if a licensed or registered  
22 contestant pays for the medical, surgical, or hospital  
23 care, the insurance proceeds must be paid to the contestant  
24 or his or her beneficiaries as reimbursement for such  
25 payment;

26 (8) the amount of the purses to be paid to the

1 professionals for the event; the Department shall adopt  
2 rules for payment of the purses;

3 (9) organizational or internationally accepted rules,  
4 per discipline, for professional or amateur full-contact  
5 martial arts contests where the Department does not provide  
6 the rules;

7 (10) proof of contract indicating the requisite  
8 registration and sanctioning by a Department approved  
9 sanctioning body for any full-contact martial arts contest  
10 with scheduled amateur bouts; and

11 (11) any other information that the Department may  
12 require to determine whether a permit shall be issued.

13 (b) The Department may issue a permit to any promoter who  
14 meets the requirements of this Act and the rules. The permit  
15 shall only be issued for a specific date and location of a  
16 professional or amateur contest, or a combination of both, and  
17 shall not be transferable. The Department may allow a promoter  
18 to amend a permit application to hold a professional or amateur  
19 contest, or a combination of both, in a different location  
20 other than the application specifies and may allow the promoter  
21 to substitute professionals or amateurs, respectively.

22 (c) The Department shall be responsible for assigning the  
23 judges, timekeepers, referees, and physicians, for a  
24 professional contest. Compensation shall be determined by the  
25 Department, and it shall be the responsibility of the promoter  
26 to pay the individuals utilized.

1 (Source: P.A. 96-663, eff. 8-25-09; 97-119, eff. 7-14-11;  
2 revised 11-14-13.)

3 Section 440. The Sex Offender Evaluation and Treatment  
4 Provider Act is amended by changing Sections 20 and 75 as  
5 follows:

6 (225 ILCS 109/20)

7 Sec. 20. Sex Offender Evaluation and Treatment Provider  
8 Licensing and Disciplinary Board.

9 (a) There is established within the Department the Sex  
10 Offender Evaluation and Treatment Licensing and Disciplinary  
11 Board to be appointed by the Secretary. The Board shall be  
12 composed of 8 persons who shall serve in an advisory capacity  
13 to the Secretary. The Board shall elect a chairperson and a  
14 vice chairperson.

15 (b) In appointing members of the Board, the Secretary shall  
16 give due consideration to recommendations by members of the  
17 profession of sex offender evaluation and treatment.

18 (c) Three members of the Board shall be sex offender  
19 evaluation or treatment providers, or both, who have been in  
20 active practice for at least 5 years immediately preceding  
21 their appointment. The appointees shall be licensed under this  
22 Act.

23 (d) One member shall represent the Department of  
24 Corrections.



1           (e) One member shall represent the Department of Human  
2 Services.

3           (f) One member shall represent the Administrative Office of  
4 the Illinois Courts representing the interests of probation  
5 services.

6           (g) One member shall represent the Sex Offender Management  
7 Board.

8           (h) One member shall be representative of the general  
9 public who has no direct affiliation or work experience with  
10 the practice of sex offender evaluation and treatment and who  
11 clearly represents ~~represent~~ consumer interests.

12           (i) Board members shall be appointed for a term of 4 years,  
13 except that any person chosen to fill a vacancy shall be  
14 appointed only for the unexpired term of the Board member whom  
15 he or she shall succeed. Upon the expiration of his or her term  
16 of office, a Board member shall continue to serve until a  
17 successor is appointed and qualified. No member shall be  
18 reappointed to the Board for a term that would cause continuous  
19 service on the Board to be longer than 8 years.

20           (j) The membership of the Board shall reasonably reflect  
21 representation from the various geographic areas of the State.

22           (k) A member of the Board shall be immune from suit in any  
23 action based upon any disciplinary proceedings or other  
24 activities performed in good faith as a member of the Board.

25           (l) The Secretary may remove a member of the Board for any  
26 cause that, in the opinion of the Secretary, reasonably

1 justifies termination.

2 (m) The Secretary may consider the recommendations of the  
3 Board on questions of standards of professional conduct,  
4 discipline, and qualification of candidates or licensees under  
5 this Act.

6 (n) The members of the Board shall be reimbursed for all  
7 legitimate, necessary, and authorized expenses.

8 (o) A majority of the Board members currently appointed  
9 shall constitute a quorum. A vacancy in the membership of the  
10 Board shall not impair the right of a quorum to exercise all  
11 the rights and perform all the duties of the Board.

12 (Source: P.A. 97-1098, eff. 7-1-13; revised 11-14-13.)

13 (225 ILCS 109/75)

14 Sec. 75. Refusal, revocation, or suspension.

15 (a) The Department may refuse to issue or renew, or may  
16 revoke, suspend, place on probation, reprimand, or take other  
17 disciplinary or nondisciplinary action, as the Department  
18 considers appropriate, including the imposition of fines not to  
19 exceed \$10,000 for each violation, with regard to any license  
20 or licensee for any one or more of the following:

21 (1) violations of this Act or of the rules adopted  
22 under this Act;

23 (2) discipline by the Department under other state law  
24 and rules which the licensee is subject to;

25 (3) conviction by plea of guilty or nolo contendere,

1 finding of guilt, jury verdict, or entry of judgment or by  
2 sentencing for any crime, including, but not limited to,  
3 convictions, preceding sentences of supervision,  
4 conditional discharge, or first offender probation, under  
5 the laws of any jurisdiction of the United States: (i) that  
6 is a felony; or (ii) that is a misdemeanor, an essential  
7 element of which is dishonesty, or that is directly related  
8 to the practice of the profession;

9 (4) professional incompetence;

10 (5) advertising in a false, deceptive, or misleading  
11 manner;

12 (6) aiding, abetting, assisting, procuring, advising,  
13 employing, or contracting with any unlicensed person to  
14 provide sex offender evaluation or treatment services  
15 contrary to any rules or provisions of this Act;

16 (7) engaging in immoral conduct in the commission of  
17 any act, such as sexual abuse, sexual misconduct, or sexual  
18 exploitation, related to the licensee's practice;

19 (8) engaging in dishonorable, unethical, or  
20 unprofessional conduct of a character likely to deceive,  
21 defraud, or harm the public;

22 (9) practicing or offering to practice beyond the scope  
23 permitted by law or accepting and performing professional  
24 responsibilities which the licensee knows or has reason to  
25 know that he or she is not competent to perform;

26 (10) knowingly delegating professional

1 responsibilities to a person unqualified by training,  
2 experience, or licensure to perform;

3 (11) failing to provide information in response to a  
4 written request made by the Department within 60 days;

5 (12) having a habitual or excessive use of or addiction  
6 to alcohol, narcotics, stimulants, or any other chemical  
7 agent or drug which results in the inability to practice  
8 with reasonable judgment, skill, or safety;

9 (13) having a pattern of practice or other behavior  
10 that demonstrates incapacity or incompetence to practice  
11 under this Act;

12 (14) discipline by another state, District of  
13 Columbia, territory, or foreign nation, if at least one of  
14 the grounds for the discipline is the same or substantially  
15 equivalent to those set forth in this Section;

16 (15) a finding by the Department that the licensee,  
17 after having his or her license placed on probationary  
18 status, has violated the terms of probation;

19 (16) willfully making or filing false records or  
20 reports in his or her practice, including, but not limited  
21 to, false records filed with State agencies or departments;

22 (17) making a material misstatement in furnishing  
23 information to the Department or otherwise making  
24 misleading, deceptive, untrue, or fraudulent  
25 representations in violation of this Act or otherwise in  
26 the practice of the profession;

1           (18) fraud or misrepresentation in applying for or  
2           procuring a license under this Act or in connection with  
3           applying for renewal of a license under this Act;

4           (19) inability to practice the profession with  
5           reasonable judgment, skill, or safety as a result of  
6           physical illness, including, but not limited to,  
7           deterioration through the aging process, loss of motor  
8           skill, or a mental illness or disability;

9           (20) charging for professional services not rendered,  
10          including filing false statements for the collection of  
11          fees for which services are not rendered; or

12          (21) practicing under a false or, except as provided by  
13          law, an assumed name.

14          All fines shall be paid within 60 days of the effective  
15          date of the order imposing the fine.

16          (b) The Department may refuse to issue or may suspend the  
17          license of any person who fails to file a tax return, to pay  
18          the tax, penalty, or interest shown in a filed tax return, or  
19          to pay any final assessment of tax, penalty, or interest, as  
20          required by any tax Act administered by the Illinois Department  
21          of Revenue, until such time as the requirements of the tax Act  
22          are satisfied in accordance with subsection (g) of Section  
23          2105-15 of the Civil Administrative Code of Illinois.

24          (c) The Department shall deny a license or renewal  
25          authorized by this Act to a person who has defaulted on an  
26          educational loan or scholarship provided or guaranteed by the

1 Illinois Student Assistance Commission or any governmental  
2 agency of this State in accordance with item (5) of subsection  
3 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of  
4 Illinois.

5 (d) In cases where the Department of Healthcare and Family  
6 Services has previously determined that a licensee or a  
7 potential licensee is more than 30 days delinquent in the  
8 payment of child support and has subsequently certified the  
9 delinquency to the Department, the Department may refuse to  
10 issue or renew or may revoke or suspend that person's license  
11 or may take other disciplinary action against that person based  
12 solely upon the certification of delinquency made by the  
13 Department of Healthcare and Family Services in accordance with  
14 item (5) of subsection (a) ~~(g)~~ of Section 2105-15 of the Civil  
15 Administrative Code of Illinois.

16 (e) The determination by a circuit court that a licensee is  
17 subject to involuntary admission or judicial admission, as  
18 provided in the Mental Health and Developmental Disabilities  
19 Code, operates as an automatic suspension. The suspension will  
20 end only upon a finding by a court that the patient is no  
21 longer subject to involuntary admission or judicial admission  
22 and the issuance of a court order so finding and discharging  
23 the patient.

24 (f) In enforcing this Act, the Department or Board, upon a  
25 showing of a possible violation, may compel an individual  
26 licensed to practice under this Act, or who has applied for

1 licensure under this Act, to submit to a mental or physical  
2 examination, or both, as required by and at the expense of the  
3 Department. The Department or Board may order the examining  
4 physician to present testimony concerning the mental or  
5 physical examination of the licensee or applicant. No  
6 information shall be excluded by reason of any common law or  
7 statutory privilege relating to communications between the  
8 licensee or applicant and the examining physician. The  
9 examining physician shall be specifically designated by the  
10 Board or Department. The individual to be examined may have, at  
11 his or her own expense, another physician of his or her choice  
12 present during all aspects of this examination. The examination  
13 shall be performed by a physician licensed to practice medicine  
14 in all its branches. Failure of an individual to submit to a  
15 mental or physical examination, when directed, shall result in  
16 an automatic suspension without hearing.

17 A person holding a license under this Act or who has  
18 applied for a license under this Act who, because of a physical  
19 or mental illness or disability, including, but not limited to,  
20 deterioration through the aging process or loss of motor skill,  
21 is unable to practice the profession with reasonable judgment,  
22 skill, or safety, may be required by the Department to submit  
23 to care, counseling, or treatment by physicians approved or  
24 designated by the Department as a condition, term, or  
25 restriction for continued, reinstated, or renewed licensure to  
26 practice. Submission to care, counseling, or treatment as

1 required by the Department shall not be considered discipline  
2 of a license. If the licensee refuses to enter into a care,  
3 counseling, or treatment agreement or fails to abide by the  
4 terms of the agreement, the Department may file a complaint to  
5 revoke, suspend, or otherwise discipline the license of the  
6 individual. The Secretary may order the license suspended  
7 immediately, pending a hearing by the Department. Fines shall  
8 not be assessed in disciplinary actions involving physical or  
9 mental illness or impairment.

10 In instances in which the Secretary immediately suspends a  
11 person's license under this Section, a hearing on that person's  
12 license must be convened by the Department within 15 days after  
13 the suspension and completed without appreciable delay. The  
14 Department and Board shall have the authority to review the  
15 subject individual's record of treatment and counseling  
16 regarding the impairment to the extent permitted by applicable  
17 federal statutes and regulations safeguarding the  
18 confidentiality of medical records.

19 An individual licensed under this Act and subject to action  
20 under this Section shall be afforded an opportunity to  
21 demonstrate to the Department or Board that he or she can  
22 resume practice in compliance with acceptable and prevailing  
23 standards under the provisions of his or her license.

24 (Source: P.A. 97-1098, eff. 7-1-13; revised 11-14-13.)

25 Section 445. The Perfusionist Practice Act is amended by



1 changing Section 105 as follows:

2 (225 ILCS 125/105)

3 (Section scheduled to be repealed on January 1, 2020)

4 Sec. 105. Disciplinary actions.

5 (a) The Department may refuse to issue, renew, or restore a  
6 license, or may revoke or suspend a license, or may place on  
7 probation, reprimand, or take other disciplinary or  
8 non-disciplinary action with regard to a person licensed under  
9 this Act, including but not limited to the imposition of fines  
10 not to exceed \$10,000 for each violation, for one or any  
11 combination of the following causes:

12 (1) Making a material misstatement in furnishing  
13 information to the Department.

14 (2) Violation of this Act or any rule promulgated under  
15 this Act.

16 (3) Conviction of, or entry of a plea of guilty or nolo  
17 contendere to, any crime that is a felony under the laws of  
18 the United States or any state or territory thereof, or any  
19 crime that is a misdemeanor of which an essential element  
20 is dishonesty, or any crime that is directly related to the  
21 practice as a perfusionist.

22 (4) Making a misrepresentation for the purpose of  
23 obtaining, renewing, or restoring a license.

24 (5) Aiding or assisting another person in violating a  
25 provision of this Act or its rules.

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

3           (7) Engaging in dishonorable, unethical, or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud, or harm the public, as defined by rule of the  
6 Department.

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

12           (9) Directly or indirectly giving to or receiving from  
13 a person, firm, corporation, partnership, or association a  
14 fee, commission, rebate, or other form of compensation for  
15 professional services not actually or personally rendered.  
16 Nothing in this paragraph (9) affects any bona fide  
17 independent contractor or employment arrangements among  
18 health care professionals, health facilities, health care  
19 providers, or other entities, except as otherwise  
20 prohibited by law. Any employment arrangements may include  
21 provisions for compensation, health insurance, pension, or  
22 other employment benefits for the provision of services  
23 within the scope of the licensee's practice under this Act.  
24 Nothing in this paragraph (9) shall be construed to require  
25 an employment arrangement to receive professional fees for  
26 services rendered.

1           (10) A finding by the Board that the licensee, after  
2           having his or her license placed on probationary status,  
3           has violated the terms of probation.

4           (11) Wilfully making or filing false records or reports  
5           in his or her practice, including but not limited to false  
6           records or reports filed with State agencies or  
7           departments.

8           (12) Wilfully making or signing a false statement,  
9           certificate, or affidavit to induce payment.

10          (13) Wilfully failing to report an instance of  
11          suspected child abuse or neglect as required under the  
12          Abused and Neglected Child Reporting Act.

13          (14) Being named as a perpetrator in an indicated  
14          report by the Department of Children and Family Services  
15          under the Abused and Neglected Child Reporting Act and upon  
16          proof by clear and convincing evidence that the licensee  
17          has caused a child to be an abused child or neglected child  
18          as defined in the Abused and Neglected Child Reporting Act.

19          (15) Employment of fraud, deception, or any unlawful  
20          means in applying for or securing a license as a  
21          perfusionist.

22          (16) Allowing another person to use his or her license  
23          to practice.

24          (17) Failure to report to the Department (A) any  
25          adverse final action taken against the licensee by another  
26          licensing jurisdiction, government agency, law enforcement

1 agency, or any court or (B) liability for conduct that  
2 would constitute grounds for action as set forth in this  
3 Section.

4 (18) Inability to practice the profession with  
5 reasonable judgment, skill or safety as a result of a  
6 physical illness, including but not limited to  
7 deterioration through the aging process or loss of motor  
8 skill, or a mental illness or disability.

9 (19) Inability to practice the profession for which he  
10 or she is licensed with reasonable judgment, skill, or  
11 safety as a result of habitual or excessive use or  
12 addiction to alcohol, narcotics, stimulants, or any other  
13 chemical agent or drug.

14 (20) Gross malpractice.

15 (21) Immoral conduct in the commission of an act  
16 related to the licensee's practice, including but not  
17 limited to sexual abuse, sexual misconduct, or sexual  
18 exploitation.

19 (22) Violation of the Health Care Worker Self-Referral  
20 Act.

21 (23) Solicitation of business or professional  
22 services, other than permitted advertising.

23 (24) Conviction of or cash compromise of a charge or  
24 violation of the Illinois Controlled Substances Act.

25 (25) Gross, willful, or continued overcharging for  
26 professional services, including filing false statements

1 for collection of fees for which services are not rendered.

2 (26) Practicing under a false name or, except as  
3 allowed by law, an assumed name.

4 (27) Violating any provision of this Act or the rules  
5 promulgated under this Act, including, but not limited to,  
6 advertising.

7 (b) A licensee or applicant who, because of a physical or  
8 mental illness or disability, including, but not limited to,  
9 deterioration through the aging process or loss of motor skill,  
10 is unable to practice the profession with reasonable judgment,  
11 skill, or safety, may be required by the Department to submit  
12 to care, counseling or treatment by physicians approved or  
13 designated by the Department, as a condition, term, or  
14 restriction for continued, reinstated, or renewed licensure to  
15 practice. Submission to care, counseling or treatment as  
16 required by the Department shall not be considered discipline  
17 of the licensee. If the licensee refuses to enter into a care,  
18 counseling or treatment agreement or fails to abide by the  
19 terms of the agreement the Department may file a complaint to  
20 suspend or revoke the license or otherwise discipline the  
21 licensee. The Secretary may order the license suspended  
22 immediately, pending a hearing by the Department. Fines shall  
23 not be assessed in the disciplinary actions involving physical  
24 or mental illness or impairment.

25 (b-5) The Department may refuse to issue or may suspend,  
26 without a hearing as provided for in the Civil Administrative

1 Code of Illinois, the license of a person who fails to file a  
2 return, to pay the tax, penalty, or interest shown in a filed  
3 return, or to pay any final assessment of tax, penalty, or  
4 interest as required by any tax Act administered by the  
5 Department of Revenue, until such time as the requirements of  
6 the tax Act are satisfied in accordance with subsection (g) of  
7 Section 2105-15 ~~15~~ of the Department of Professional Regulation  
8 Law of the Civil Administrative Code of Illinois (20 ILCS  
9 2105/2105-15).

10 (c) The determination by a circuit court that a licensee is  
11 subject to involuntary admission or judicial admission as  
12 provided in the Mental Health and Developmental Disabilities  
13 Code, as amended, operates as an automatic suspension. The  
14 suspension will end only upon a finding by a court that the  
15 licensee is no longer subject to the involuntary admission or  
16 judicial admission and issues an order so finding and  
17 discharging the licensee; and upon the recommendation of the  
18 Board to the Secretary that the licensee be allowed to resume  
19 his or her practice.

20 (d) In enforcing this Section, the Department or Board,  
21 upon a showing of a possible violation, may order a licensee or  
22 applicant to submit to a mental or physical examination, or  
23 both, at the expense of the Department. The Department or Board  
24 may order the examining physician to present testimony  
25 concerning his or her examination of the licensee or applicant.  
26 No information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the  
2 licensee or applicant and the examining physician. The  
3 examining physicians shall be specifically designated by the  
4 Board or Department. The licensee or applicant may have, at his  
5 or her own expense, another physician of his or her choice  
6 present during all aspects of the examination. Failure of a  
7 licensee or applicant to submit to any such examination when  
8 directed, without reasonable cause as defined by rule, shall be  
9 grounds for either the immediate suspension of his or her  
10 license or immediate denial of his or her application.

11 If the Secretary immediately suspends the license of a  
12 licensee for his or her failure to submit to a mental or  
13 physical examination when directed, a hearing must be convened  
14 by the Department within 15 days after the suspension and  
15 completed without appreciable delay.

16 If the Secretary otherwise suspends a license pursuant to  
17 the results of the licensee's mental or physical examination, a  
18 hearing must be convened by the Department within 15 days after  
19 the suspension and completed without appreciable delay. The  
20 Department and Board shall have the authority to review the  
21 licensee's record of treatment and counseling regarding the  
22 relevant impairment or impairments to the extent permitted by  
23 applicable federal statutes and regulations safeguarding the  
24 confidentiality of medical records.

25 Any licensee suspended or otherwise affected under this  
26 subsection (d) shall be afforded an opportunity to demonstrate

1 to the Department or Board that he or she can resume practice  
2 in compliance with the acceptable and prevailing standards  
3 under the provisions of his or her license.

4 (Source: P.A. 96-682, eff. 8-25-09; 96-1482, eff. 11-29-10;  
5 revised 11-14-13.)

6 Section 450. The Registered Surgical Assistant and  
7 Registered Surgical Technologist Title Protection Act is  
8 amended by changing Section 10 as follows:

9 (225 ILCS 130/10)

10 (Section scheduled to be repealed on January 1, 2024)

11 Sec. 10. Definitions. As used in this Act:

12 "Address of record" means the designated address recorded  
13 by the Department in the applicant's or registrant's  
14 application file or registration file as maintained by the  
15 Department's licensure maintenance unit. It is the duty of the  
16 applicant or registrant to inform the Department of any change  
17 of address and those changes must be made either through the  
18 Department's website or by contacting the Department.

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

21 "Direct supervision" means supervision by a licensed  
22 physician, licensed podiatric physician, or licensed dentist  
23 who is physically present and who personally directs delegated  
24 acts and remains available to personally respond to an



1 emergency until the patient is released from the operating  
2 room. A registered professional nurse may also provide direct  
3 supervision within the scope of his or her license. A  
4 registered surgical assistant or registered surgical  
5 technologist shall perform duties as assigned.

6 "Physician" means a person licensed to practice medicine in  
7 all of its branches under the Medical Practice Act of 1987.

8 "Registered surgical assistant" means a person who (i) is  
9 not licensed to practice medicine in all of its branches, (ii)  
10 is certified by the National Surgical Assistant Association as  
11 a Certified Surgical Assistant, the National Board of Surgical  
12 Technology and Surgical Assisting as a Certified Surgical First  
13 Assistant, or the American Board of Surgical Assistants as a  
14 Surgical Assistant-Certified, (iii) performs duties under  
15 direct supervision, (iv) provides services only in a licensed  
16 hospital, ambulatory treatment center, or office of a physician  
17 licensed to practice medicine in all its branches, and (v) is  
18 registered under this Act.

19 "Registered surgical technologist" means a person who (i)  
20 is not a physician licensed to practice medicine in all of its  
21 branches, (ii) is certified by the National Board for Surgical  
22 Technology and Surgical Assisting, (iii) performs duties under  
23 direct supervision, (iv) provides services only in a licensed  
24 hospital, ambulatory treatment center, or office of a physician  
25 licensed to practice medicine in all its branches, and (v) is  
26 registered under this Act.

1 "Secretary" means the Secretary of Financial and  
2 Professional Regulation.

3 (Source: P.A. 98-214, eff. 8-9-13; 98-364, eff. 12-31-13;  
4 revised 9-24-13.)

5 Section 455. The Illinois Architecture Practice Act of 1989  
6 is amended by changing Section 22 as follows:

7 (225 ILCS 305/22) (from Ch. 111, par. 1322)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 22. Refusal, suspension and revocation of licenses;  
10 Causes.

11 (a) The Department may, singularly or in combination,  
12 refuse to issue, renew or restore, or may suspend, revoke,  
13 place on probation, or take other disciplinary or  
14 non-disciplinary action as deemed appropriate, including, but  
15 not limited to, the imposition of fines not to exceed \$10,000  
16 for each violation, as the Department may deem proper, with  
17 regard to a license for any one or combination of the following  
18 causes:

19 (1) material misstatement in furnishing information to  
20 the Department;

21 (2) negligence, incompetence or misconduct in the  
22 practice of architecture;

23 (3) failure to comply with any of the provisions of  
24 this Act or any of the rules;

1           (4) making any misrepresentation for the purpose of  
2 obtaining licensure;

3           (5) purposefully making false statements or signing  
4 false statements, certificates or affidavits to induce  
5 payment;

6           (6) conviction of or plea of guilty or nolo contendere  
7 to any crime that is a felony under the laws of the United  
8 States or any state or territory thereof or that is a  
9 misdemeanor, an essential element of which is dishonesty,  
10 or any crime that is directly related to the practice of  
11 the profession of architecture;

12           (7) aiding or assisting another person in violating any  
13 provision of this Act or its rules;

14           (8) signing, affixing the architect's seal or  
15 permitting the architect's seal to be affixed to any  
16 technical submission not prepared by the architect or under  
17 that architect's responsible control;

18           (9) engaging in dishonorable, unethical or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud or harm the public;

21           (10) habitual or excessive use or addiction to alcohol,  
22 narcotics, stimulants, or any other chemical agent or drug  
23 that results in the inability to practice with reasonable  
24 judgment, skill, or safety;

25           (11) making a statement of compliance pursuant to the  
26 Environmental Barriers Act that technical submissions

1 prepared by the architect or prepared under the architect's  
2 responsible control for construction or alteration of an  
3 occupancy required to be in compliance with the  
4 Environmental Barriers Act are in compliance with the  
5 Environmental Barriers Act when such technical submissions  
6 are not in compliance;

7 (12) a finding by the Board that an applicant or  
8 registrant has failed to pay a fine imposed by the  
9 Department or a registrant, whose license has been placed  
10 on probationary status, has violated the terms of  
11 probation;

12 (13) discipline by another state, territory, foreign  
13 country, the District of Columbia, the United States  
14 government, or any other governmental agency, if at least  
15 one of the grounds for discipline is the same or  
16 substantially equivalent to those set forth herein;

17 (14) failure to provide information in response to a  
18 written request made by the Department within 30 days after  
19 the receipt of such written request;

20 (15) physical illness, including, but not limited to,  
21 deterioration through the aging process or loss of motor  
22 skill, mental illness, or disability which results in the  
23 inability to practice the profession with reasonable  
24 judgment, skill, and safety, including without limitation  
25 deterioration through the aging process, mental illness,  
26 or disability.

1           (a-5) In enforcing this Section, the Department or Board,  
2 upon a showing of a possible violation, may order a licensee or  
3 applicant to submit to a mental or physical examination, or  
4 both, at the expense of the Department. The Department or Board  
5 may order the examining physician to present testimony  
6 concerning his or her examination of the licensee or applicant.  
7 No information shall be excluded by reason of any common law or  
8 statutory privilege relating to communications between the  
9 licensee or applicant and the examining physician. The  
10 examining physicians shall be specifically designated by the  
11 Board or Department. The licensee or applicant may have, at his  
12 or her own expense, another physician of his or her choice  
13 present during all aspects of the examination. Failure of a  
14 licensee or applicant to submit to any such examination when  
15 directed, without reasonable cause as defined by rule, shall be  
16 grounds for either the immediate suspension of his or her  
17 license or immediate denial of his or her application.

18           If the Secretary immediately suspends the license of a  
19 licensee for his or her failure to submit to a mental or  
20 physical examination when directed, a hearing must be convened  
21 by the Department within 15 days after the suspension and  
22 completed without appreciable delay.

23           If the Secretary otherwise suspends a license pursuant to  
24 the results of the licensee's mental or physical examination, a  
25 hearing must be convened by the Department within 15 days after  
26 the suspension and completed without appreciable delay. The

1 Department and Board shall have the authority to review the  
2 licensee's record of treatment and counseling regarding the  
3 relevant impairment or impairments to the extent permitted by  
4 applicable federal statutes and regulations safeguarding the  
5 confidentiality of medical records.

6 Any licensee suspended under this subsection (a-5) shall be  
7 afforded an opportunity to demonstrate to the Department or  
8 Board that he or she can resume practice in compliance with the  
9 acceptable and prevailing standards under the provisions of his  
10 or her license.

11 (b) The determination by a circuit court that a licensee is  
12 subject to involuntary admission or judicial admission, as  
13 provided in the Mental Health and Developmental Disabilities  
14 Code, operates as an automatic suspension. Such suspension will  
15 end only upon a finding by a court that the patient is no  
16 longer subject to involuntary admission or judicial admission,  
17 the issuance of an order so finding and discharging the  
18 patient, and the recommendation of the Board to the Secretary  
19 that the licensee be allowed to resume practice.

20 (c) The Department shall deny a license or renewal  
21 authorized by this Act to a person who has defaulted on an  
22 educational loan or scholarship provided or guaranteed by the  
23 Illinois Student Assistance Commission or any governmental  
24 agency of this State in accordance with subdivision (a)(5) of  
25 Section 2105-15 ~~45~~ of the Department of Professional Regulation  
26 Law of the Civil Administrative Code of Illinois.

1           (d) In cases where the Department of Healthcare and Family  
2 Services (formerly the Department of Public Aid) has previously  
3 determined that a licensee or a potential licensee is more than  
4 30 days delinquent in the payment of child support and has  
5 subsequently certified the delinquency to the Department, the  
6 Department shall refuse to issue or renew or shall revoke or  
7 suspend that person's license or shall take other disciplinary  
8 action against that person based solely upon the certification  
9 of delinquency made by the Department of Healthcare and Family  
10 Services in accordance with subdivision (a)(5) of Section  
11 2105-15 ~~15~~ of the Department of Professional Regulation Law of  
12 the Civil Administrative Code of Illinois.

13           (e) The Department shall deny a license or renewal  
14 authorized by this Act to a person who has failed to file a  
15 return, to pay the tax, penalty, or interest shown in a filed  
16 return, or to pay any final assessment of tax, penalty, or  
17 interest as required by any tax Act administered by the  
18 Department of Revenue, until such time as the requirements of  
19 the tax Act are satisfied in accordance with subsection (g) of  
20 Section 2105-15 ~~15~~ of the Department of Professional Regulation  
21 Law of the Civil Administrative Code of Illinois.

22           (f) Persons who assist the Department as consultants or  
23 expert witnesses in the investigation or prosecution of alleged  
24 violations of the Act, licensure matters, restoration  
25 proceedings, or criminal prosecutions, shall not be liable for  
26 damages in any civil action or proceeding as a result of such

1 assistance, except upon proof of actual malice. The attorney  
2 general shall defend such persons in any such action or  
3 proceeding.

4 (Source: P.A. 96-610, eff. 8-24-09; revised 11-14-13.)

5 Section 460. The Professional Engineering Practice Act of  
6 1989 is amended by changing Sections 24 and 46 as follows:

7 (225 ILCS 325/24) (from Ch. 111, par. 5224)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 24. Rules of professional conduct; disciplinary or  
10 administrative action.

11 (a) The Department shall adopt rules setting standards of  
12 professional conduct and establish appropriate penalties  
13 ~~penalty~~ for the breach of such rules.

14 (a-1) The Department may, singularly or in combination,  
15 refuse to issue, renew, or restore a license or may revoke,  
16 suspend, place on probation, reprimand, or take other  
17 disciplinary or non-disciplinary action with regard to a person  
18 licensed under this Act, including but not limited to, the  
19 imposition of a fine not to exceed \$10,000 per violation upon  
20 any person, corporation, partnership, or professional design  
21 firm licensed or registered under this Act, for any one or  
22 combination of the following causes:

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



1 (2) Violations of this Act or any of its rules.

2 (3) Conviction of or entry of a plea of guilty or nolo  
3 contendere to any crime that is a felony under the laws of  
4 the United States or any state or territory thereof, or  
5 that is a misdemeanor, an essential element of which is  
6 dishonesty, or any crime that is directly related to the  
7 practice of engineering.

8 (4) Making any misrepresentation for the purpose of  
9 obtaining, renewing, or restoring a license or violating  
10 any provision of this Act or the rules promulgated under  
11 this Act pertaining to advertising.

12 (5) Willfully making or signing a false statement,  
13 certificate, or affidavit to induce payment.

14 (6) Negligence, incompetence or misconduct in the  
15 practice of professional engineering as a licensed  
16 professional engineer or in working as an engineer intern.

17 (7) Aiding or assisting another person in violating any  
18 provision of this Act or its rules.

19 (8) Failing to provide information in response to a  
20 written request made by the Department within 30 days after  
21 receipt of such written request.

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

25 (10) Inability to practice the profession with  
26 reasonable judgment, skill, or safety as a result of a

1 physical illness, including, but not limited to,  
2 deterioration through the aging process or loss of motor  
3 skill, or mental illness or disability.

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

9 (12) Directly or indirectly giving to or receiving from  
10 any person, firm, corporation, partnership or association  
11 any fee, commission, rebate or other form of compensation  
12 for any professional services not actually or personally  
13 rendered.

14 (13) A finding by the Department that an applicant or  
15 registrant has failed to pay a fine imposed by the  
16 Department, a registrant whose license has been placed on  
17 probationary status has violated the terms of probation, or  
18 a registrant has practiced on an expired, inactive,  
19 suspended, or revoked license.

20 (14) Signing, affixing the professional engineer's  
21 seal or permitting the professional engineer's seal to be  
22 affixed to any technical submissions not prepared as  
23 required by Section 14 or completely reviewed by the  
24 professional engineer or under the professional engineer's  
25 direct supervision.

26 (15) Inability to practice the profession with

1 reasonable judgment, skill or safety as a result of  
2 habitual or excessive use or addiction to alcohol,  
3 narcotics, stimulants, or any other chemical agent or drug.

4 (16) The making of a statement pursuant to the  
5 Environmental Barriers Act that a plan for construction or  
6 alteration of a public facility or for construction of a  
7 multi-story housing unit is in compliance with the  
8 Environmental Barriers Act when such plan is not in  
9 compliance.

10 (17) (Blank).

11 (a-2) The Department shall deny a license or renewal  
12 authorized by this Act to a person who has failed to file a  
13 return, to pay the tax, penalty, or interest shown in a filed  
14 return, or to pay any final assessment of tax, penalty, or  
15 interest as required by any tax Act administered by the  
16 Department of Revenue, until such time as the requirements of  
17 the tax Act are satisfied in accordance with subsection (g) of  
18 Section 2105-15 ~~15~~ of the Department of Professional Regulation  
19 Law of the Civil Administrative Code of Illinois (20 ILCS  
20 2105/2105-15).

21 (a-3) The Department shall deny a license or renewal  
22 authorized by this Act to a person who has defaulted on an  
23 educational loan or scholarship provided or guaranteed by the  
24 Illinois Student Assistance Commission or any governmental  
25 agency of this State in accordance with subdivision (a)(5) of  
26 Section 2105-15 ~~15~~ of the Department of Professional Regulation

1 Law of the Civil Administrative Code of Illinois (20 ILCS  
2 2105/2105-15).

3 (a-4) In cases where the Department of Healthcare and  
4 Family Services (formerly the Department of Public Aid) has  
5 previously determined that a licensee or a potential licensee  
6 is more than 30 days delinquent in the payment of child support  
7 and has subsequently certified the delinquency to the  
8 Department, the Department shall refuse to issue or renew or  
9 shall revoke or suspend that person's license or shall take  
10 other disciplinary action against that person based solely upon  
11 the certification of delinquency made by the Department of  
12 Healthcare and Family Services in accordance with subdivision  
13 (a) (5) of Section 2105-15 ~~15~~ of the Department of Professional  
14 Regulation Law of the Civil Administrative Code of Illinois (20  
15 ILCS 2105/2105-15).

16 (a-5) In enforcing this Section, the Department or Board,  
17 upon a showing of a possible violation, may order a licensee or  
18 applicant to submit to a mental or physical examination, or  
19 both, at the expense of the Department. The Department or Board  
20 may order the examining physician to present testimony  
21 concerning his or her examination of the licensee or applicant.  
22 No information shall be excluded by reason of any common law or  
23 statutory privilege relating to communications between the  
24 licensee or applicant and the examining physician. The  
25 examining physicians shall be specifically designated by the  
26 Board or Department. The licensee or applicant may have, at his

1 or her own expense, another physician of his or her choice  
2 present during all aspects of the examination. Failure of a  
3 licensee or applicant to submit to any such examination when  
4 directed, without reasonable cause as defined by rule, shall be  
5 grounds for either the immediate suspension of his or her  
6 license or immediate denial of his or her application.

7 If the Secretary immediately suspends the license of a  
8 licensee for his or her failure to submit to a mental or  
9 physical examination when directed, a hearing must be convened  
10 by the Department within 15 days after the suspension and  
11 completed without appreciable delay.

12 If the Secretary otherwise suspends a license pursuant to  
13 the results of the licensee's mental or physical examination, a  
14 hearing must be convened by the Department within 15 days after  
15 the suspension and completed without appreciable delay. The  
16 Department and Board shall have the authority to review the  
17 licensee's record of treatment and counseling regarding the  
18 relevant impairment or impairments to the extent permitted by  
19 applicable federal statutes and regulations safeguarding the  
20 confidentiality of medical records.

21 Any licensee suspended under this subsection (a-5) shall be  
22 afforded an opportunity to demonstrate to the Department or  
23 Board that he or she can resume practice in compliance with the  
24 acceptable and prevailing standards under the provisions of his  
25 or her license.

26 (b) The determination by a circuit court that a registrant

1 is subject to involuntary admission or judicial admission as  
2 provided in the Mental Health and Developmental Disabilities  
3 Code, as now or hereafter amended, operates as an automatic  
4 suspension. Such suspension will end only upon a finding by a  
5 court that the patient is no longer subject to involuntary  
6 admission or judicial admission, the issuance of an order so  
7 finding and discharging the patient, and the recommendation of  
8 the Board to the Director that the registrant be allowed to  
9 resume practice.

10 (Source: P.A. 96-626, eff. 8-24-09; revised 11-13-13.)

11 (225 ILCS 325/46) (from Ch. 111, par. 5246)

12 (Section scheduled to be repealed on January 1, 2020)

13 Sec. 46. Home rule. The regulation and licensing of  
14 professional engineers is an exclusive power and function of  
15 the State. Pursuant to subsection (h) of Section 6 of Article  
16 VII 7 of the Illinois Constitution, a home rule unit may not  
17 regulate or license the occupation of professional engineer.  
18 This section is a denial and limitation of home rule powers and  
19 functions.

20 (Source: P.A. 86-667; revised 11-12-13.)

21 Section 465. The Illinois Professional Land Surveyor Act of  
22 1989 is amended by changing Sections 27 and 47 as follows:

23 (225 ILCS 330/27) (from Ch. 111, par. 3277)

1 (Section scheduled to be repealed on January 1, 2020)

2 Sec. 27. Grounds for disciplinary action.

3 (a) The Department may refuse to issue or renew a license,  
4 or may place on probation or administrative supervision,  
5 suspend, or revoke any license, or may reprimand or take any  
6 disciplinary or non-disciplinary action as the Department may  
7 deem proper, including the imposition of fines not to exceed  
8 \$10,000 per violation, upon any person, corporation,  
9 partnership, or professional land surveying firm licensed or  
10 registered under this Act for any of the following reasons:

11 (1) material misstatement in furnishing information to  
12 the Department;

13 (2) violation, including, but not limited to, neglect  
14 or intentional disregard, of this Act, or its rules;

15 (3) conviction of, or entry of a plea of guilty or nolo  
16 contendere to, any crime that is a felony under the laws of  
17 the United States or any state or territory thereof or that  
18 is a misdemeanor of which an essential element is  
19 dishonesty, or any crime that is directly related to the  
20 practice of the profession;

21 (4) making any misrepresentation for the purpose of  
22 obtaining a license, or in applying for restoration or  
23 renewal, or the practice of any fraud or deceit in taking  
24 any examination to qualify for licensure under this Act;

25 (5) purposefully making false statements or signing  
26 false statements, certificates, or affidavits to induce

1 payment;

2 (6) proof of carelessness, incompetence, negligence,  
3 or misconduct in practicing land surveying;

4 (7) aiding or assisting another person in violating any  
5 provision of this Act or its rules;

6 (8) failing to provide information in response to a  
7 written request made by the Department within 30 days after  
8 receipt of such written request;

9 (9) engaging in dishonorable, unethical, or  
10 unprofessional conduct of a character likely to deceive,  
11 defraud, or harm the public;

12 (10) inability to practice with reasonable judgment,  
13 skill, or safety as a result of habitual or excessive use  
14 of, or addiction to, alcohol, narcotics, stimulants or any  
15 other chemical agent or drug;

16 (11) discipline by the United States government,  
17 another state, District of Columbia, territory, foreign  
18 nation or government agency if at least one of the grounds  
19 for the discipline is the same or substantially equivalent  
20 to those set forth in this Act;

21 (12) directly or indirectly giving to or receiving from  
22 any person, firm, corporation, partnership, or association  
23 any fee, commission, rebate, or other form of compensation  
24 for any professional services not actually or personally  
25 rendered;

26 (12.5) issuing a map or plat of survey where the fee



1 for professional services is contingent on a real estate  
2 transaction closing;

3 (13) a finding by the Department that an applicant or  
4 licensee has failed to pay a fine imposed by the Department  
5 or a licensee whose license has been placed on probationary  
6 status has violated the terms of probation;

7 (14) practicing on an expired, inactive, suspended, or  
8 revoked license;

9 (15) signing, affixing the Professional Land  
10 Surveyor's seal or permitting the Professional Land  
11 Surveyor's seal to be affixed to any map or plat of survey  
12 not prepared by the Professional Land Surveyor or under the  
13 Professional Land Surveyor's direct supervision and  
14 control;

15 (16) inability to practice the profession with  
16 reasonable judgment, skill, or safety as a result of  
17 physical illness, including, but not limited to,  
18 deterioration through the aging process or loss of motor  
19 skill or a mental illness or disability;

20 (17) (blank); or

21 (18) failure to adequately supervise or control land  
22 surveying operations being performed by subordinates.

23 (a-5) In enforcing this Section, the Department or Board,  
24 upon a showing of a possible violation, may compel a person  
25 licensed to practice under this Act, or who has applied for  
26 licensure or certification pursuant to this Act, to submit to a

1 mental or physical examination, or both, as required by and at  
2 the expense of the Department. The Department or Board may  
3 order the examining physician to present testimony concerning  
4 the mental or physical examination of the licensee or  
5 applicant. No information shall be excluded by reason of any  
6 common law or statutory privilege relating to communications  
7 between the licensee or applicant and the examining physician.  
8 The examining physicians shall be specifically designated by  
9 the Board or Department. The individual to be examined may  
10 have, at his or her own expense, another physician of his or  
11 her choice present during all aspects of the examination.  
12 Failure of an individual to submit to a mental or physical  
13 examination when directed shall be grounds for the immediate  
14 suspension of his or her license until the individual submits  
15 to the examination if the Department finds that the refusal to  
16 submit to the examination was without reasonable cause as  
17 defined by rule.

18 If the Secretary immediately suspends the license of a  
19 licensee for his or her failure to submit to a mental or  
20 physical examination when directed, a hearing must be convened  
21 by the Department within 15 days after the suspension and  
22 completed without appreciable delay.

23 If the Secretary otherwise suspends a person's license  
24 pursuant to the results of a compelled mental or physical  
25 examination, a hearing on that person's license must be  
26 convened by the Department within 15 days after the suspension

1 and completed without appreciable delay. The Department and  
2 Board shall have the authority to review the subject  
3 individual's record of treatment and counseling regarding  
4 impairment to the extent permitted by applicable federal  
5 statutes and regulations safeguarding the confidentiality of  
6 medical records.

7 Any licensee suspended under this subsection (a-5) shall be  
8 afforded an opportunity to demonstrate to the Department or  
9 Board that he or she can resume practice in compliance with the  
10 acceptable and prevailing standards under the provisions of his  
11 or her license.

12 (b) The determination by a circuit court that a licensee is  
13 subject to involuntary admission or judicial admission as  
14 provided in the Mental Health and Developmental Disabilities  
15 Code, as now or hereafter amended, operates as an automatic  
16 license suspension. Such suspension will end only upon a  
17 finding by a court that the patient is no longer subject to  
18 involuntary admission or judicial admission and the issuance of  
19 an order so finding and discharging the patient and upon the  
20 recommendation of the Board to the Director that the licensee  
21 be allowed to resume his or her practice.

22 (c) The Department shall deny a license or renewal  
23 authorized by this Act to a person who has defaulted on an  
24 educational loan or scholarship provided or guaranteed by the  
25 Illinois Student Assistance Commission or any governmental  
26 agency of this State in accordance with subdivision (a) (5) of

1 Section 2105-15 ~~45~~ of the Department of Professional Regulation  
2 Law of the Civil Administrative Code of Illinois (20 ILCS  
3 2105/2105-15).

4 (d) In cases where the Department of Healthcare and Family  
5 Services (formerly the Department of Public Aid) has previously  
6 determined that a licensee or a potential licensee is more than  
7 30 days delinquent in the payment of child support and has  
8 subsequently certified the delinquency to the Department, the  
9 Department shall refuse to issue or renew or shall revoke or  
10 suspend that person's license or shall take other disciplinary  
11 action against that person based solely upon the certification  
12 of delinquency made by the Department of Healthcare and Family  
13 Services in accordance with subdivision (a)(5) of Section  
14 2105-15 ~~45~~ of the Department of Professional Regulation Law of  
15 the Civil Administrative Code of Illinois (20 ILCS  
16 2105/2105-15).

17 (e) The Department shall refuse to issue or renew or shall  
18 revoke or suspend a person's license or shall take other  
19 disciplinary action against that person for his or her failure  
20 to file a return, to pay the tax, penalty, or interest shown in  
21 a filed return, or to pay any final assessment of tax, penalty,  
22 or interest as required by any tax Act administered by the  
23 Department of Revenue, until such time as the requirements of  
24 the tax Act are satisfied in accordance with subsection (g) of  
25 Section 2105-15 ~~45~~ of the Department of Professional Regulation  
26 Law of the Civil Administrative Code of Illinois (20 ILCS

1 2105/2105-15).

2 (Source: P.A. 96-626, eff. 8-24-09; revised 11-14-13.)

3 (225 ILCS 330/47) (from Ch. 111, par. 3297)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 47. Home rule. Pursuant to subsection (h) of Section 6  
6 of Article VII 7 of the Illinois Constitution, a home rule unit  
7 may not regulate the profession of land surveying in a manner  
8 more restrictive than the regulation by the State of the  
9 profession of land surveying as provided in this Act. This  
10 Section is a limitation on the concurrent exercise by home rule  
11 units of powers and functions exercised by the State.

12 (Source: P.A. 86-987; revised 11-14-13.)

13 Section 470. The Structural Engineering Practice Act of  
14 1989 is amended by changing Sections 20 and 37 as follows:

15 (225 ILCS 340/20) (from Ch. 111, par. 6620)

16 (Section scheduled to be repealed on January 1, 2020)

17 Sec. 20. Refusal; revocation; suspension.

18 (a) The Department may refuse to issue or renew, or may  
19 revoke a license, or may suspend, place on probation, fine, or  
20 take any disciplinary or non-disciplinary action as the  
21 Department may deem proper, including a fine not to exceed  
22 \$10,000 for each violation, with regard to any licensee for any  
23 one or combination of the following reasons:

1           (1) Material misstatement in furnishing information to  
2 the Department;

3           (2) Negligence, incompetence or misconduct in the  
4 practice of structural engineering;

5           (3) Making any misrepresentation for the purpose of  
6 obtaining licensure;

7           (4) The affixing of a licensed structural engineer's  
8 seal to any plans, specifications or drawings which have  
9 not been prepared by or under the immediate personal  
10 supervision of that licensed structural engineer or  
11 reviewed as provided in this Act;

12           (5) Conviction of, or entry of a plea of guilty or nolo  
13 contendere to, any crime that is a felony under the laws of  
14 the United States or of any state or territory thereof, or  
15 that is a misdemeanor an essential element of which is  
16 dishonesty, or any crime that is directly related to the  
17 practice of the profession;

18           (6) Making a statement of compliance pursuant to the  
19 Environmental Barriers Act, as now or hereafter amended,  
20 that a plan for construction or alteration of a public  
21 facility or for construction of a multi-story housing unit  
22 is in compliance with the Environmental Barriers Act when  
23 such plan is not in compliance;

24           (7) Failure to comply with any of the provisions of  
25 this Act or its rules;

26           (8) Aiding or assisting another person in violating any

1 provision of this Act or its rules;

2 (9) Engaging in dishonorable, unethical or  
3 unprofessional conduct of a character likely to deceive,  
4 defraud or harm the public, as defined by rule;

5 (10) Habitual or excessive use or addiction to alcohol,  
6 narcotics, stimulants, or any other chemical agent or drug  
7 that results in the inability to practice with reasonable  
8 judgment, skill, or safety;

9 (11) Failure of an applicant or licensee to pay a fine  
10 imposed by the Department or a licensee whose license has  
11 been placed on probationary status has violated the terms  
12 of probation;

13 (12) Discipline by another state, territory, foreign  
14 country, the District of Columbia, the United States  
15 government, or any other governmental agency, if at least  
16 one of the grounds for discipline is the same or  
17 substantially equivalent to those set forth in this  
18 Section;

19 (13) Failure to provide information in response to a  
20 written request made by the Department within 30 days after  
21 the receipt of such written request; or

22 (14) Physical illness, including but not limited to,  
23 deterioration through the aging process or loss of motor  
24 skill, mental illness, or disability which results in the  
25 inability to practice the profession of structural  
26 engineering with reasonable judgment, skill, or safety.

1 (a-5) In enforcing this Section, the Department or Board,  
2 upon a showing of a possible violation, may order a licensee or  
3 applicant to submit to a mental or physical examination, or  
4 both, at the expense of the Department. The Department or Board  
5 may order the examining physician to present testimony  
6 concerning his or her examination of the licensee or applicant.  
7 No information shall be excluded by reason of any common law or  
8 statutory privilege relating to communications between the  
9 licensee or applicant and the examining physician. The  
10 examining physicians shall be specifically designated by the  
11 Board or Department. The licensee or applicant may have, at his  
12 or her own expense, another physician of his or her choice  
13 present during all aspects of the examination. Failure of a  
14 licensee or applicant to submit to any such examination when  
15 directed, without reasonable cause as defined by rule, shall be  
16 grounds for either the immediate suspension of his or her  
17 license or immediate denial of his or her application.

18 If the Secretary immediately suspends the license of a  
19 licensee for his or her failure to submit to a mental or  
20 physical examination when directed, a hearing must be convened  
21 by the Department within 15 days after the suspension and  
22 completed without appreciable delay.

23 If the Secretary otherwise suspends a license pursuant to  
24 the results of the licensee's mental or physical examination, a  
25 hearing must be convened by the Department within 15 days after  
26 the suspension and completed without appreciable delay. The



1 Department and Board shall have the authority to review the  
2 licensee's record of treatment and counseling regarding the  
3 relevant impairment or impairments to the extent permitted by  
4 applicable federal statutes and regulations safeguarding the  
5 confidentiality of medical records.

6 Any licensee suspended under this subsection (a-5) shall be  
7 afforded an opportunity to demonstrate to the Department or  
8 Board that he or she can resume practice in compliance with the  
9 acceptable and prevailing standards under the provisions of his  
10 or her license.

11 (b) The determination by a circuit court that a licensee is  
12 subject to involuntary admission or judicial admission, as  
13 provided in the Mental Health and Developmental Disabilities  
14 Code, operates as an automatic suspension. Such suspension will  
15 end only upon a finding by a court that the patient is no  
16 longer subject to involuntary admission or judicial admission,  
17 the issuance of an order so finding and discharging the  
18 patient, and the recommendation of the Board to the Secretary  
19 that the licensee be allowed to resume practice.

20 (c) The Department shall deny a license or renewal  
21 authorized by this Act to a person who has defaulted on an  
22 educational loan or scholarship provided or guaranteed by the  
23 Illinois Student Assistance Commission or any governmental  
24 agency of this State in accordance with subdivision (a)(5) of  
25 Section 2105-15 ~~45~~ of the Department of Professional Regulation  
26 Law of the Civil Administrative Code of Illinois.

1           (d) In cases where the Department of Healthcare and Family  
2 Services (formerly the Department of Public Aid) has previously  
3 determined that a licensee or a potential licensee is more than  
4 30 days delinquent in the payment of child support and has  
5 subsequently certified the delinquency to the Department, the  
6 Department shall refuse to issue or renew or shall revoke or  
7 suspend that person's license or shall take other disciplinary  
8 action against that person based solely upon the certification  
9 of delinquency made by the Department of Healthcare and Family  
10 Services in accordance with subdivision (a)(5) of Section  
11 2105-15 ~~15~~ of the Department of Professional Regulation Law of  
12 the Civil Administrative Code of Illinois.

13           (e) The Department shall deny a license or renewal  
14 authorized by this Act to a person who has failed to file a  
15 return, to pay the tax, penalty, or interest shown in a filed  
16 return, or to pay any final assessment of tax, penalty, or  
17 interest as required by any tax Act administered by the  
18 Department of Revenue, until such time as the requirements of  
19 the tax Act are satisfied in accordance with subsection (g) of  
20 Section 2105-15 ~~15~~ of the Department of Professional Regulation  
21 Law of the Civil Administrative Code of Illinois.

22           (f) Persons who assist the Department as consultants or  
23 expert witnesses in the investigation or prosecution of alleged  
24 violations of the Act, licensure matters, restoration  
25 proceedings, or criminal prosecutions, are not liable for  
26 damages in any civil action or proceeding as a result of such

1 assistance, except upon proof of actual malice. The Attorney  
2 General of the State of Illinois shall defend such persons in  
3 any such action or proceeding.

4 (Source: P.A. 96-610, eff. 8-24-09; revised 11-12-13.)

5 (225 ILCS 340/37) (from Ch. 111, par. 6637)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 37. Pursuant to subsection (i) of Section 6 of Article  
8 VII 7 of the Illinois Constitution, a home rule unit may not  
9 regulate the profession of structural engineering in a manner  
10 more restrictive than the regulation by the State of the  
11 profession of structural engineering as provided in this Act.  
12 This Section is a limitation on the concurrent exercise by home  
13 rule units of powers and functions exercised by the State.

14 (Source: P.A. 86-711; revised 11-14-13.)

15 Section 475. The Illinois Certified Shorthand Reporters  
16 Act of 1984 is amended by changing Sections 23 and 23.2a as  
17 follows:

18 (225 ILCS 415/23) (from Ch. 111, par. 6223)

19 (Section scheduled to be repealed on January 1, 2024)

20 Sec. 23. Grounds for disciplinary action.

21 (a) The Department may refuse to issue or renew, or may  
22 revoke, suspend, place on probation, reprimand or take other  
23 disciplinary or non-disciplinary action as the Department may

1 deem appropriate, including imposing fines not to exceed  
2 \$10,000 for each violation and the assessment of costs as  
3 provided for in Section 23.3 of this Act, with regard to any  
4 license for any one or combination of the following:

5 (1) Material misstatement in furnishing information to  
6 the Department;

7 (2) Violations of this Act, or of the rules promulgated  
8 thereunder;

9 (3) Conviction by plea of guilty or nolo contendere,  
10 finding of guilt, jury verdict, or entry of judgment or by  
11 sentencing of any crime, including, but not limited to,  
12 convictions, preceding sentences of supervision,  
13 conditional discharge, or first offender probation under  
14 the laws of any jurisdiction of the United States: (i) that  
15 is a felony or (ii) that is a misdemeanor, an essential  
16 element of which is dishonesty, or that is directly related  
17 to the practice of the profession;

18 (4) Fraud or any misrepresentation in applying for or  
19 procuring a license under this Act or in connection with  
20 applying for renewal of a license under this Act;

21 (5) Professional incompetence;

22 (6) Aiding or assisting another person, firm,  
23 partnership or corporation in violating any provision of  
24 this Act or rules;

25 (7) Failing, within 60 days, to provide information in  
26 response to a written request made by the Department;

1           (8) Engaging in dishonorable, unethical or  
2 unprofessional conduct of a character likely to deceive,  
3 defraud or harm the public;

4           (9) Habitual or excessive use or abuse of drugs defined  
5 in law as controlled substances, alcohol, or any other  
6 substances that results in the inability to practice with  
7 reasonable judgment, skill, or safety;

8           (10) Discipline by another state, unit of government,  
9 government agency, the District of Columbia, a territory,  
10 or foreign nation, if at least one of the grounds for the  
11 discipline is the same or substantially equivalent to those  
12 set forth herein;

13           (11) Charging for professional services not rendered,  
14 including filing false statements for the collection of  
15 fees for which services were not rendered, or giving,  
16 directly or indirectly, any gift or anything of value to  
17 attorneys or their staff or any other persons or entities  
18 associated with any litigation, that exceeds \$100 total per  
19 year; for the purposes of this Section, pro bono services,  
20 as defined by State law, are permissible in any amount;

21           (12) A finding by the Board that the certificate  
22 holder, after having his certificate placed on  
23 probationary status, has violated the terms of probation;

24           (13) Willfully making or filing false records or  
25 reports in the practice of shorthand reporting, including  
26 but not limited to false records filed with State agencies

1 or departments;

2 (14) Physical illness, including but not limited to,  
3 deterioration through the aging process, or loss of motor  
4 skill which results in the inability to practice under this  
5 Act with reasonable judgment, skill or safety;

6 (15) Solicitation of professional services other than  
7 by permitted advertising;

8 (16) Willful failure to take full and accurate  
9 stenographic notes of any proceeding;

10 (17) Willful alteration of any stenographic notes  
11 taken at any proceeding;

12 (18) Willful failure to accurately transcribe verbatim  
13 any stenographic notes taken at any proceeding;

14 (19) Willful alteration of a transcript of  
15 stenographic notes taken at any proceeding;

16 (20) Affixing one's signature to any transcript of his  
17 stenographic notes or certifying to its correctness unless  
18 the transcript has been prepared by him or under his  
19 immediate supervision;

20 (21) Willful failure to systematically retain  
21 stenographic notes or transcripts on paper or any  
22 electronic media for 10 years from the date that the notes  
23 or transcripts were taken;

24 (22) Failure to deliver transcripts in a timely manner  
25 or in accordance with contractual agreements;

26 (23) Establishing contingent fees as a basis of

1 compensation;

2 (24) Mental illness or disability that results in the  
3 inability to practice under this Act with reasonable  
4 judgment, skill, or safety;

5 (25) Practicing under a false or assumed name, except  
6 as provided by law;

7 (26) Cheating on or attempting to subvert the licensing  
8 examination administered under this Act;

9 (27) Allowing one's license under this Act to be used  
10 by an unlicensed person in violation of this Act.

11 All fines imposed under this Section shall be paid within  
12 60 days after the effective date of the order imposing the fine  
13 or in accordance with the terms set forth in the order imposing  
14 the fine.

15 (b) The determination by a circuit court that a certificate  
16 holder is subject to involuntary admission or judicial  
17 admission as provided in the Mental Health and Developmental  
18 Disabilities Code, operates as an automatic suspension. Such  
19 suspension will end only upon a finding by a court that the  
20 patient is no longer subject to involuntary admission or  
21 judicial admission, an order by the court so finding and  
22 discharging the patient. In any case where a license is  
23 suspended under this Section, the licensee may file a petition  
24 for restoration and shall include evidence acceptable to the  
25 Department that the licensee can resume practice in compliance  
26 with acceptable and prevailing standards of the profession.

1           (c) In cases where the Department of Healthcare and Family  
2 Services has previously determined a licensee or a potential  
3 licensee is more than 30 days delinquent in the payment of  
4 child support and has subsequently certified the delinquency to  
5 the Department, the Department may refuse to issue or renew or  
6 may revoke or suspend that person's license or may take other  
7 disciplinary action against that person based solely upon the  
8 certification of delinquency made by the Department of  
9 Healthcare and Family Services in accordance with item (5) of  
10 subsection (a) ~~(g)~~ of Section 2105-15 ~~1205-15~~ of the Civil  
11 Administrative Code of Illinois.

12           (d) In enforcing this Section, the Department, upon a  
13 showing of a possible violation, may compel any individual who  
14 is certified under this Act or any individual who has applied  
15 for certification under this Act to submit to a mental or  
16 physical examination and evaluation, or both, which may include  
17 a substance abuse or sexual offender evaluation, at the expense  
18 of the Department. The Department shall specifically designate  
19 the examining physician licensed to practice medicine in all of  
20 its branches or, if applicable, the multidisciplinary team  
21 involved in providing the mental or physical examination and  
22 evaluation, or both. The multidisciplinary team shall be led by  
23 a physician licensed to practice medicine in all of its  
24 branches and may consist of one or more or a combination of  
25 physicians licensed to practice medicine in all of its  
26 branches, licensed chiropractic physicians, licensed clinical



1 psychologists, licensed clinical social workers, licensed  
2 clinical professional counselors, and other professional and  
3 administrative staff. Any examining physician or member of the  
4 multidisciplinary team may require any person ordered to submit  
5 to an examination and evaluation pursuant to this Section to  
6 submit to any additional supplemental testing deemed necessary  
7 to complete any examination or evaluation process, including,  
8 but not limited to, blood testing, urinalysis, psychological  
9 testing, or neuropsychological testing.

10 The Department may order the examining physician or any  
11 member of the multidisciplinary team to provide to the  
12 Department any and all records, including business records,  
13 that relate to the examination and evaluation, including any  
14 supplemental testing performed. The Department may order the  
15 examining physician or any member of the multidisciplinary team  
16 to present testimony concerning this examination and  
17 evaluation of the certified shorthand reporter or applicant,  
18 including testimony concerning any supplemental testing or  
19 documents relating to the examination and evaluation. No  
20 information, report, record, or other documents in any way  
21 related to the examination and evaluation shall be excluded by  
22 reason of any common law or statutory privilege relating to  
23 communication between the licensee or applicant and the  
24 examining physician or any member of the multidisciplinary  
25 team. No authorization is necessary from the certified  
26 shorthand reporter or applicant ordered to undergo an

1 evaluation and examination for the examining physician or any  
2 member of the multidisciplinary team to provide information,  
3 reports, records, or other documents or to provide any  
4 testimony regarding the examination and evaluation. The  
5 individual to be examined may have, at his or her own expense,  
6 another physician of his or her choice present during all  
7 aspects of the examination.

8 Failure of any individual to submit to mental or physical  
9 examination and evaluation, or both, when directed, shall  
10 result in an automatic suspension, without hearing, until such  
11 time as the individual submits to the examination. If the  
12 Department finds a certified shorthand reporter unable to  
13 practice because of the reasons set forth in this Section, the  
14 Department shall require the certified shorthand reporter to  
15 submit to care, counseling, or treatment by physicians approved  
16 or designated by the Department, as a condition for continued,  
17 reinstated, or renewed certification.

18 When the Secretary immediately suspends a certificate  
19 under this Section, a hearing upon the person's certificate  
20 must be convened by the Department within 15 days after the  
21 suspension and completed without appreciable delay. The  
22 Department shall have the authority to review the certified  
23 shorthand reporter's record of treatment and counseling  
24 regarding the impairment, to the extent permitted by applicable  
25 federal statutes and regulations safeguarding the  
26 confidentiality of medical records.

1           Individuals certified under this Act, affected under this  
2 Section, shall be afforded an opportunity to demonstrate to the  
3 Department that they can resume practice in compliance with  
4 acceptable and prevailing standards under the provisions of  
5 their certification.

6           (e) The Department shall deny a license or renewal  
7 authorized by this Act to a person who has defaulted on an  
8 educational loan or scholarship provided or guaranteed by the  
9 Illinois Student Assistance Commission or any governmental  
10 agency of this State in accordance with item (5) of subsection  
11 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of  
12 Illinois.

13           (f) The Department may refuse to issue or may suspend  
14 without hearing, as provided for in the Code of Civil  
15 Procedure, the license of any person who fails to file a  
16 return, to pay the tax, penalty, or interest shown in a filed  
17 return, or to pay any final assessment of tax, penalty, or  
18 interest as required by any tax Act administered by the  
19 Illinois Department of Revenue, until such time as the  
20 requirements of any such tax Act are satisfied in accordance  
21 with subsection (g) of Section 2105-15 of the Civil  
22 Administrative Code of Illinois.

23           (Source: P.A. 98-445, eff. 12-31-13; revised 11-14-13.)

24           (225 ILCS 415/23.2a)

25           (Section scheduled to be repealed on January 1, 2024)

1           Sec. 23.2a. Confidentiality. All information collected by  
2 the Department in the course of an examination or investigation  
3 of a licensee or applicant, including, but not limited to, any  
4 complaint against a licensee filed with the Department and  
5 information collected to investigate any such complaint, shall  
6 be maintained for the confidential use of the Department and  
7 shall not be disclosed. The Department may not disclose the  
8 information to anyone other than law enforcement officials,  
9 other regulatory agencies that have an appropriate regulatory  
10 interest as determined by the Secretary, or ~~to~~ a party  
11 presenting a lawful subpoena to the Department. Information and  
12 documents disclosed to a federal, State, county, or local law  
13 enforcement agency shall not be disclosed by the agency for any  
14 purpose to any other agency or person. A formal complaint filed  
15 against a licensee by the Department or any order issued by the  
16 Department against a licensee or applicant shall be a public  
17 record, except as otherwise prohibited by law.

18           (Source: P.A. 98-445, eff. 12-31-13; revised 11-12-13.)

19           Section 480. The Community Association Manager Licensing  
20 and Disciplinary Act is amended by changing Section 85 as  
21 follows:

22           (225 ILCS 427/85)

23           (Section scheduled to be repealed on January 1, 2020)

24           Sec. 85. Grounds for discipline; refusal, revocation, or

1 suspension.

2 (a) The Department may refuse to issue or renew a license,  
3 or may place on probation, reprimand, suspend, or revoke any  
4 license, or take any other disciplinary or non-disciplinary  
5 action as the Department may deem proper and impose a fine not  
6 to exceed \$10,000 for each violation upon any licensee or  
7 applicant under this Act or any person or entity who holds  
8 himself, herself, or itself out as an applicant or licensee for  
9 any one or combination of the following causes:

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

12 (2) Violations of this Act or its rules.

13 (3) Conviction of or entry of a plea of guilty or plea  
14 of nolo contendere to a felony or a misdemeanor under the  
15 laws of the United States, any state, or any other  
16 jurisdiction or entry of an administrative sanction by a  
17 government agency in this State or any other jurisdiction.  
18 Action taken under this paragraph (3) for a misdemeanor or  
19 an administrative sanction is limited to a misdemeanor or  
20 administrative sanction that has as an essential element  
21 dishonesty or fraud, that involves larceny, embezzlement,  
22 or obtaining money, property, or credit by false pretenses  
23 or by means of a confidence game, or that is directly  
24 related to the practice of the profession.

25 (4) Making any misrepresentation for the purpose of  
26 obtaining a license or violating any provision of this Act

1 or its rules.

2 (5) Professional incompetence.

3 (6) Gross negligence.

4 (7) Aiding or assisting another person in violating any  
5 provision of this Act or its rules.

6 (8) Failing, within 30 days, to provide information in  
7 response to a request made by the Department.

8 (9) Engaging in dishonorable, unethical, or  
9 unprofessional conduct of a character likely to deceive,  
10 defraud or harm the public as defined by the rules of the  
11 Department, or violating the rules of professional conduct  
12 adopted by the Department.

13 (10) Habitual or excessive use or addiction to alcohol,  
14 narcotics, stimulants, or any other chemical agent or drug  
15 that results in the inability to practice with reasonable  
16 judgment, skill, or safety.

17 (11) Having been disciplined by another state, the  
18 District of Columbia, a territory, a foreign nation, or a  
19 governmental agency authorized to impose discipline if at  
20 least one of the grounds for the discipline is the same or  
21 substantially equivalent of one of the grounds for which a  
22 licensee may be disciplined under this Act. A certified  
23 copy of the record of the action by the other state or  
24 jurisdiction shall be prima facie evidence thereof.

25 (12) Directly or indirectly giving to or receiving from  
26 any person, firm, corporation, partnership or association

1 any fee, commission, rebate, or other form of compensation  
2 for any professional services not actually or personally  
3 rendered.

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

7 (14) Willfully making or filing false records or  
8 reports relating to a licensee's practice, including but  
9 not limited to false records filed with any State or  
10 federal agencies or departments.

11 (15) Being named as a perpetrator in an indicated  
12 report by the Department of Children and Family Services  
13 under the Abused and Neglected Child Reporting Act and upon  
14 proof by clear and convincing evidence that the licensee  
15 has caused a child to be an abused child or neglected child  
16 as defined in the Abused and Neglected Child Reporting Act.

17 (16) Physical illness or mental illness or impairment,  
18 including, but not limited to, deterioration through the  
19 aging process or loss of motor skill that results in the  
20 inability to practice the profession with reasonable  
21 judgment, skill, or safety.

22 (17) Solicitation of professional services by using  
23 false or misleading advertising.

24 (18) A finding that licensure has been applied for or  
25 obtained by fraudulent means.

26 (19) Practicing or attempting to practice under a name

1 other than the full name as shown on the license or any  
2 other legally authorized name.

3 (20) Gross overcharging for professional services  
4 including, but not limited to, (i) collection of fees or  
5 moneys for services that are not rendered; and (ii)  
6 charging for services that are not in accordance with the  
7 contract between the licensee and the community  
8 association.

9 (21) Improper commingling of personal and client funds  
10 in violation of this Act or any rules promulgated thereto.

11 (22) Failing to account for or remit any moneys or  
12 documents coming into the licensee's possession that  
13 belong to another person or entity.

14 (23) Giving differential treatment to a person that is  
15 to that person's detriment because of race, color, creed,  
16 sex, religion, or national origin.

17 (24) Performing and charging for services without  
18 reasonable authorization to do so from the person or entity  
19 for whom service is being provided.

20 (25) Failing to make available to the Department, upon  
21 request, any books, records, or forms required by this Act.

22 (26) Purporting to be a supervising community  
23 association manager of a firm without active participation  
24 in the firm.

25 (27) Failing to make available to the Department at the  
26 time of the request any indicia of licensure or



1 registration issued under this Act.

2 (28) Failing to maintain and deposit funds belonging to  
3 a community association in accordance with subsection (b)  
4 of Section 55 of this Act.

5 (29) Violating the terms of a disciplinary order issued  
6 by the Department.

7 (b) In accordance with subdivision (a)(5) of Section  
8 2105-15 ~~45~~ of the Department of Professional Regulation Law of  
9 the Civil Administrative Code of Illinois (20 ILCS  
10 2105/2105-15), the Department shall deny a license or renewal  
11 authorized by this Act to a person who has defaulted on an  
12 educational loan or scholarship provided or guaranteed by the  
13 Illinois Student Assistance Commission or any governmental  
14 agency of this State.

15 (c) The determination by a circuit court that a licensee is  
16 subject to involuntary admission or judicial admission, as  
17 provided in the Mental Health and Developmental Disabilities  
18 Code, operates as an automatic suspension. The suspension will  
19 terminate only upon a finding by a court that the patient is no  
20 longer subject to involuntary admission or judicial admission  
21 and the issuance of an order so finding and discharging the  
22 patient, and upon the recommendation of the Board to the  
23 Secretary that the licensee be allowed to resume his or her  
24 practice as a licensed community association manager.

25 (d) In accordance with subsection (g) of Section 2105-15 ~~45~~  
26 of the Department of Professional Regulation Law of the Civil

1 Administrative Code of Illinois (20 ILCS 2105/2105-15), the  
2 Department may refuse to issue or renew or may suspend the  
3 license of any person who fails to file a return, to pay the  
4 tax, penalty, or interest shown in a filed return, or to pay  
5 any final assessment of tax, penalty, or interest, as required  
6 by any tax Act administered by the Department of Revenue, until  
7 such time as the requirements of that tax Act are satisfied.

8 (e) In accordance with subdivision (a)(5) of Section  
9 2105-15 ~~15~~ of the Department of Professional Regulation Law of  
10 the Civil Administrative Code of Illinois (20 ILCS  
11 2105/2105-15) and in cases where the Department of Healthcare  
12 and Family Services (formerly Department of Public Aid) has  
13 previously determined that a licensee or a potential licensee  
14 is more than 30 days delinquent in the payment of child support  
15 and has subsequently certified the delinquency to the  
16 Department may refuse to issue or renew or may revoke or  
17 suspend that person's license or may take other disciplinary  
18 action against that person based solely upon the certification  
19 of delinquency made by the Department of Healthcare and Family  
20 Services.

21 (f) In enforcing this Section, the Department or Board upon  
22 a showing of a possible violation may compel a licensee or an  
23 individual licensed to practice under this Act, or who has  
24 applied for licensure under this Act, to submit to a mental or  
25 physical examination, or both, as required by and at the  
26 expense of the Department. The Department or Board may order

1 the examining physician to present testimony concerning the  
2 mental or physical examination of the licensee or applicant. No  
3 information shall be excluded by reason of any common law or  
4 statutory privilege relating to communications between the  
5 licensee or applicant and the examining physician. The  
6 examining physicians shall be specifically designated by the  
7 Board or Department. The individual to be examined may have, at  
8 his or her own expense, another physician of his or her choice  
9 present during all aspects of this examination. Failure of an  
10 individual to submit to a mental or physical examination, when  
11 directed, shall be grounds for suspension of his or her license  
12 or denial of his or her application or renewal until the  
13 individual submits to the examination if the Department finds,  
14 after notice and hearing, that the refusal to submit to the  
15 examination was without reasonable cause.

16 If the Department or Board finds an individual unable to  
17 practice because of the reasons set forth in this Section, the  
18 Department or Board may require that individual to submit to  
19 care, counseling, or treatment by physicians approved or  
20 designated by the Department or Board, as a condition, term, or  
21 restriction for continued, reinstated, or renewed licensure to  
22 practice; or, in lieu of care, counseling, or treatment, the  
23 Department may file, or the Board may recommend to the  
24 Department to file, a complaint to immediately suspend, revoke,  
25 deny, or otherwise discipline the license of the individual. An  
26 individual whose license was granted, continued, reinstated,

1 renewed, disciplined or supervised subject to such terms,  
2 conditions, or restrictions, and who fails to comply with such  
3 terms, conditions, or restrictions, shall be referred to the  
4 Secretary for a determination as to whether the individual  
5 shall have his or her license suspended immediately, pending a  
6 hearing by the Department.

7 In instances in which the Secretary immediately suspends a  
8 person's license under this Section, a hearing on that person's  
9 license must be convened by the Department within 30 days after  
10 the suspension and completed without appreciable delay. The  
11 Department and Board shall have the authority to review the  
12 subject individual's record of treatment and counseling  
13 regarding the impairment to the extent permitted by applicable  
14 federal statutes and regulations safeguarding the  
15 confidentiality of medical records.

16 An individual licensed under this Act and affected under  
17 this Section shall be afforded an opportunity to demonstrate to  
18 the Department or Board that he or she can resume practice in  
19 compliance with acceptable and prevailing standards under the  
20 provisions of his or her license.

21 (Source: P.A. 97-333, eff. 8-12-11; 98-365, eff. 1-1-14;  
22 revised 11-14-13.)

23 Section 485. The Detection of Deception Examiners Act is  
24 amended by changing Section 14 as follows:

1 (225 ILCS 430/14) (from Ch. 111, par. 2415)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 14. (a) The Department may refuse to issue or renew or  
4 may revoke, suspend, place on probation, reprimand, or take  
5 other disciplinary or non-disciplinary action as the  
6 Department may deem appropriate, including imposing fines not  
7 to exceed \$10,000 for each violation, with regard to any  
8 license for any one or a combination of the following:

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

11 (2) Violations of this Act, or of the rules adopted  
12 under this Act.

13 (3) Conviction by plea of guilty or nolo contendere,  
14 finding of guilt, jury verdict, or entry of judgment or by  
15 sentencing of any crime, including, but not limited to,  
16 convictions, preceding sentences of supervision,  
17 conditional discharge, or first offender probation, under  
18 the laws of any jurisdiction of the United States: (i) that  
19 is a felony or (ii) that is a misdemeanor, an essential  
20 element of which is dishonesty, or that is directly related  
21 to the practice of the profession.

22 (4) Making any misrepresentation for the purpose of  
23 obtaining licensure or violating any provision of this Act  
24 or the rules adopted under this Act pertaining to  
25 advertising.

26 (5) Professional incompetence.

1           (6) Allowing one's license under this Act to be used by  
2           an unlicensed person in violation of this Act.

3           (7) Aiding or assisting another person in violating  
4           this Act or any rule adopted under this Act.

5           (8) Where the license holder has been adjudged mentally  
6           ill, mentally deficient or subject to involuntary  
7           admission as provided in the Mental Health and  
8           Developmental Disabilities Code.

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

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

14          (11) Inability to practice with reasonable judgment,  
15          skill, or safety as a result of habitual or excessive use  
16          or addiction to alcohol, narcotics, stimulants, or any  
17          other chemical agent or drug.

18          (12) Discipline by another state, District of  
19          Columbia, territory, or foreign nation, if at least one of  
20          the grounds for the discipline is the same or substantially  
21          equivalent to those set forth in this Section.

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

25          (14) Willfully making or filing false records or  
26          reports in his or her practice, including, but not limited

1 to, false records filed with State agencies or departments.

2 (15) Inability to practice the profession with  
3 reasonable judgment, skill, or safety as a result of a  
4 physical illness, including, but not limited to,  
5 deterioration through the aging process or loss of motor  
6 skill, or a mental illness or disability.

7 (16) Charging for professional services not rendered,  
8 including filing false statements for the collection of  
9 fees for which services are not rendered.

10 (17) Practicing under a false or, except as provided by  
11 law, an assumed name.

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

15 (19) Cheating on or attempting to subvert the licensing  
16 examination administered under this Act.

17 All fines imposed under this Section shall be paid within  
18 60 days after the effective date of the order imposing the  
19 fine.

20 (b) The Department may refuse to issue or may suspend  
21 without hearing, as provided for in the Code of Civil  
22 Procedure, the license of any person who fails to file a  
23 return, or pay the tax, penalty, or interest shown in a filed  
24 return, or pay any final assessment of the tax, penalty, or  
25 interest as required by any tax Act administered by the  
26 Illinois Department of Revenue, until such time as the

1 requirements of any such tax Act are satisfied in accordance  
2 with subsection (g) of Section 2105-15 of the Civil  
3 Administrative Code of Illinois.

4 (c) The Department shall deny a license or renewal  
5 authorized by this Act to a person who has defaulted on an  
6 educational loan or scholarship provided or guaranteed by the  
7 Illinois Student Assistance Commission or any governmental  
8 agency of this State in accordance with item (5) of subsection  
9 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of  
10 Illinois.

11 (d) In cases where the Department of Healthcare and Family  
12 Services has previously determined a licensee or a potential  
13 licensee is more than 30 days delinquent in the payment of  
14 child support and has subsequently certified the delinquency to  
15 the Department, the Department may refuse to issue or renew or  
16 may revoke or suspend that person's license or may take other  
17 disciplinary action against that person based solely upon the  
18 certification of delinquency made by the Department of  
19 Healthcare and Family Services in accordance with item (5) of  
20 subsection (a) ~~(g)~~ of Section 2105-15 ~~1205-15~~ of the Civil  
21 Administrative Code of Illinois.

22 (e) The determination by a circuit court that a licensee is  
23 subject to involuntary admission or judicial admission, as  
24 provided in the Mental Health and Developmental Disabilities  
25 Code, operates as an automatic suspension. The suspension will  
26 end only upon a finding by a court that the patient is no



1 longer subject to involuntary admission or judicial admission  
2 and the issuance of an order so finding and discharging the  
3 patient.

4 (f) In enforcing this Act, the Department, upon a showing  
5 of a possible violation, may compel an individual licensed to  
6 practice under this Act, or who has applied for licensure under  
7 this Act, to submit to a mental or physical examination, or  
8 both, as required by and at the expense of the Department. The  
9 Department may order the examining physician to present  
10 testimony concerning the mental or physical examination of the  
11 licensee or applicant. No information shall be excluded by  
12 reason of any common law or statutory privilege relating to  
13 communications between the licensee or applicant and the  
14 examining physician. The examining physicians shall be  
15 specifically designated by the Department. The individual to be  
16 examined may have, at his or her own expense, another physician  
17 of his or her choice present during all aspects of this  
18 examination. The examination shall be performed by a physician  
19 licensed to practice medicine in all its branches. Failure of  
20 an individual to submit to a mental or physical examination,  
21 when directed, shall result in an automatic suspension without  
22 hearing.

23 A person holding a license under this Act or who has  
24 applied for a license under this Act who, because of a physical  
25 or mental illness or disability, including, but not limited to,  
26 deterioration through the aging process or loss of motor skill,

1 is unable to practice the profession with reasonable judgment,  
2 skill, or safety, may be required by the Department to submit  
3 to care, counseling, or treatment by physicians approved or  
4 designated by the Department as a condition, term, or  
5 restriction for continued, reinstated, or renewed licensure to  
6 practice. Submission to care, counseling, or treatment as  
7 required by the Department shall not be considered discipline  
8 of a license. If the licensee refuses to enter into a care,  
9 counseling, or treatment agreement or fails to abide by the  
10 terms of the agreement, the Department may file a complaint to  
11 revoke, suspend, or otherwise discipline the license of the  
12 individual. The Secretary may order the license suspended  
13 immediately, pending a hearing by the Department. Fines shall  
14 not be assessed in disciplinary actions involving physical or  
15 mental illness or impairment.

16 In instances in which the Secretary immediately suspends a  
17 person's license under this Section, a hearing on that person's  
18 license must be convened by the Department within 15 days after  
19 the suspension and completed without appreciable delay. The  
20 Department shall have the authority to review the subject  
21 individual's record of treatment and counseling regarding the  
22 impairment to the extent permitted by applicable federal  
23 statutes and regulations safeguarding the confidentiality of  
24 medical records.

25 An individual licensed under this Act and affected under  
26 this Section shall be afforded an opportunity to demonstrate to

1 the Department that he or she can resume practice in compliance  
2 with acceptable and prevailing standards under the provisions  
3 of his or her license.

4 (Source: P.A. 97-168, eff. 7-22-11; 98-463, eff. 8-16-13;  
5 revised 11-14-13.)

6 Section 490. The Highway Advertising Control Act of 1971 is  
7 amended by changing Section 3 and by setting forth,  
8 renumbering, and changing multiple versions of Section 15 as  
9 follows:

10 (225 ILCS 440/3) (from Ch. 121, par. 503)

11 Sec. 3. As used in this Act, unless the context otherwise  
12 requires, the terms defined in the Sections following this  
13 Section and preceding Section 4 ~~3.01 through 3.16~~ have the  
14 meanings ascribed to them in those Sections.

15 (Source: P.A. 92-651, eff. 7-11-02; revised 11-14-13.)

16 (225 ILCS 440/14.1)

17 Sec. 14.1 ~~15~~. Applicability. The changes made to this Act  
18 by Public Act 98-56 ~~this amendatory Act of the 98th General~~  
19 ~~Assembly~~ shall not be applicable if the application would  
20 impact the receipt, use, or reimbursement of federal funds by  
21 the Illinois Department of Transportation other than the  
22 reimbursement of Bonus Agreement funds. Any permit granted  
23 pursuant to an inapplicable provision is void.

1 (Source: P.A. 98-56, eff. 7-5-13; revised 10-25-13.)

2 (225 ILCS 440/15)

3 Sec. 15. "An Act relating to the restriction, prohibition,  
4 regulation, and control of billboards and other outdoor  
5 advertising devices on certain lands adjacent to National  
6 System of Interstate and Defense Highways in Illinois",  
7 approved June 28, 1965, is repealed.

8 (Source: P.A. 77-1815.)

9 Section 495. The Home Inspector License Act is amended by  
10 changing Section 15-10 as follows:

11 (225 ILCS 441/15-10)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 15-10. Grounds for disciplinary action.

14 (a) The Department may refuse to issue or renew, or may  
15 revoke, suspend, place on probation, reprimand, or take other  
16 disciplinary or non-disciplinary action as the Department may  
17 deem appropriate, including imposing fines not to exceed  
18 \$25,000 for each violation, with regard to any license for any  
19 one or combination of the following:

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

23 (2) Failing to meet the minimum qualifications for

1 licensure as a home inspector established by this Act.

2 (3) Paying money, other than for the fees provided for  
3 by this Act, or anything of value to an employee of the  
4 Department to procure licensure under this Act.

5 (4) Conviction by plea of guilty or nolo contendere,  
6 finding of guilt, jury verdict, or entry of judgment or by  
7 sentencing of any crime, including, but not limited to,  
8 convictions, preceding sentences of supervision,  
9 conditional discharge, or first offender probation, under  
10 the laws of any jurisdiction of the United States: (i) that  
11 is a felony; (ii) that is a misdemeanor, an essential  
12 element of which is dishonesty, or that is directly related  
13 to the practice of the profession; or (iii) that is a crime  
14 that subjects the licensee to compliance with the  
15 requirements of the Sex Offender Registration Act.

16 (5) Committing an act or omission involving  
17 dishonesty, fraud, or misrepresentation with the intent to  
18 substantially benefit the licensee or another person or  
19 with the intent to substantially injure another person.

20 (6) Violating a provision or standard for the  
21 development or communication of home inspections as  
22 provided in Section 10-5 of this Act or as defined in the  
23 rules.

24 (7) Failing or refusing to exercise reasonable  
25 diligence in the development, reporting, or communication  
26 of a home inspection report, as defined by this Act or the

1 rules.

2 (8) Violating a provision of this Act or the rules.

3 (9) Having been disciplined by another state, the  
4 District of Columbia, a territory, a foreign nation, a  
5 governmental agency, or any other entity authorized to  
6 impose discipline if at least one of the grounds for that  
7 discipline is the same as or substantially equivalent to  
8 one of the grounds for which a licensee may be disciplined  
9 under this Act.

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

13 (11) Accepting an inspection assignment when the  
14 employment itself is contingent upon the home inspector  
15 reporting a predetermined analysis or opinion, or when the  
16 fee to be paid is contingent upon the analysis, opinion, or  
17 conclusion reached or upon the consequences resulting from  
18 the home inspection assignment.

19 (12) Developing home inspection opinions or  
20 conclusions based on the race, color, religion, sex,  
21 national origin, ancestry, age, marital status, family  
22 status, physical or mental disability, or unfavorable  
23 military discharge, as defined under the Illinois Human  
24 Rights Act, of the prospective or present owners or  
25 occupants of the area or property under home inspection.

26 (13) Being adjudicated liable in a civil proceeding on

1 grounds of fraud, misrepresentation, or deceit. In a  
2 disciplinary proceeding based upon a finding of civil  
3 liability, the home inspector shall be afforded an  
4 opportunity to present mitigating and extenuating  
5 circumstances, but may not collaterally attack the civil  
6 adjudication.

7 (14) Being adjudicated liable in a civil proceeding for  
8 violation of a State or federal fair housing law.

9 (15) Engaging in misleading or untruthful advertising  
10 or using a trade name or insignia of membership in a home  
11 inspection organization of which the licensee is not a  
12 member.

13 (16) Failing, within 30 days, to provide information in  
14 response to a written request made by the Department.

15 (17) Failing to include within the home inspection  
16 report the home inspector's license number and the date of  
17 expiration of the license. All home inspectors providing  
18 significant contribution to the development and reporting  
19 of a home inspection must be disclosed in the home  
20 inspection report. It is a violation of this Act for a home  
21 inspector to sign a home inspection report knowing that a  
22 person providing a significant contribution to the report  
23 has not been disclosed in the home inspection report.

24 (18) Advising a client as to whether the client should  
25 or should not engage in a transaction regarding the  
26 residential real property that is the subject of the home

1 inspection.

2 (19) Performing a home inspection in a manner that  
3 damages or alters the residential real property that is the  
4 subject of the home inspection without the consent of the  
5 owner.

6 (20) Performing a home inspection when the home  
7 inspector is providing or may also provide other services  
8 in connection with the residential real property or  
9 transaction, or has an interest in the residential real  
10 property, without providing prior written notice of the  
11 potential or actual conflict and obtaining the prior  
12 consent of the client as provided by rule.

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

15 (22) Inability to practice with reasonable judgment,  
16 skill, or safety as a result of habitual or excessive use  
17 or addiction to alcohol, narcotics, stimulants, or any  
18 other chemical agent or drug.

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

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

25 (25) Charging for professional services not rendered,  
26 including filing false statements for the collection of



1 fees for which services are not rendered.

2 (26) Practicing under a false or, except as provided by  
3 law, an assumed name.

4 (27) Cheating on or attempting to subvert the licensing  
5 examination administered under this Act.

6 (b) The Department may suspend, revoke, or refuse to issue  
7 or renew an education provider's license, may reprimand, place  
8 on probation, or otherwise discipline an education provider  
9 licensee, and may suspend or revoke the course approval of any  
10 course offered by an education provider, for any of the  
11 following:

12 (1) Procuring or attempting to procure licensure by  
13 knowingly making a false statement, submitting false  
14 information, making any form of fraud or  
15 misrepresentation, or refusing to provide complete  
16 information in response to a question in an application for  
17 licensure.

18 (2) Failing to comply with the covenants certified to  
19 on the application for licensure as an education provider.

20 (3) Committing an act or omission involving  
21 dishonesty, fraud, or misrepresentation or allowing any  
22 such act or omission by any employee or contractor under  
23 the control of the education provider.

24 (4) Engaging in misleading or untruthful advertising.

25 (5) Failing to retain competent instructors in  
26 accordance with rules adopted under this Act.

1           (6) Failing to meet the topic or time requirements for  
2           course approval as the provider of a pre-license curriculum  
3           course or a continuing education course.

4           (7) Failing to administer an approved course using the  
5           course materials, syllabus, and examinations submitted as  
6           the basis of the course approval.

7           (8) Failing to provide an appropriate classroom  
8           environment for presentation of courses, with  
9           consideration for student comfort, acoustics, lighting,  
10          seating, workspace, and visual aid material.

11          (9) Failing to maintain student records in compliance  
12          with the rules adopted under this Act.

13          (10) Failing to provide a certificate, transcript, or  
14          other student record to the Department or to a student as  
15          may be required by rule.

16          (11) Failing to fully cooperate with a Department  
17          investigation by knowingly making a false statement,  
18          submitting false or misleading information, or refusing to  
19          provide complete information in response to written  
20          interrogatories or a written request for documentation  
21          within 30 days of the request.

22          (c) In appropriate cases, the Department may resolve a  
23          complaint against a licensee through the issuance of a Consent  
24          to Administrative Supervision order. A licensee subject to a  
25          Consent to Administrative Supervision order shall be  
26          considered by the Department as an active licensee in good

1 standing. This order shall not be reported as or considered by  
2 the Department to be a discipline of the licensee. The records  
3 regarding an investigation and a Consent to Administrative  
4 Supervision order shall be considered confidential and shall  
5 not be released by the Department except as mandated by law.  
6 The complainant shall be notified that his or her complaint has  
7 been resolved by a Consent to Administrative Supervision order.

8 (d) The Department may refuse to issue or may suspend  
9 without hearing, as provided for in the Code of Civil  
10 Procedure, the license of any person who fails to file a tax  
11 return, to pay the tax, penalty, or interest shown in a filed  
12 tax return, or to pay any final assessment of tax, penalty, or  
13 interest, as required by any tax Act administered by the  
14 Illinois Department of Revenue, until such time as the  
15 requirements of the tax Act are satisfied in accordance with  
16 subsection (g) of Section 2105-15 of the Civil Administrative  
17 Code of Illinois.

18 (e) The Department shall deny a license or renewal  
19 authorized by this Act to a person who has defaulted on an  
20 educational loan or scholarship provided or guaranteed by the  
21 Illinois Student Assistance Commission or any governmental  
22 agency of this State in accordance with item (5) of subsection  
23 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of  
24 Illinois.

25 (f) In cases where the Department of Healthcare and Family  
26 Services has previously determined that a licensee or a

1 potential licensee is more than 30 days delinquent in the  
2 payment of child support and has subsequently certified the  
3 delinquency to the Department, the Department may refuse to  
4 issue or renew or may revoke or suspend that person's license  
5 or may take other disciplinary action against that person based  
6 solely upon the certification of delinquency made by the  
7 Department of Healthcare and Family Services in accordance with  
8 item (5) of subsection (a) ~~(g)~~ of Section 2105-15 of the Civil  
9 Administrative Code of Illinois.

10 (g) The determination by a circuit court that a licensee is  
11 subject to involuntary admission or judicial admission, as  
12 provided in the Mental Health and Developmental Disabilities  
13 Code, operates as an automatic suspension. The suspension will  
14 end only upon a finding by a court that the patient is no  
15 longer subject to involuntary admission or judicial admission  
16 and the issuance of a court order so finding and discharging  
17 the patient.

18 (h) In enforcing this Act, the Department, upon a showing  
19 of a possible violation, may compel an individual licensed to  
20 practice under this Act, or who has applied for licensure under  
21 this Act, to submit to a mental or physical examination, or  
22 both, as required by and at the expense of the Department. The  
23 Department may order the examining physician to present  
24 testimony concerning the mental or physical examination of the  
25 licensee or applicant. No information shall be excluded by  
26 reason of any common law or statutory privilege relating to

1 communications between the licensee or applicant and the  
2 examining physician. The examining physician shall be  
3 specifically designated by the Department. The individual to be  
4 examined may have, at his or her own expense, another physician  
5 of his or her choice present during all aspects of this  
6 examination. The examination shall be performed by a physician  
7 licensed to practice medicine in all its branches. Failure of  
8 an individual to submit to a mental or physical examination,  
9 when directed, shall result in an automatic suspension without  
10 hearing.

11 A person holding a license under this Act or who has  
12 applied for a license under this Act, who, because of a  
13 physical or mental illness or disability, including, but not  
14 limited to, deterioration through the aging process or loss of  
15 motor skill, is unable to practice the profession with  
16 reasonable judgment, skill, or safety, may be required by the  
17 Department to submit to care, counseling, or treatment by  
18 physicians approved or designated by the Department as a  
19 condition, term, or restriction for continued, reinstated, or  
20 renewed licensure to practice. Submission to care, counseling,  
21 or treatment as required by the Department shall not be  
22 considered discipline of a license. If the licensee refuses to  
23 enter into a care, counseling, or treatment agreement or fails  
24 to abide by the terms of the agreement, the Department may file  
25 a complaint to revoke, suspend, or otherwise discipline the  
26 license of the individual. The Secretary may order the license

1 suspended immediately, pending a hearing by the Department.  
2 Fines shall not be assessed in disciplinary actions involving  
3 physical or mental illness or impairment.

4 In instances in which the Secretary immediately suspends a  
5 person's license under this Section, a hearing on that person's  
6 license must be convened by the Department within 15 days after  
7 the suspension and completed without appreciable delay. The  
8 Department shall have the authority to review the subject  
9 individual's record of treatment and counseling regarding the  
10 impairment to the extent permitted by applicable federal  
11 statutes and regulations safeguarding the confidentiality of  
12 medical records.

13 An individual licensed under this Act and affected under  
14 this Section shall be afforded an opportunity to demonstrate to  
15 the Department that he or she can resume practice in compliance  
16 with acceptable and prevailing standards under the provisions  
17 of his or her license.

18 (Source: P.A. 97-226, eff. 7-28-11; 97-877, eff. 8-2-12;  
19 revised 11-14-13.)

20 Section 500. The Private Detective, Private Alarm, Private  
21 Security, Fingerprint Vendor, and Locksmith Act of 2004 is  
22 amended by changing Section 25-20 as follows:

23 (225 ILCS 447/25-20)

24 (Section scheduled to be repealed on January 1, 2024)

1           Sec. 25-20. Training; private security contractor and  
2 employees.

3           (a) Registered employees of the private security  
4 contractor agency who provide traditional guarding or other  
5 private security related functions or who respond to alarm  
6 systems shall complete, within 30 days of their employment, a  
7 minimum of 20 hours of classroom basic training provided by a  
8 qualified instructor, which shall include the following  
9 subjects:

10           (1) The law regarding arrest and search and seizure as  
11 it applies to private security.

12           (2) Civil and criminal liability for acts related to  
13 private security.

14           (3) The use of force, including but not limited to the  
15 use of nonlethal force (i.e., disabling spray, baton,  
16 stungun or similar weapon).

17           (4) Arrest and control techniques.

18           (5) The offenses under the Criminal Code of 2012 that  
19 are directly related to the protection of persons and  
20 property.

21           (6) The law on private security forces and on reporting  
22 to law enforcement agencies.

23           (7) Fire prevention, fire equipment, and fire safety.

24           (8) The procedures for report writing.

25           (9) Civil rights and public relations.

26           (10) The identification of terrorists, acts of

1 terrorism, and terrorist organizations, as defined by  
2 federal and State statutes.

3 (b) All other employees of a private security contractor  
4 agency shall complete a minimum of 20 hours of training  
5 provided by the qualified instructor within 30 days of their  
6 employment. The substance of the training shall be related to  
7 the work performed by the registered employee.

8 (c) Registered employees of the private security  
9 contractor agency who provide guarding or other private  
10 security related functions, in addition to the classroom  
11 training required under subsection (a), within 6 months of  
12 their employment, shall complete an additional 8 hours of  
13 training on subjects to be determined by the employer, which  
14 training may be site-specific and may be conducted on the job.

15 (d) In addition to the basic training provided for in  
16 subsections (a) and (c), registered employees of the private  
17 security contractor agency who provide guarding or other  
18 private security related functions shall complete an  
19 additional 8 hours of refresher training on subjects to be  
20 determined by the employer each calendar year commencing with  
21 the calendar year following the employee's first employment  
22 anniversary date, which refresher training may be  
23 site-specific and may be conducted on the job.

24 (e) It is the responsibility of the employer to certify, on  
25 a form provided by the Department, that the employee has  
26 successfully completed the basic and refresher training. The



1 form shall be a permanent record of training completed by the  
2 employee and shall be placed in the employee's file with the  
3 employer for the period the employee remains with the employer.  
4 An agency may place a notarized copy of the Department form in  
5 lieu of the original into the permanent employee registration  
6 card file. The original form shall be given to the employee  
7 when his or her employment is terminated. Failure to return the  
8 original form to the employee is grounds for disciplinary  
9 action. The employee shall not be required to repeat the  
10 required training once the employee has been issued the form.  
11 An employer may provide or require additional training.

12 (f) Any certification of completion of the 20-hour basic  
13 training issued under the Private Detective, Private Alarm,  
14 Private Security and Locksmith Act of 1993 or any prior Act  
15 shall be accepted as proof of training under this Act.

16 (Source: P.A. 97-1150, eff. 1-25-13; 98-253, eff. 8-9-13;  
17 revised 9-24-13.)

18 Section 505. The Illinois Public Accounting Act is amended  
19 by changing Sections 2.1 and 28 as follows:

20 (225 ILCS 450/2.1) (from Ch. 111, par. 5503)

21 (Section scheduled to be repealed on January 1, 2024)

22 Sec. 2.1. Illinois Administrative Procedure Act. The  
23 Illinois Administrative Procedure Act is hereby expressly  
24 adopted and incorporated herein as if all of the provisions of

1 that Act were included in this Act, except that the provision  
2 of subsection (d) of Section 10-65 of the Illinois  
3 Administrative Procedure Act that provides that at hearings the  
4 licensee has the right to show compliance with all lawful  
5 requirements for retention, continuation or renewal of the  
6 license is specifically excluded. For the purposes of this Act  
7 the notice required under Section 10-25 of the Illinois  
8 Administrative Procedure Act is deemed sufficient when mailed  
9 to the licensee's address of record.

10 (Source: P.A. 98-254, eff. 8-9-13; revised 11-14-13.)

11 (225 ILCS 450/28) (from Ch. 111, par. 5534)

12 (Section scheduled to be repealed on January 1, 2024)

13 Sec. 28. Criminal penalties. Each of the following acts  
14 perpetrated in the State of Illinois is a Class A misdemeanor:

15 (a) the practice of accountancy activities as defined  
16 in paragraph (1) of subsection (a) of Section 8.05 without  
17 an active CPA license in violation of the provisions of  
18 this Act;

19 (b) the obtaining or attempting to obtain licensure as  
20 a licensed CPA or registration as a registered CPA by  
21 fraud;

22 (c) the use of the title "Certified Public Accountant",  
23 "public accountant", or the abbreviation "C.P.A.", "RCPA",  
24 "LCPA", "PA" or use of any similar words or letters  
25 indicating the user is a certified public accountant, or

- 1 the title "Registered Certified Public Accountant";
- 2 (c-5) (blank);
- 3 (d) the use of the title "Certified Public Accountant",
- 4 "public accountant", or the abbreviation "C.P.A.", "RCPA",
- 5 "LCPA", "PA" or any similar words or letters indicating
- 6 that the members are certified public accountants, by any
- 7 partnership, limited liability company, corporation, or
- 8 other entity in violation of this Act;
- 9 (e) the unauthorized practice in the performance of
- 10 accountancy activities as defined in Section 8.05 and in
- 11 violation of this Act;
- 12 (f) (blank);
- 13 (g) making false statements to the Department
- 14 regarding compliance with continuing professional
- 15 education or peer review requirements;
- 16 (h) (Blank).
- 17 (Source: P.A. 98-254, eff. 8-9-13; revised 11-12-13.)

18 Section 510. The Real Estate License Act of 2000 is amended

19 by changing Sections 5-32 and 20-20 as follows:

20 (225 ILCS 454/5-32)

21 (Section scheduled to be repealed on January 1, 2020)

22 Sec. 5-32. Real estate auction certification.

23 (a) An auctioneer licensed under the Auction License Act

24 who does not possess a valid and active broker's or managing

1 broker's license under this Act, or who is not otherwise exempt  
2 from licensure, may not engage in the practice of auctioning  
3 real estate, except as provided in this Section.

4 (b) The Department shall issue a real estate auction  
5 certification to applicants who:

6 (1) possess a valid auctioneer's license under the  
7 Auction License Act;

8 (2) successfully complete a real estate auction course  
9 of at least 30 hours approved by the Department, which  
10 shall cover the scope of activities that may be engaged in  
11 by a person holding a real estate auction certification and  
12 the activities for which a person must hold a real estate  
13 license, as well as other material as provided by the  
14 Department;

15 (3) provide documentation of the completion of the real  
16 estate auction course; and

17 (4) successfully complete any other reasonable  
18 requirements as provided by rule.

19 (c) The auctioneer's role shall be limited to establishing  
20 the time, place, and method of the real estate auction, placing  
21 advertisements regarding the auction, and crying or calling the  
22 auction; any other real estate brokerage activities must be  
23 performed by a person holding a valid and active real estate  
24 broker's or managing broker's license under the provisions of  
25 this Act or by a person who is exempt from holding a license  
26 under paragraph (13) of Section 5-20 who has a certificate

1 under this Section.

2 (d) An auctioneer who conducts any real estate auction  
3 activities in violation of this Section is guilty of unlicensed  
4 practice under Section 20-10 of this Act.

5 (e) The Department may revoke, suspend, or otherwise  
6 discipline the real estate auction certification of an  
7 auctioneer who is adjudicated to be in violation of the  
8 provisions of this Section or Section 20-15 of the Auction  
9 License Act.

10 (f) Advertising for the real estate auction must contain  
11 the name and address of the licensed real estate broker,  
12 managing broker, or a licensed auctioneer under paragraph (13)  
13 of Section 5-20 of this Act who is providing brokerage services  
14 for the transaction.

15 (g) The requirement to hold a real estate auction  
16 certification shall not apply to a person exempt from this Act  
17 under the provisions of paragraph (13) of Section ~~subsection~~  
18 5-20 of this Act, unless that person is performing licensed  
19 activities in a transaction in which a licensed auctioneer with  
20 a real estate certification is providing the limited services  
21 provided for in subsection (c) of this Section.

22 (h) Nothing in this Section shall require a person licensed  
23 under this Act as a real estate broker or managing broker to  
24 obtain a real estate auction certification in order to auction  
25 real estate.

26 (i) The Department may adopt rules to implement this

1 Section.

2 (Source: P.A. 98-553, eff. 1-1-14; revised 11-15-13.)

3 (225 ILCS 454/20-20)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 20-20. Grounds for discipline.

6 (a) The Department may refuse to issue or renew a license,  
7 may place on probation, suspend, or revoke any license,  
8 reprimand, or take any other disciplinary or non-disciplinary  
9 action as the Department may deem proper and impose a fine not  
10 to exceed \$25,000 upon any licensee or applicant under this Act  
11 or any person who holds himself or herself out as an applicant  
12 or licensee or against a licensee in handling his or her own  
13 property, whether held by deed, option, or otherwise, for any  
14 one or any combination of the following causes:

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

18 (2) The conviction of or plea of guilty or plea of nolo  
19 contendere to a felony or misdemeanor in this State or any  
20 other jurisdiction; or the entry of an administrative  
21 sanction by a government agency in this State or any other  
22 jurisdiction. Action taken under this paragraph (2) for a  
23 misdemeanor or an administrative sanction is limited to a  
24 misdemeanor or administrative sanction that has as an  
25 essential element dishonesty or fraud or involves larceny,

1           embezzlement, or obtaining money, property, or credit by  
2           false pretenses or by means of a confidence game.

3           (3) Inability to practice the profession with  
4           reasonable judgment, skill, or safety as a result of a  
5           physical illness, including, but not limited to,  
6           deterioration through the aging process or loss of motor  
7           skill, or a mental illness or disability.

8           (4) Practice under this Act as a licensee in a retail  
9           sales establishment from an office, desk, or space that is  
10          not separated from the main retail business by a separate  
11          and distinct area within the establishment.

12          (5) Having been disciplined by another state, the  
13          District of Columbia, a territory, a foreign nation, or a  
14          governmental agency authorized to impose discipline if at  
15          least one of the grounds for that discipline is the same as  
16          or the equivalent of one of the grounds for which a  
17          licensee may be disciplined under this Act. A certified  
18          copy of the record of the action by the other state or  
19          jurisdiction shall be prima facie evidence thereof.

20          (6) Engaging in the practice of real estate brokerage  
21          without a license or after the licensee's license was  
22          expired or while the license was inoperative.

23          (7) Cheating on or attempting to subvert the Real  
24          Estate License Exam or continuing education exam.

25          (8) Aiding or abetting an applicant to subvert or cheat  
26          on the Real Estate License Exam or continuing education

1 exam administered pursuant to this Act.

2 (9) Advertising that is inaccurate, misleading, or  
3 contrary to the provisions of the Act.

4 (10) Making any substantial misrepresentation or  
5 untruthful advertising.

6 (11) Making any false promises of a character likely to  
7 influence, persuade, or induce.

8 (12) Pursuing a continued and flagrant course of  
9 misrepresentation or the making of false promises through  
10 licensees, employees, agents, advertising, or otherwise.

11 (13) Any misleading or untruthful advertising, or  
12 using any trade name or insignia of membership in any real  
13 estate organization of which the licensee is not a member.

14 (14) Acting for more than one party in a transaction  
15 without providing written notice to all parties for whom  
16 the licensee acts.

17 (15) Representing or attempting to represent a broker  
18 other than the sponsoring broker.

19 (16) Failure to account for or to remit any moneys or  
20 documents coming into his or her possession that belong to  
21 others.

22 (17) Failure to maintain and deposit in a special  
23 account, separate and apart from personal and other  
24 business accounts, all escrow moneys belonging to others  
25 entrusted to a licensee while acting as a real estate  
26 broker, escrow agent, or temporary custodian of the funds



1 of others or failure to maintain all escrow moneys on  
2 deposit in the account until the transactions are  
3 consummated or terminated, except to the extent that the  
4 moneys, or any part thereof, shall be:

5 (A) disbursed prior to the consummation or  
6 termination (i) in accordance with the written  
7 direction of the principals to the transaction or their  
8 duly authorized agents, (ii) in accordance with  
9 directions providing for the release, payment, or  
10 distribution of escrow moneys contained in any written  
11 contract signed by the principals to the transaction or  
12 their duly authorized agents, or (iii) pursuant to an  
13 order of a court of competent jurisdiction; or

14 (B) deemed abandoned and transferred to the Office  
15 of the State Treasurer to be handled as unclaimed  
16 property pursuant to the Uniform Disposition of  
17 Unclaimed Property Act. Escrow moneys may be deemed  
18 abandoned under this subparagraph (B) only: (i) in the  
19 absence of disbursement under subparagraph (A); (ii)  
20 in the absence of notice of the filing of any claim in  
21 a court of competent jurisdiction; and (iii) if 6  
22 months have elapsed after the receipt of a written  
23 demand for the escrow moneys from one of the principals  
24 to the transaction or the principal's duly authorized  
25 agent.

26 The account shall be noninterest bearing, unless the

1 character of the deposit is such that payment of interest  
2 thereon is otherwise required by law or unless the  
3 principals to the transaction specifically require, in  
4 writing, that the deposit be placed in an interest bearing  
5 account.

6 (18) Failure to make available to the Department all  
7 escrow records and related documents maintained in  
8 connection with the practice of real estate within 24 hours  
9 of a request for those documents by Department personnel.

10 (19) Failing to furnish copies upon request of  
11 documents relating to a real estate transaction to a party  
12 who has executed that document.

13 (20) Failure of a sponsoring broker to timely provide  
14 information, sponsor cards, or termination of licenses to  
15 the Department.

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

19 (22) Commingling the money or property of others with  
20 his or her own money or property.

21 (23) Employing any person on a purely temporary or  
22 single deal basis as a means of evading the law regarding  
23 payment of commission to nonlicensees on some contemplated  
24 transactions.

25 (24) Permitting the use of his or her license as a  
26 broker to enable a salesperson or unlicensed person to

1 operate a real estate business without actual  
2 participation therein and control thereof by the broker.

3 (25) Any other conduct, whether of the same or a  
4 different character from that specified in this Section,  
5 that constitutes dishonest dealing.

6 (26) Displaying a "for rent" or "for sale" sign on any  
7 property without the written consent of an owner or his or  
8 her duly authorized agent or advertising by any means that  
9 any property is for sale or for rent without the written  
10 consent of the owner or his or her authorized agent.

11 (27) Failing to provide information requested by the  
12 Department, or otherwise respond to that request, within 30  
13 days of the request.

14 (28) Advertising by means of a blind advertisement,  
15 except as otherwise permitted in Section 10-30 of this Act.

16 (29) Offering guaranteed sales plans, as defined in  
17 clause (A) of this subdivision (29), except to the extent  
18 hereinafter set forth:

19 (A) A "guaranteed sales plan" is any real estate  
20 purchase or sales plan whereby a licensee enters into a  
21 conditional or unconditional written contract with a  
22 seller, prior to entering into a brokerage agreement  
23 with the seller, by the terms of which a licensee  
24 agrees to purchase a property of the seller within a  
25 specified period of time at a specific price in the  
26 event the property is not sold in accordance with the

1 terms of a brokerage agreement to be entered into  
2 between the sponsoring broker and the seller.

3 (B) A licensee offering a guaranteed sales plan  
4 shall provide the details and conditions of the plan in  
5 writing to the party to whom the plan is offered.

6 (C) A licensee offering a guaranteed sales plan  
7 shall provide to the party to whom the plan is offered  
8 evidence of sufficient financial resources to satisfy  
9 the commitment to purchase undertaken by the broker in  
10 the plan.

11 (D) Any licensee offering a guaranteed sales plan  
12 shall undertake to market the property of the seller  
13 subject to the plan in the same manner in which the  
14 broker would market any other property, unless the  
15 agreement with the seller provides otherwise.

16 (E) The licensee cannot purchase seller's property  
17 until the brokerage agreement has ended according to  
18 its terms or is otherwise terminated.

19 (F) Any licensee who fails to perform on a  
20 guaranteed sales plan in strict accordance with its  
21 terms shall be subject to all the penalties provided in  
22 this Act for violations thereof and, in addition, shall  
23 be subject to a civil fine payable to the party injured  
24 by the default in an amount of up to \$25,000.

25 (30) Influencing or attempting to influence, by any  
26 words or acts, a prospective seller, purchaser, occupant,

1 landlord, or tenant of real estate, in connection with  
2 viewing, buying, or leasing real estate, so as to promote  
3 or tend to promote the continuance or maintenance of  
4 racially and religiously segregated housing or so as to  
5 retard, obstruct, or discourage racially integrated  
6 housing on or in any street, block, neighborhood, or  
7 community.

8 (31) Engaging in any act that constitutes a violation  
9 of any provision of Article 3 of the Illinois Human Rights  
10 Act, whether or not a complaint has been filed with or  
11 adjudicated by the Human Rights Commission.

12 (32) Inducing any party to a contract of sale or lease  
13 or brokerage agreement to break the contract of sale or  
14 lease or brokerage agreement for the purpose of  
15 substituting, in lieu thereof, a new contract for sale or  
16 lease or brokerage agreement with a third party.

17 (33) Negotiating a sale, exchange, or lease of real  
18 estate directly with any person if the licensee knows that  
19 the person has an exclusive brokerage agreement with  
20 another broker, unless specifically authorized by that  
21 broker.

22 (34) When a licensee is also an attorney, acting as the  
23 attorney for either the buyer or the seller in the same  
24 transaction in which the licensee is acting or has acted as  
25 a broker or salesperson.

26 (35) Advertising or offering merchandise or services

1 as free if any conditions or obligations necessary for  
2 receiving the merchandise or services are not disclosed in  
3 the same advertisement or offer. These conditions or  
4 obligations include without limitation the requirement  
5 that the recipient attend a promotional activity or visit a  
6 real estate site. As used in this subdivision (35), "free"  
7 includes terms such as "award", "prize", "no charge", "free  
8 of charge", "without charge", and similar words or phrases  
9 that reasonably lead a person to believe that he or she may  
10 receive or has been selected to receive something of value,  
11 without any conditions or obligations on the part of the  
12 recipient.

13 (36) Disregarding or violating any provision of the  
14 Land Sales Registration Act of 1989, the Illinois Real  
15 Estate Time-Share Act, or the published rules promulgated  
16 by the Department to enforce those Acts.

17 (37) Violating the terms of a disciplinary order issued  
18 by the Department.

19 (38) Paying or failing to disclose compensation in  
20 violation of Article 10 of this Act.

21 (39) Requiring a party to a transaction who is not a  
22 client of the licensee to allow the licensee to retain a  
23 portion of the escrow moneys for payment of the licensee's  
24 commission or expenses as a condition for release of the  
25 escrow moneys to that party.

26 (40) Disregarding or violating any provision of this

1 Act or the published rules promulgated by the Department to  
2 enforce this Act or aiding or abetting any individual,  
3 partnership, registered limited liability partnership,  
4 limited liability company, or corporation in disregarding  
5 any provision of this Act or the published rules  
6 promulgated by the Department to enforce this Act.

7 (41) Failing to provide the minimum services required  
8 by Section 15-75 of this Act when acting under an exclusive  
9 brokerage agreement.

10 (42) Habitual or excessive use or addiction to alcohol,  
11 narcotics, stimulants, or any other chemical agent or drug  
12 that results in a managing broker, broker, salesperson, or  
13 leasing agent's inability to practice with reasonable  
14 skill or safety.

15 (43) Enabling, aiding, or abetting an auctioneer, as  
16 defined in the Auction License Act, to conduct a real  
17 estate auction in a manner that is in violation of this  
18 Act.

19 (b) The Department may refuse to issue or renew or may  
20 suspend the license of any person who fails to file a return,  
21 pay the tax, penalty or interest shown in a filed return, or  
22 pay any final assessment of tax, penalty, or interest, as  
23 required by any tax Act administered by the Department of  
24 Revenue, until such time as the requirements of that tax Act  
25 are satisfied in accordance with subsection (g) of Section  
26 2105-15 of the Civil Administrative Code of Illinois.

1           (c) The Department shall deny a license or renewal  
2 authorized by this Act to a person who has defaulted on an  
3 educational loan or scholarship provided or guaranteed by the  
4 Illinois Student Assistance Commission or any governmental  
5 agency of this State in accordance with item (5) of subsection  
6 (a) ~~(g)~~ of Section 2105-15 of the Civil Administrative Code of  
7 Illinois.

8           (d) In cases where the Department of Healthcare and Family  
9 Services (formerly Department of Public Aid) has previously  
10 determined that a licensee or a potential licensee is more than  
11 30 days delinquent in the payment of child support and has  
12 subsequently certified the delinquency to the Department may  
13 refuse to issue or renew or may revoke or suspend that person's  
14 license or may take other disciplinary action against that  
15 person based solely upon the certification of delinquency made  
16 by the Department of Healthcare and Family Services in  
17 accordance with item (5) of subsection (a) ~~(g)~~ of Section  
18 2105-15 of the Civil Administrative Code of Illinois.

19           (e) In enforcing this Section, the Department or Board upon  
20 a showing of a possible violation may compel an individual  
21 licensed to practice under this Act, or who has applied for  
22 licensure under this Act, to submit to a mental or physical  
23 examination, or both, as required by and at the expense of the  
24 Department. The Department or Board may order the examining  
25 physician to present testimony concerning the mental or  
26 physical examination of the licensee or applicant. No



1 information shall be excluded by reason of any common law or  
2 statutory privilege relating to communications between the  
3 licensee or applicant and the examining physician. The  
4 examining physicians shall be specifically designated by the  
5 Board or Department. The individual to be examined may have, at  
6 his or her own expense, another physician of his or her choice  
7 present during all aspects of this examination. Failure of an  
8 individual to submit to a mental or physical examination, when  
9 directed, shall be grounds for suspension of his or her license  
10 until the individual submits to the examination if the  
11 Department finds, after notice and hearing, that the refusal to  
12 submit to the examination was without reasonable cause.

13 If the Department or Board finds an individual unable to  
14 practice because of the reasons set forth in this Section, the  
15 Department or Board may require that individual to submit to  
16 care, counseling, or treatment by physicians approved or  
17 designated by the Department or Board, as a condition, term, or  
18 restriction for continued, reinstated, or renewed licensure to  
19 practice; or, in lieu of care, counseling, or treatment, the  
20 Department may file, or the Board may recommend to the  
21 Department to file, a complaint to immediately suspend, revoke,  
22 or otherwise discipline the license of the individual. An  
23 individual whose license was granted, continued, reinstated,  
24 renewed, disciplined or supervised subject to such terms,  
25 conditions, or restrictions, and who fails to comply with such  
26 terms, conditions, or restrictions, shall be referred to the

1 Secretary for a determination as to whether the individual  
2 shall have his or her license suspended immediately, pending a  
3 hearing by the Department.

4 In instances in which the Secretary immediately suspends a  
5 person's license under this Section, a hearing on that person's  
6 license must be convened by the Department within 30 days after  
7 the suspension and completed without appreciable delay. The  
8 Department and Board shall have the authority to review the  
9 subject individual's record of treatment and counseling  
10 regarding the impairment to the extent permitted by applicable  
11 federal statutes and regulations safeguarding the  
12 confidentiality of medical records.

13 An individual licensed under this Act and affected under  
14 this Section shall be afforded an opportunity to demonstrate to  
15 the Department or Board that he or she can resume practice in  
16 compliance with acceptable and prevailing standards under the  
17 provisions of his or her license.

18 (Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12;  
19 98-553, eff. 1-1-14; revised 11-14-13.)

20 Section 515. The Hydraulic Fracturing Regulatory Act is  
21 amended by changing Sections 1-15, 1-35, 1-60, 1-70, 1-75, and  
22 1-95 as follows:

23 (225 ILCS 732/1-15)

24 Sec. 1-15. Powers and duties.

1           (a) Except as otherwise provided, the Department shall  
2 enforce this Act and all rules and orders adopted in accordance  
3 with this Act.

4           (b) Except as otherwise provided, the Department shall have  
5 jurisdiction and authority over all persons and property  
6 necessary to enforce the provisions of this Act effectively. In  
7 aid of this jurisdiction, the Director, or anyone designated in  
8 writing by the Director, shall have the authority to administer  
9 oaths and to issue subpoenas for the production of records or  
10 other documents and for the attendance of witnesses at any  
11 proceedings of the Department.

12           (c) The Department may authorize any employee of the  
13 Department, qualified by training and experience, to perform  
14 the powers and duties set forth in this Act.

15           (d) For the purpose of determining compliance with the  
16 provisions of this Act and any orders or rules entered or  
17 adopted under this Act, the Department shall have the right at  
18 all times to go upon and inspect properties where high volume  
19 horizontal hydraulic fracturing operations are being or have  
20 been conducted.

21           (e) The Department shall make any inquiries as it may deem  
22 proper to determine whether a violation of this Act or any  
23 orders or rules entered or adopted under this Act exists or is  
24 imminent. In the exercise of these powers, the Department shall  
25 have the authority to collect data; to require testing and  
26 sampling; to make investigation and inspections; to examine

1 properties, including records and logs; to examine, check, and  
2 test hydrocarbon wells; to hold hearings; to adopt  
3 administrative rules; and to take any action as may be  
4 reasonably necessary to enforce this Act.

5 (f) Except as otherwise provided, the Department may  
6 specify the manner in which all information required to be  
7 submitted under this Act is submitted.

8 (Source: P.A. 98-22, eff. 6-17-13; revised 11-18-13.)

9 (225 ILCS 732/1-35)

10 Sec. 1-35. High volume horizontal hydraulic fracturing  
11 permit application.

12 (a) Every applicant for a permit under this Act shall first  
13 register with the Department at least 30 days before applying  
14 for a permit. The Department shall make available a  
15 registration form within 90 days after the effective date of  
16 this Act. The registration form shall require the following  
17 information:

18 (1) the name and address of the registrant and any  
19 parent, subsidiary, or affiliate thereof;

20 (2) disclosure of all findings of a serious violation  
21 or an equivalent violation under federal or state laws or  
22 regulations in the development or operation of an oil or  
23 gas exploration or production site via hydraulic  
24 fracturing by the applicant or any parent, subsidiary, or  
25 affiliate thereof within the previous 5 years; and

1           (3) proof of insurance to cover injuries, damages, or  
2           loss related to pollution or diminution in the amount of at  
3           least \$5,000,000, from an insurance carrier authorized,  
4           licensed, or permitted to do this insurance business in  
5           this State that holds at least an A- rating by A.M. Best &  
6           Co. or any comparable rating service.

7           A registrant must notify the Department of any change in  
8           the information identified in paragraphs (1), (2), or (3) of  
9           this subsection (a) at least annually or upon request of the  
10          Department.

11          (b) Every applicant for a permit under this Act must submit  
12          the following information to the Department on an application  
13          form provided by the Department:

14               (1) the name and address of the applicant and any  
15               parent, subsidiary, or affiliate thereof;

16               (2) the proposed well name and address and legal  
17               description of the well site and its unit area;

18               (3) a statement whether the proposed location of the  
19               well site is in compliance with the requirements of Section  
20               1-25 of this Act and a plat, which shows the proposed  
21               surface location of the well site, providing the distance  
22               in feet, from the surface location of the well site to the  
23               features described in subsection (a) of Section 1-25 of  
24               this Act;

25               (4) a detailed description of the proposed well to be  
26               used for the high volume horizontal hydraulic fracturing

1 operations including, but not limited to, the following  
2 information:

3 (A) the approximate total depth to which the well  
4 is to be drilled or deepened;

5 (B) the proposed angle and direction of the well;

6 (C) the actual depth or the approximate depth at  
7 which the well to be drilled deviates from vertical;

8 (D) the angle and direction of any nonvertical  
9 portion of the wellbore until the well reaches its  
10 total target depth or its actual final depth; and

11 (E) the estimated length and direction of the  
12 proposed horizontal lateral or wellbore;

13 (5) the estimated depth and elevation, according to the  
14 most recent publication of the Illinois State Geological  
15 Survey of Groundwater for the location of the well, of the  
16 lowest potential fresh water along the entire length of the  
17 proposed wellbore;

18 (6) a detailed description of the proposed high volume  
19 horizontal hydraulic fracturing operations, including, but  
20 not limited to, the following:

21 (A) the formation affected by the high volume  
22 horizontal hydraulic fracturing operations, including,  
23 but not limited to, geologic name and geologic  
24 description of the formation that will be stimulated by  
25 the operation;

26 (B) the anticipated surface treating pressure

1 range;

2 (C) the maximum anticipated injection treating  
3 pressure;

4 (D) the estimated or calculated fracture pressure  
5 of the producing and confining zones; and

6 (E) the planned depth of all proposed perforations  
7 or depth to the top of the open hole section;

8 (7) a plat showing all known previous wellbores ~~well~~  
9 ~~bores~~ within 750 feet of any part of the horizontal  
10 wellbore ~~well bore~~ that penetrated within 400 vertical feet  
11 of the formation that will be stimulated as part of the  
12 high volume horizontal hydraulic fracturing operations;

13 (8) unless the applicant documents why the information  
14 is not available at the time the application is submitted,  
15 a chemical disclosure report identifying each chemical and  
16 proppant anticipated to be used in hydraulic fracturing  
17 fluid for each stage of the hydraulic fracturing operations  
18 including the following:

19 (A) the total volume of water anticipated to be  
20 used in the hydraulic fracturing treatment of the well  
21 or the type and total volume of the base fluid  
22 anticipated to be used in the hydraulic fracturing  
23 treatment, if something other than water;

24 (B) each hydraulic fracturing additive anticipated  
25 to be used in the hydraulic fracturing fluid, including  
26 the trade name, vendor, a brief descriptor of the

1 intended use or function of each hydraulic fracturing  
2 additive, and the Material Safety Data Sheet (MSDS), if  
3 applicable;

4 (C) each chemical anticipated to be intentionally  
5 added to the base fluid, including for each chemical,  
6 the Chemical Abstracts Service number, if applicable;  
7 and

8 (D) the anticipated concentration in the base  
9 fluid, in percent by mass, of each chemical to be  
10 intentionally added to the base fluid;

11 (9) a certification of compliance with the Water Use  
12 Act of 1983 and applicable regional water supply plans;

13 (10) a fresh water withdrawal and management plan that  
14 shall include the following information:

15 (A) the source of the water, such as surface or  
16 groundwater, anticipated to be used for water  
17 withdrawals, and the anticipated withdrawal location;

18 (B) the anticipated volume and rate of each water  
19 withdrawal from each withdrawal location;

20 (C) the anticipated months when water withdrawals  
21 shall be made from each withdrawal location;

22 (D) the methods to be used to minimize water  
23 withdrawals as much as feasible; and

24 (E) the methods to be used for surface water  
25 withdrawals to minimize adverse impact to aquatic  
26 life.



1           Where a surface water source is wholly contained within  
2           a single property, and the owner of the property expressly  
3           agrees in writing to its use for water withdrawals, the  
4           applicant is not required to include this surface water  
5           source in the fresh water withdrawal and management plan;

6           (11) a plan for the handling, storage, transportation,  
7           and disposal or reuse of hydraulic fracturing fluids and  
8           hydraulic fracturing flowback. The plan shall identify the  
9           specific Class II injection well or wells that will be used  
10          to dispose of the hydraulic fracturing flowback. The plan  
11          shall describe the capacity of the tanks to be used for the  
12          capture and storage of flowback and of the lined reserve  
13          pit to be used, if necessary, to temporarily store any  
14          flowback in excess of the capacity of the tanks.  
15          Identification of the Class II injection well or wells  
16          shall be by name, identification number, and specific  
17          location and shall include the date of the most recent  
18          mechanical integrity test for each Class II injection well;

19          (12) a well site safety plan to address proper safety  
20          measures to be employed during high volume horizontal  
21          hydraulic fracturing operations for the protection of  
22          persons on the site as well as the general public. Within  
23          15 calendar days after submitting the permit application to  
24          the Department, the applicant must provide a copy of the  
25          plan to the county or counties in which hydraulic  
26          fracturing operations will occur. Within 5 calendar days of

1 its receipt, the Department shall provide a copy of the  
2 well site safety plan to the Office of the State Fire  
3 Marshal;

4 (13) a containment plan describing the containment  
5 practices and equipment to be used and the area of the well  
6 site where containment systems will be employed, and within  
7 5 calendar days of its receipt, the Department shall  
8 provide a copy of the containment plan to the Office of the  
9 State Fire Marshal;

10 (14) a casing and cementing plan that describes the  
11 casing and cementing practices to be employed, including  
12 the size of each string of pipe, the starting point, and  
13 depth to which each string is to be set and the extent to  
14 which each string is to be cemented;

15 (15) a traffic management plan that identifies the  
16 anticipated roads, streets, and highways that will be used  
17 for access to and egress from the well site. The traffic  
18 management plan will include a point of contact to discuss  
19 issues related to traffic management. Within 15 calendar  
20 days after submitting the permit application to the  
21 Department, the applicant must provide a copy of the  
22 traffic management plan to the county or counties in which  
23 the well site is located, and within 5 calendar days of its  
24 receipt, the Department shall provide a copy of the traffic  
25 management plan to the Office of the State Fire Marshal;

26 (16) the names and addresses of all owners of any real

1 property within 1,500 feet of the proposed well site, as  
2 disclosed by the records in the office of the recorder of  
3 the county or counties;

4 (17) drafts of the specific public notice and general  
5 public notice as required by Section 1-40 of this Act;

6 (18) a statement that the well site at which the high  
7 volume horizontal hydraulic fracturing operation will be  
8 conducted will be restored in compliance with Section  
9 240.1181 of Title 62 of the Illinois Administrative Code  
10 and Section 1-95 of this Act;

11 (19) proof of insurance to cover injuries, damages, or  
12 loss related to pollution in the amount of at least  
13 \$5,000,000; and

14 (20) any other relevant information which the  
15 Department may, by rule, require.

16 (c) Where an application is made to conduct high volume  
17 horizontal fracturing operations at a well site located within  
18 the limits of any city, village, or incorporated town, the  
19 application shall state the name of the city, village, or  
20 incorporated town and be accompanied with a certified copy of  
21 the official consent for the hydraulic fracturing operations to  
22 occur from the municipal authorities where the well site is  
23 proposed to be located. No permit shall be issued unless  
24 consent is secured and filed with the permit application. In  
25 the event that an amended location is selected, the original  
26 permit shall not be valid unless a new certified consent is

1 filed for the amended location.

2 (d) The hydraulic fracturing permit application shall be  
3 accompanied by a bond as required by subsection (a) of Section  
4 1-65 of this Act.

5 (e) Each application for a permit under this Act shall  
6 include payment of a non-refundable fee of \$13,500. Of this  
7 fee, \$11,000 shall be deposited into the Mines and Minerals  
8 Regulatory Fund for the Department to use to administer and  
9 enforce this Act and otherwise support the operations and  
10 programs of the Office of Mines and Minerals. The remaining  
11 \$2,500 shall be deposited into the Illinois Clean Water Fund  
12 for the Agency to use to carry out its functions under this  
13 Act. The Department shall not initiate its review of the permit  
14 application until the applicable fee under this subsection (e)  
15 has been submitted to and received by the Department.

16 (f) Each application submitted under this Act shall be  
17 signed, under the penalty of perjury, by the applicant or the  
18 applicant's designee who has been vested with the authority to  
19 act on behalf of the applicant and has direct knowledge of the  
20 information contained in the application and its attachments.  
21 Any person signing an application shall also sign an affidavit  
22 with the following certification:

23 "I certify, under penalty of perjury as provided by law  
24 and under penalty of refusal, suspension, or revocation of  
25 a high volume horizontal hydraulic fracturing permit, that  
26 this application and all attachments are true, accurate,

1 and complete to the best of my knowledge.".

2 (g) The permit application shall be submitted to the  
3 Department in both electronic and hard copy format. The  
4 electronic format shall be searchable.

5 (h) The application for a high volume horizontal hydraulic  
6 fracturing permit may be submitted as a combined permit  
7 application with the operator's application to drill on a form  
8 as the Department shall prescribe. The combined application  
9 must include the information required in this Section. If the  
10 operator elects to submit a combined permit application,  
11 information required by this Section that is duplicative of  
12 information required for an application to drill is only  
13 required to be provided once as part of the combined  
14 application. The submission of a combined permit application  
15 under this subsection shall not be interpreted to relieve the  
16 applicant or the Department from complying with the  
17 requirements of this Act or the Illinois Oil and Gas Act.

18 (i) Upon receipt of a permit application, the Department  
19 shall have no more than 60 calendar days from the date it  
20 receives the permit application to approve, with any conditions  
21 the Department may find necessary, or reject the application  
22 for the high volume horizontal hydraulic fracturing permit. The  
23 applicant may waive, in writing, the 60-day deadline upon its  
24 own initiative or in response to a request by the Department.

25 (j) If at any time during the review period the Department  
26 determines that the permit application is not complete under

1 this Act, does not meet the requirements of this Section, or  
2 requires additional information, the Department shall notify  
3 the applicant in writing of the application's deficiencies and  
4 allow the applicant to correct the deficiencies and provide the  
5 Department any information requested to complete the  
6 application. If the applicant fails to provide adequate  
7 supplemental information within the review period, the  
8 Department may reject the application.

9 (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

10 (225 ILCS 732/1-60)

11 Sec. 1-60. High volume horizontal hydraulic fracturing  
12 permit; denial, suspension, or revocation.

13 (a) The Department may suspend, revoke, or refuse to issue  
14 a high volume horizontal hydraulic fracturing permit under this  
15 Act for one or more of the following causes:

16 (1) providing incorrect, misleading, incomplete, or  
17 materially untrue information in a permit application or  
18 any document required to be filed with the Department;

19 (2) violating any condition of the permit;

20 (3) violating any provision of or any regulation  
21 adopted under this Act or the Illinois Oil and Gas Act;

22 (4) using fraudulent, coercive, or dishonest  
23 practices, or demonstrating incompetence,  
24 untrustworthiness, or financial irresponsibility in the  
25 conduct of business in this State or elsewhere;

1           (5) having a high volume horizontal hydraulic  
2           fracturing permit, or its equivalent, revoked in any other  
3           state, province, district, or territory for incurring a  
4           material or major violation or using fraudulent or  
5           dishonest practices; or

6           (6) an emergency condition exists under which conduct  
7           of the high volume horizontal hydraulic fracturing  
8           operations would pose a significant hazard to public  
9           health, aquatic life, wildlife, or the environment.

10          (b) In every case in which a permit is suspended or  
11          revoked, the Department shall serve notice of its action,  
12          including a statement of the reasons for the action, either  
13          personally or by certified mail, receipt return requested, to  
14          the permittee.

15          (c) The order of suspension or revocation of a permit shall  
16          take effect upon issuance of the order. The permittee may  
17          request, in writing, within 30 days after the date of receiving  
18          the notice, a hearing. Except as provided under subsection (d)  
19          of this Section, in the event a hearing is requested, the order  
20          shall remain in effect until a final order is entered pursuant  
21          to the hearing.

22          (d) The order of suspension or revocation of a permit may  
23          be stayed if requested by the permittee and evidence is  
24          submitted demonstrating that there is no significant threat to  
25          the public health, aquatic life, wildlife, or the environment  
26          if the operation is allowed to continue.

1 (e) The hearing shall be held at a time and place  
2 designated by the Department. The Director of the Department or  
3 any administrative law judge designated by him or her has ~~have~~  
4 the power to administer oaths and affirmations, subpoena  
5 witnesses and compel their attendance, take evidence, and  
6 require the production of books, papers, correspondence, and  
7 other records or information that he or she considers relevant  
8 or material.

9 (f) The costs of the administrative hearing shall be set by  
10 rule and shall be borne by the permittee.

11 (g) The Department's decision to suspend or revoke a high  
12 volume horizontal hydraulic fracturing permit is subject to  
13 judicial review under the Administrative Review Law.

14 (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

15 (225 ILCS 732/1-70)

16 Sec. 1-70. Well preparation, construction, and drilling.

17 (a) This Section shall apply to all horizontal wells that  
18 are to be completed using high volume horizontal hydraulic  
19 fracturing operations under a high volume horizontal hydraulic  
20 fracturing permit. The requirements of this Section shall be in  
21 addition to any other laws or rules regarding wells and well  
22 sites.

23 (b) Site preparation standards shall be as follows:

24 (1) The access road to the well site must be located in  
25 accordance with access rights identified in the Illinois



1 Oil and Gas Act and located as far as practical from  
2 occupied structures, places of assembly, and property  
3 lines of unleased property.

4 (2) Unless otherwise approved or directed by the  
5 Department, all topsoil stripped to facilitate the  
6 construction of the well pad and access roads must be  
7 stockpiled, stabilized, and remain on site for use in  
8 either partial or final reclamation. In the event it is  
9 anticipated that the final reclamation shall take place in  
10 excess of one year from drilling the well the topsoil may  
11 be disposed of in any lawful manner provided the operator  
12 reclaims the site with topsoil of similar characteristics  
13 of the topsoil removed.

14 (3) Piping, conveyances, valves, and tanks in contact  
15 with hydraulic fracturing fluid, hydraulic fracturing  
16 flowback, or produced water must be constructed of  
17 materials compatible with the composition of the hydraulic  
18 fracturing fluid, hydraulic fracturing flowback, and  
19 produced water.

20 (4) The improvement, construction, or repair of a  
21 publicly owned highway or roadway, if undertaken by the  
22 owner, operator, permittee, or any other private entity,  
23 shall be performed using bidding procedures outlined in the  
24 Illinois Department of Transportation rules governing  
25 local roads and streets or applicable bidding requirements  
26 outlined in the Illinois Procurement Code as though the

1 project were publicly funded.

2 (c) Site maintenance standards shall be as follows:

3 (1) Secondary containment is required for all fueling  
4 tanks.

5 (2) Fueling tanks shall be subject to Section 1-25 of  
6 this Act.

7 (3) Fueling tank filling operations shall be  
8 supervised at the fueling truck and at the tank if the tank  
9 is not visible to the fueling operator from the truck.

10 (4) Troughs, drip pads, or drip pans are required  
11 beneath the fill port of a fueling tank during filling  
12 operations if the fill port is not within the secondary  
13 containment required by paragraph (1) of this subsection.

14 (d) All wells shall be constructed, and casing and  
15 cementing activities shall be conducted, in a manner that shall  
16 provide for control of the well at all times, prevent the  
17 migration of oil, gas, and other fluids into the fresh water  
18 and coal seams, and prevent pollution or diminution of fresh  
19 water. In addition to any of the Department's casing and  
20 cementing requirements, the following shall apply:

21 (1) All casings must conform to the current industry  
22 standards published by the American Petroleum Institute.

23 (2) Casing thread compound and its use must conform to  
24 the current industry standards published by the American  
25 Petroleum Institute.

26 (3) Surface casing shall be centralized at the shoe,

1 above and below a stage collar or diverting tool, if run,  
2 and through usable-quality water zones. In non-deviated  
3 holes, pipe centralization as follows is required: a  
4 centralizer shall be placed every fourth joint from the  
5 cement shoe to the ground surface or to the bottom of the  
6 cellar. All centralizers shall meet specifications in, or  
7 equivalent to, API Spec ~~spec~~ 10D, Specification for  
8 Bow-Spring Casing Centralizers; API Spec 10 TR4, Technical  
9 Report on Considerations Regarding Selection of  
10 Centralizers for Primary Cementing Operations; and API RP  
11 10D-2, Recommended Practice for Centralizer Placement and  
12 Stop Collar Testing. The Department may require additional  
13 centralization as necessary to ensure the integrity of the  
14 well design is adequate. All centralizers must conform to  
15 the current industry standards published by the American  
16 Petroleum Institute.

17 (4) Cement must conform to current industry standards  
18 published by the American Petroleum Institute and the  
19 cement slurry must be prepared to minimize its free water  
20 content in accordance with the current industry standards  
21 published by the American Petroleum Institute; the cement  
22 must also:

23 (A) secure the casing in the wellbore;

24 (B) isolate and protect fresh groundwater;

25 (C) isolate abnormally pressured zones, lost  
26 circulation zones, and any potential flow zones

1 including hydrocarbon and fluid-bearing zones;

2 (D) properly control formation pressure and any  
3 pressure from drilling, completion and production;

4 (E) protect the casing from corrosion and  
5 degradation; and

6 (F) prevent gas flow in the annulus.

7 (5) Prior to cementing any casing string, the borehole  
8 must be circulated and conditioned to ensure an adequate  
9 cement bond.

10 (6) A pre-flush or spacer must be pumped ahead of the  
11 cement.

12 (7) The cement must be pumped at a rate and in a flow  
13 regime that inhibits channeling of the cement in the  
14 annulus.

15 (8) Cement compressive strength tests must be  
16 performed on all surface, intermediate, and production  
17 casing strings; after the cement is placed behind the  
18 casing, the operator shall wait on cement to set until the  
19 cement achieves a calculated compressive strength of at  
20 least 500 pounds per square inch, and a minimum of 8 hours  
21 before the casing is disturbed in any way, including  
22 installation of a blowout preventer. The cement shall have  
23 a 72-hour compressive strength of at least 1,200 psi, and  
24 the free water separation shall be no more than 6  
25 milliliters per 250 milliliters of cement, tested in  
26 accordance with current American Petroleum ~~petroleum~~

1 Institute standards.

2 (9) A copy of the cement job log for any cemented  
3 casing string in the well shall be maintained in the well  
4 file and available to the Department upon request.

5 (10) Surface casing shall be used and set to a depth of  
6 at least 200 feet, or 100 feet below the base of the  
7 deepest fresh water, whichever is deeper, but no more than  
8 200 feet below the base of the deepest fresh water and  
9 prior to encountering any hydrocarbon-bearing zones. The  
10 surface casing must be run and cemented as soon as  
11 practicable after the hole has been adequately circulated  
12 and conditioned.

13 (11) The Department must be notified at least 24 hours  
14 prior to surface casing cementing operations. Surface  
15 casing must be fully cemented to the surface with excess  
16 cements. Cementing must be by the pump and plug method with  
17 a minimum of 25% excess cement with appropriate lost  
18 circulation material, unless another amount of excess  
19 cement is approved by the Department. If cement returns are  
20 not observed at the surface, the operator must perform  
21 remedial actions as appropriate.

22 (12) Intermediate casing must be installed when  
23 necessary to isolate fresh water not isolated by surface  
24 casing and to seal off potential flow zones, anomalous  
25 pressure zones, lost circulation zones and other drilling  
26 hazards.

1 Intermediate casing must be set to protect fresh water  
2 if surface casing was set above the base of the deepest  
3 fresh water, if additional fresh water was found below the  
4 surface casing shoe, or both. Intermediate casing used to  
5 isolate fresh water must not be used as the production  
6 string in the well in which it is installed, and may not be  
7 perforated for purposes of conducting a hydraulic fracture  
8 treatment through it.

9 When intermediate casing is installed to protect fresh  
10 water, the operator shall set a full string of new  
11 intermediate casing at least 100 feet below the base of the  
12 deepest fresh water and bring cement to the surface. In  
13 instances where intermediate casing was set solely to  
14 protect fresh water encountered below the surface casing  
15 shoe, and cementing to the surface is technically  
16 infeasible, would result in lost circulation, or both,  
17 cement must be brought to a minimum of 600 feet above the  
18 shallowest fresh water zone encountered below the surface  
19 casing shoe or to the surface if the fresh water zone is  
20 less than 600 feet from the surface. The location and  
21 depths of any hydrocarbon-bearing zones or fresh water  
22 zones that are open to the wellbore above the casing shoe  
23 must be confirmed by coring, electric logs, or testing and  
24 must be reported to the Department.

25 In the case that intermediate casing was set for a  
26 reason other than to protect strata that contains fresh

1 water, the intermediate casing string shall be cemented  
2 from the shoe to a point at least 600 true vertical feet  
3 above the shoe. If there is a hydrocarbon-bearing  
4 ~~hydrocarbon-bearing~~ zone capable of producing exposed  
5 above the intermediate casing shoe, the casing shall be  
6 cemented from the shoe to a point at least 600 true  
7 vertical feet above the shallowest hydrocarbon-bearing  
8 ~~hydrocarbon-bearing~~ zone or to a point at least 200 feet  
9 above the shoe of the next shallower casing string that was  
10 set and cemented in the well (or to the surface if less  
11 than 200 feet).

12 (13) The Department must be notified prior to  
13 intermediate casing cementing operations. Cementing must  
14 be by the pump and plug method with a minimum of 25% excess  
15 cement. A radial cement bond evaluation log, or other  
16 evaluation approved by the Department, must be run to  
17 verify the cement bond on the intermediate casing. Remedial  
18 cementing is required if the cement bond is not adequate  
19 for drilling ahead.

20 (14) Production casing must be run and fully cemented  
21 to 500 feet above the top perforated zone, if possible. The  
22 Department must be notified at least 24 hours prior to  
23 production casing cementing operations. Cementing must be  
24 by the pump and plug method with a minimum of 25% excess  
25 cement.

26 (15) At any time, the Department, as it deems

1 necessary, may require installation of an additional  
2 cemented casing string or strings in the well.

3 (16) After the setting and cementing of a casing  
4 string, except the conductor casing, and prior to further  
5 drilling, the casing string shall be tested with fresh  
6 water, mud, or brine to no less than 0.22 psi per foot of  
7 casing string length or 1,500 psi, whichever is greater but  
8 not to exceed 70% of the minimum internal yield, for at  
9 least 30 minutes with less than a 5% pressure loss, except  
10 that any casing string that will have pressure exerted on  
11 it during stimulation of the well shall be tested to at  
12 least the maximum anticipated treatment pressure. If the  
13 pressure declines more than 5% or if there are other  
14 indications of a leak, corrective action shall be taken  
15 before conducting further drilling and high volume  
16 horizontal hydraulic fracturing operations. The operator  
17 shall contact the Department's District Office for any  
18 county in which the well is located at least 24 hours prior  
19 to conducting a pressure test to enable an inspector to be  
20 present when the test is done. A record of the pressure  
21 test must be maintained by the operator and must be  
22 submitted to the Department on a form prescribed by the  
23 Department prior to conducting high volume horizontal  
24 hydraulic fracturing operations. The actual pressure must  
25 not exceed the test pressure at any time during high volume  
26 horizontal hydraulic fracturing operations.



1           (17) Any hydraulic fracturing string used in the high  
2 volume horizontal hydraulic fracturing operations must be  
3 either strung into a production liner or run with a packer  
4 set at least 100 feet below the deepest cement top and must  
5 be tested to not less than the maximum anticipated treating  
6 pressure minus the annulus pressure applied between the  
7 fracturing string and the production or immediate casing.  
8 The pressure test shall be considered successful if the  
9 pressure applied has been held for 30 minutes with no more  
10 than 5% pressure loss. A function-tested relief valve and  
11 diversion line must be installed and used to divert flow  
12 from the hydraulic fracturing string-casing annulus to a  
13 covered watertight steel tank in case of hydraulic  
14 fracturing string failure. The relief valve must be set to  
15 limit the annular pressure to no more than 95% of the  
16 working pressure rating of the casings forming the annulus.  
17 The annulus between the hydraulic fracturing string and  
18 casing must be pressurized to at least 250 psi and  
19 monitored.

20           (18) After a successful pressure test under paragraph  
21 (16) of this subsection, a formation pressure integrity  
22 test must be conducted below the surface casing and below  
23 all intermediate casing. The operator shall notify the  
24 Department's District Office for any county in which the  
25 well is located at least 24 hours prior to conducting a  
26 formation pressure integrity test to enable an inspector to

1 be present when the test is done. A record of the pressure  
2 test must be maintained by the operator and must be  
3 submitted to the Department on a form prescribed by the  
4 Department prior to conducting high volume horizontal  
5 hydraulic fracturing operations. The actual hydraulic  
6 fracturing treatment pressure must not exceed the test  
7 pressure at any time during high volume horizontal  
8 hydraulic fracturing operations.

9 (e) Blowout prevention standards shall be set as follows:

10 (1) The operator shall use blowout prevention  
11 equipment after setting casing with a competent casing  
12 seat. Blowout prevention equipment shall be in good  
13 working condition at all times.

14 (2) The operator shall use pipe fittings, valves,  
15 and unions placed on or connected to the blow out  
16 ~~blow-out~~ prevention systems that have a working  
17 pressure capability that exceeds the anticipated  
18 pressures.

19 (3) During all drilling and completion operations  
20 when a blowout preventer is installed, tested, or in  
21 use, the operator or operator's designated  
22 representative shall be present at the well site and  
23 that person or personnel shall have a current well  
24 control certification from an accredited training  
25 program that is acceptable to the Department. The  
26 certification shall be available at the well site and

1 provided to the Department upon request.

2 (4) Appropriate pressure control procedures and  
3 equipment in proper working order must be properly  
4 installed and employed while conducting drilling and  
5 completion operations including tripping, logging,  
6 running casing into the well, and drilling out  
7 solid-core stage plugs.

8 (5) Pressure testing of the blowout preventer and  
9 related equipment for any drilling or completion  
10 operation must be performed. Testing must be conducted  
11 in accordance with current industry standards  
12 published by the American Petroleum Institute. Testing  
13 of the blowout preventer shall include testing after  
14 the blowout preventer is installed on the well but  
15 prior to drilling below the last cemented casing seat.  
16 Pressure control equipment, including the blowout  
17 preventer, that fails any pressure test shall not be  
18 used until it is repaired and passes the pressure test.

19 (6) A remote blowout preventer actuator, that is  
20 powered by a source other than rig hydraulics, shall be  
21 located at least 50 feet from the wellhead and have an  
22 appropriate rated working pressure.

23 (Source: P.A. 98-22, eff. 6-17-13; revised 11-14-13.)

24 (225 ILCS 732/1-75)

25 Sec. 1-75. High volume horizontal hydraulic fracturing

1 operations.

2 (a) General.

3 (1) During all phases of high volume horizontal  
4 hydraulic fracturing operations, the permittee shall  
5 comply with all terms of the permit.

6 (2) All phases of high volume horizontal hydraulic  
7 fracturing operations shall be conducted in a manner that  
8 shall not pose a significant risk to public health, life,  
9 property, aquatic life, or wildlife.

10 (3) The permittee shall notify the Department by phone,  
11 electronic communication, or letter, at least 48 hours  
12 prior to the commencement of high volume horizontal  
13 hydraulic fracturing operations.

14 (b) Integrity tests and monitoring.

15 (1) Before the commencement of high volume horizontal  
16 hydraulic fracturing operations, all mechanical integrity  
17 tests required under subsection (d) of Section 1-70 and  
18 this subsection must be successfully completed.

19 (2) Prior to commencing high volume horizontal  
20 hydraulic fracturing operations and pumping of hydraulic  
21 fracturing fluid, the injection lines and manifold,  
22 associated valves, fracture head or tree and any other  
23 wellhead component or connection not previously tested  
24 must be tested with fresh water, mud, or brine to at least  
25 the maximum anticipated treatment pressure for at least 30  
26 minutes with less than a 5% pressure loss. A record of the

1 pressure test must be maintained by the operator and made  
2 available to the Department upon request. The actual high  
3 volume horizontal hydraulic fracturing treatment pressure  
4 must not exceed the test pressure at any time during high  
5 volume horizontal hydraulic fracturing operations.

6 (3) The pressure exerted on treating equipment  
7 including valves, lines, manifolds, hydraulic fracturing  
8 head or tree, casing and hydraulic fracturing string, if  
9 used, must not exceed 95% of the working pressure rating of  
10 the weakest component. The high volume horizontal  
11 hydraulic fracturing treatment pressure must not exceed  
12 the test pressure of any given component at any time during  
13 high volume horizontal hydraulic fracturing operations.

14 (4) During high volume horizontal hydraulic fracturing  
15 operations, all annulus pressures, the injection pressure,  
16 and the rate of injection shall be continuously monitored  
17 and recorded. The records of the monitoring shall be  
18 maintained by the operator and shall be provided to the  
19 Department upon request at any time during the period up to  
20 and including 5 years after the well is permanently plugged  
21 or abandoned.

22 (5) High volume horizontal hydraulic fracturing  
23 operations must be immediately suspended if any anomalous  
24 pressure or flow condition or any other anticipated  
25 pressure or flow condition is occurring in a way that  
26 indicates the mechanical integrity of the well has been

1           compromised and continued operations pose a risk to the  
2           environment. Remedial action shall be undertaken  
3           immediately prior to recommencing high volume horizontal  
4           hydraulic fracturing operations. The permittee shall  
5           notify the Department within 1 hour of suspending  
6           operations for any matters relating to the mechanical  
7           integrity of the well or risk to the environment.

8           (c) Fluid and waste management.

9           (1) For the purposes of storage at the well site and  
10          except as provided in paragraph (2) of this subsection,  
11          hydraulic fracturing additives, hydraulic fracturing  
12          fluid, hydraulic fracturing flowback, and produced water  
13          shall be stored in above-ground tanks during all phases of  
14          drilling, high volume horizontal hydraulic fracturing, and  
15          production operations until removed for proper disposal.  
16          For the purposes of centralized storage off site for  
17          potential reuse prior to disposal, hydraulic fracturing  
18          additives, hydraulic fracturing fluid, hydraulic  
19          fracturing flowback, and produced water shall be stored in  
20          above-ground tanks.

21          (2) In accordance with the plan required by paragraph  
22          (11) of subsection (b) of Section 1-35 of this Act and as  
23          approved by the Department, the use of a reserve pit is  
24          allowed for the temporary storage of hydraulic fracturing  
25          flowback. The reserve pit shall be used only in the event  
26          of a lack of capacity for tank storage due to higher than

1 expected volume or rate of hydraulic fracturing flowback,  
2 or other unanticipated flowback occurrence. Any reserve  
3 pit must comply with the following construction standards  
4 and liner specifications:

5 (A) the synthetic liner material shall have a  
6 minimum thickness of 24 mils with high puncture and  
7 tear strength and be impervious and resistant to  
8 deterioration;

9 (B) the pit lining system shall be designed to have  
10 a capacity at least equivalent to 110% of the maximum  
11 volume of hydraulic fracturing flowback anticipated to  
12 be recovered;

13 (C) the lined pit shall be constructed, installed,  
14 and maintained in accordance with the manufacturers'  
15 specifications and good engineering practices to  
16 prevent overflow during any use;

17 (D) the liner shall have sufficient elongation to  
18 cover the bottom and interior sides of the pit with the  
19 edges secured with at least a 12 inch deep anchor  
20 trench around the pit perimeter to prevent any slippage  
21 or destruction of the liner materials; and

22 (E) the foundation for the liner shall be free of  
23 rock and constructed with soil having a minimum  
24 thickness of 12 inches after compaction covering the  
25 entire bottom and interior sides of the pit.

26 (3) Fresh water may be stored in tanks or pits at the

1 election of the operator.

2 (4) Tanks required under this subsection must be  
3 above-ground tanks that are closed, watertight, and will  
4 resist corrosion. The permittee shall routinely inspect  
5 the tanks for corrosion.

6 (5) Hydraulic fracturing fluids and hydraulic  
7 fracturing flowback must be removed from the well site  
8 within 60 days after completion of high volume horizontal  
9 fracturing operations, except that any excess hydraulic  
10 fracturing flowback captured for temporary storage in a  
11 reserve pit as provided in paragraph (2) of this subsection  
12 must be removed from the well site within 7 days.

13 (6) Tanks, piping, and conveyances, including valves,  
14 must be constructed of suitable materials, be of sufficient  
15 pressure rating, be able to resist corrosion, and be  
16 maintained in a leak-free condition. Fluid transfer  
17 operations from tanks to tanker trucks must be supervised  
18 at the truck and at the tank if the tank is not visible to  
19 the truck operator from the truck. During transfer  
20 operations, all interconnecting piping must be supervised  
21 if not visible to transfer personnel at the truck and tank.

22 (7) Hydraulic fracturing flowback must be tested for  
23 volatile organic chemicals, semi-volatile organic  
24 chemicals, inorganic chemicals, heavy metals, and  
25 naturally occurring radioactive material prior to removal  
26 from the site. Testing shall occur once per well site and



1 the analytical results shall be filed with the Department  
2 and the Agency, and provided to the liquid oilfield waste  
3 transportation and disposal operators. Prior to plugging  
4 and site restoration, the ground adjacent to the storage  
5 tanks and any hydraulic fracturing flowback reserve pit  
6 must be measured for radioactivity.

7 (8) Hydraulic fracturing flowback may only be disposed  
8 of by injection into a Class II injection well that is  
9 below interface between fresh water and naturally  
10 occurring Class IV groundwater. Produced water may be  
11 disposed of by injection in a permitted enhanced oil  
12 recovery operation. Hydraulic fracturing flowback and  
13 produced water may be treated and recycled for use in  
14 hydraulic fracturing fluid for high volume horizontal  
15 hydraulic fracturing operations.

16 (9) Discharge of hydraulic fracturing fluids,  
17 hydraulic fracturing flowback, and produced water into any  
18 surface water or water drainage way is prohibited.

19 (10) Transport of all hydraulic fracturing fluids,  
20 hydraulic fracturing flowback, and produced water by  
21 vehicle for disposal must be undertaken by a liquid  
22 oilfield waste hauler permitted by the Department under  
23 Section 8c of the Illinois Oil and Gas Act. The liquid  
24 oilfield waste hauler transporting hydraulic fracturing  
25 fluids, hydraulic fracturing flowback, or produced water  
26 under this Act shall comply with all laws, rules, and

1 regulations concerning liquid oilfield waste.

2 (11) Drill cuttings, drilling fluids, and drilling  
3 wastes not containing oil-based mud or polymer-based mud  
4 may be stored in tanks or pits. Pits used to store  
5 cuttings, fluids, and drilling wastes from wells not using  
6 fresh water mud shall be subject to the construction  
7 standards identified in paragraph (2) of this subsection  
8 (c) Section. Drill cuttings not contaminated with  
9 oil-based mud or polymer-based mud may be disposed of  
10 onsite subject to the approval of the Department. Drill  
11 cuttings contaminated with oil-based mud or polymer-based  
12 mud shall not be disposed of onsite ~~on-site~~. Annular  
13 disposal of drill cuttings or fluid is prohibited.

14 (12) Any release of hydraulic fracturing fluid,  
15 hydraulic fracturing additive, or hydraulic fracturing  
16 flowback, used or generated during or after high volume  
17 horizontal hydraulic fracturing operations shall be  
18 immediately cleaned up and remediated pursuant to  
19 Department requirements. Any release of hydraulic  
20 fracturing fluid or hydraulic fracturing flowback in  
21 excess of 1 barrel, shall be reported to the Department.  
22 Any release of a hydraulic fracturing additive shall be  
23 reported to the Department in accordance with the  
24 appropriate reportable quantity thresholds established  
25 under the federal Emergency Planning and Community  
26 Right-to-Know Act as published in the Code of Federal

1 Regulations (CFR), 40 CFR Parts 355, 370, and 372, the  
2 federal Comprehensive Environmental Response,  
3 Compensation, and Liability Act as published in 40 CFR Part  
4 302, and subsection (r) of Section 112 of the federal  
5 ~~Federal~~ Clean Air Act as published in 40 CFR Part 68. Any  
6 release of produced water in excess of 5 barrels shall be  
7 cleaned up, remediated, and reported pursuant to  
8 Department requirements.

9 (13) Secondary containment for tanks required under  
10 this subsection and additive staging areas is required.  
11 Secondary containment measures may include, as deemed  
12 appropriate by the Department, one or a combination of the  
13 following: dikes, liners, pads, impoundments, curbs,  
14 sumps, or other structures or equipment capable of  
15 containing the substance. Any secondary containment must  
16 be sufficient to contain 110% of the total capacity of the  
17 single largest container or tank within a common  
18 containment area. No more than one hour before initiating  
19 any stage of the high volume horizontal hydraulic  
20 fracturing operations, all secondary containment must be  
21 visually inspected to ensure all structures and equipment  
22 are in place and in proper working order. The results of  
23 this inspection must be recorded and documented by the  
24 operator, and available to the Department upon request.

25 (14) A report on the transportation and disposal of the  
26 hydraulic fracturing fluids and hydraulic fracturing

1 flowback shall be prepared and included in the well file.  
2 The report must include the amount of fluids transported,  
3 identification of the company that transported the fluids,  
4 the destination of the fluids, and the method of disposal.

5 (15) Operators operating wells permitted under this  
6 Act must submit an annual report to the Department  
7 detailing the management of any produced water associated  
8 with the permitted well. The report shall be due to the  
9 Department no later than April 30th of each year and shall  
10 provide information on the operator's management of any  
11 produced water for the prior calendar year. The report  
12 shall contain information relative to the amount of  
13 produced water the well permitted under this Act produced,  
14 the method by which the produced water was disposed, and  
15 the destination where the produced water was disposed in  
16 addition to any other information the Department  
17 determines is necessary by rule.

18 (d) Hydraulic fracturing fluid shall be confined to the  
19 targeted formation designated in the permit. If the hydraulic  
20 fracturing fluid or hydraulic fracturing flowback are  
21 migrating into the freshwater zone or to the surface from the  
22 well in question or from other wells, the permittee shall  
23 immediately notify the Department and shut in the well until  
24 remedial action that prevents the fluid migration is completed.  
25 The permittee shall obtain the approval of the Department prior  
26 to resuming operations.

1 (e) Emissions controls.

2 (1) This subsection applies to all horizontal wells  
3 that are completed with high volume horizontal hydraulic  
4 fracturing.

5 (2) Except as otherwise provided in paragraph (8) of  
6 this subsection (e), permittees shall be responsible for  
7 managing gas and hydrocarbon fluids produced during the  
8 flowback period by routing recovered hydrocarbon fluids to  
9 one or more storage vessels or re-injecting into the well  
10 or another well, and routing recovered natural gas into a  
11 flow line or collection system, re-injecting the gas into  
12 the well or another well, using the gas as an on-site fuel  
13 source, or using the gas for another useful purpose that a  
14 purchased fuel or raw material would serve, with no direct  
15 release to the atmosphere.

16 (3) If it is technically infeasible or economically  
17 unreasonable to minimize emissions associated with the  
18 venting of hydrocarbon fluids and natural gas during the  
19 flowback period using the methods specified in paragraph  
20 (2) of this subsection (e), the permittee shall capture and  
21 direct the emissions to a completion combustion device,  
22 except in conditions that may result in a fire hazard or  
23 explosion, or where high heat emissions from a completion  
24 combustion device may negatively impact waterways.  
25 Completion combustion devices must be equipped with a  
26 reliable continuous ignition source over the duration of

1 the flowback period.

2 (4) Except as otherwise provided in paragraph (8) of  
3 this subsection (e), permittees shall be responsible for  
4 minimizing the emissions associated with venting of  
5 hydrocarbon fluids and natural gas during the production  
6 phase by:

7 (A) routing the recovered fluids into storage  
8 vessels and (i) routing the recovered gas into a gas  
9 gathering line, collection system, or to a generator  
10 for onsite energy generation, providing that gas to the  
11 surface owner of the well site for use for heat or  
12 energy generation, or (ii) using another method other  
13 than venting or flaring; and

14 (B) employing sand traps, surge vessels,  
15 separators, and tanks as soon as practicable during  
16 cleanout operations to safely maximize resource  
17 recovery and minimize releases to the environment.

18 (5) If the permittee establishes that it is technically  
19 infeasible or economically unreasonable to minimize  
20 emissions associated with the venting of hydrocarbon  
21 fluids and natural gas during production using the methods  
22 specified in paragraph (4) of this subsection (e), the  
23 Department shall require the permittee to capture and  
24 direct any natural gas produced during the production phase  
25 to a flare. Any flare used pursuant to this paragraph shall  
26 be equipped with a reliable continuous ignition source over

1 the duration of production. In order to establish technical  
2 infeasibility or economic unreasonableness under this  
3 paragraph (5), the permittee must demonstrate, for each  
4 well site on an annual basis, that taking the actions  
5 listed in paragraph (4) of this subsection (e) are not cost  
6 effective based on a site-specific analysis. Permittees  
7 that use a flare during the production phase for operations  
8 other than emergency conditions shall file an updated  
9 site-specific analysis annually with the Department. The  
10 analysis shall be due one year from the date of the  
11 previous submission and shall detail whether any changes  
12 have occurred that alter the technical infeasibility or  
13 economic unreasonableness of the permittee to reduce their  
14 emissions in accordance with paragraph (4) of this  
15 subsection (e).

16 (6) Uncontrolled emissions exceeding 6 tons per year  
17 from storage tanks shall be recovered and routed to a flare  
18 that is designed in accordance with 40 CFR 60.18 and is  
19 certified by the manufacturer of the device. The permittee  
20 shall maintain and operate the flare in accordance with  
21 manufacturer specifications. Any flare used under this  
22 paragraph must be equipped with a reliable continuous  
23 ignition source over the duration of production.

24 (7) The Department may approve an exemption that waives  
25 the flaring requirements of paragraphs (5) and (6) of this  
26 subsection (e) only if the permittee demonstrates that the

1 use of the flare will pose a significant risk of injury or  
2 property damage and that alternative methods of collection  
3 will not threaten harm to the environment. In determining  
4 whether to approve a waiver, the Department shall consider  
5 the quantity of casinghead gas produced, the topographical  
6 and climatological features at the well site, and the  
7 proximity of agricultural structures, crops, inhabited  
8 structures, public buildings, and public roads and  
9 railways.

10 (8) For each wildcat well, delineation well, or low  
11 pressure well, permittees shall be responsible for  
12 minimizing the emissions associated with venting of  
13 hydrocarbon fluids and natural gas during the flowback  
14 period and production phase by capturing and directing the  
15 emissions to a completion combustion device during the  
16 flowback period and to a flare during the production phase,  
17 except in conditions that may result in a fire hazard or  
18 explosion, or where high heat emissions from a completion  
19 combustion device or flare may negatively impact  
20 waterways. Completion combustion devices and flares shall  
21 be equipped with a reliable continuous ignition source over  
22 the duration of the flowback period and the production  
23 phase, as applicable.

24 (9) On or after July 1, 2015, all flares used under  
25 paragraphs (5) and (8) of this subsection (e) shall (i)  
26 operate with a combustion efficiency of at least 98% and in



1           accordance with 40 CFR 60.18; and (ii) be certified by the  
2           manufacturer of the device. The permittee shall maintain  
3           and operate the flare in accordance with manufacturer  
4           specifications.

5           (10) Permittees shall employ practices for control of  
6           fugitive dust related to their operations. These practices  
7           shall include, but are not limited to, the use of speed  
8           restrictions, regular road maintenance, and restriction of  
9           construction activity during high-wind days. Additional  
10          management practices such as road surfacing, wind breaks  
11          and barriers, or automation of wells to reduce truck  
12          traffic may also be required by the Department if  
13          technologically feasible and economically reasonable to  
14          minimize fugitive dust emissions.

15          (11) Permittees shall record and report to the  
16          Department on an annual basis the amount of gas flared or  
17          vented from each high volume horizontal hydraulic  
18          fracturing well. Three years after the effective date of  
19          the first high volume ~~high volume~~ horizontal hydraulic  
20          fracturing well permit issued by the Department, and every  
21          3 years thereafter, the Department shall prepare a report  
22          that analyzes the amount of gas that has been flared or  
23          vented and make recommendations to the General Assembly on  
24          whether steps should be taken to reduce the amount of gas  
25          that is being flared or vented in this State.

26          (f) High volume horizontal hydraulic fracturing operations

1 completion report. Within 60 calendar days after the conclusion  
2 of high volume horizontal hydraulic fracturing operations, the  
3 operator shall file a high volume horizontal hydraulic  
4 fracturing operations completion report with the Department. A  
5 copy of each completion report submitted to the Department  
6 shall be provided by the Department to the Illinois State  
7 Geological Survey. The completion reports required by this  
8 Section shall be considered public information and shall be  
9 made available on the Department's website. The high volume  
10 horizontal hydraulic fracturing operations completion report  
11 shall contain the following information:

12 (1) the permittee name as listed in the permit  
13 application;

14 (2) the dates of the high volume horizontal hydraulic  
15 fracturing operations;

16 (3) the county where the well is located;

17 (4) the well name and Department reference number;

18 (5) the total water volume used in the high volume  
19 horizontal hydraulic fracturing operations of the well,  
20 and the type and total volume of the base fluid used if  
21 something other than water;

22 (6) each source from which the water used in the high  
23 volume horizontal hydraulic fracturing operations was  
24 drawn, and the specific location of each source, including,  
25 but not limited to, the name of the county and latitude and  
26 longitude coordinates;

1           (7) the quantity of hydraulic fracturing flowback  
2 recovered from the well;

3           (8) a description of how hydraulic fracturing flowback  
4 recovered from the well was disposed and, if applicable,  
5 reused;

6           (9) a chemical disclosure report identifying each  
7 chemical and proppant used in hydraulic fracturing fluid  
8 for each stage of the hydraulic fracturing operations  
9 including the following:

10           (A) the total volume of water used in the hydraulic  
11 fracturing treatment of the well or the type and total  
12 volume of the base fluid used in the hydraulic  
13 fracturing treatment, if something other than water;

14           (B) each hydraulic fracturing additive used in the  
15 hydraulic fracturing fluid, including the trade name,  
16 vendor, a brief descriptor of the intended use or  
17 function of each hydraulic fracturing additive, and  
18 the Material Safety Data Sheet (MSDS), if applicable;

19           (C) each chemical intentionally added to the base  
20 fluid, including for each chemical, the Chemical  
21 Abstracts Service number, if applicable; and

22           (D) the actual concentration in the base fluid, in  
23 percent by mass, of each chemical intentionally added  
24 to the base fluid;

25           (10) all pressures recorded during the high volume  
26 horizontal hydraulic fracturing operations; and

1           (11) any other reasonable or pertinent information  
2           related to the conduct of the high volume horizontal  
3           hydraulic fracturing operations the Department may request  
4           or require by administrative rule.

5           (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

6           (225 ILCS 732/1-95)

7           Sec. 1-95. Plugging; restoration.

8           (a) The permittee shall perform and complete plugging of  
9           the well and restoration of the well site in accordance with  
10          the Illinois Oil and Gas Act and any and all rules adopted  
11          thereunder. The permittee shall bear all costs related to  
12          plugging of the well and reclamation of the well site. If the  
13          permittee fails to plug the well in accordance with this  
14          Section, the owner of the well shall be responsible for  
15          complying with this Section.

16          (b) Prior to conducting high volume horizontal hydraulic  
17          fracturing operations at a well site, the permittee shall cause  
18          to be plugged all previously unplugged wellbores ~~well bores~~  
19          within 750 feet of any part of the horizontal wellbore ~~well~~  
20          ~~bore~~ that penetrated within 400 vertical feet of the formation  
21          that will be stimulated as part of the high volume horizontal  
22          hydraulic fracturing operations.

23          (c) For well sites where high volume horizontal hydraulic  
24          fracturing operations were permitted to occur, the operator  
25          shall restore any lands used by the operator other than the

1 well site and production facility to a condition as closely  
2 approximating the pre-drilling conditions that existed before  
3 the land was disturbed for any stage of site preparation  
4 activities, drilling, and high volume horizontal hydraulic  
5 fracturing operations. Restoration shall be commenced within 6  
6 months of completion of the well site and completed within 12  
7 months. Restoration shall include, but is not limited to,  
8 repair of tile lines, repair of fences and barriers, mitigation  
9 of soil compaction and rutting, application of fertilizer or  
10 lime to restore the fertility of disturbed soil, and repair of  
11 soil conservation practices such as terraces and grassed  
12 waterways.

13 (d) Unless contractually agreed to the contrary by the  
14 permittee and surface owner, the permittee shall restore the  
15 well site and production facility in accordance with the  
16 applicable restoration requirements in subsection (c) of this  
17 Section and shall remove all equipment and materials involved  
18 in site preparation, drilling, and high volume horizontal  
19 hydraulic fracturing operations, including tank batteries,  
20 rock and concrete pads, oilfield ~~oil field~~ debris, injection  
21 and flow lines at or above the surface, electric power lines  
22 and poles extending on or above the surface, tanks, fluids,  
23 pipes at or above the surface, secondary containment measures,  
24 rock or concrete bases, drilling equipment and supplies, and  
25 any and all other equipment, facilities, or materials used  
26 during any stage of site preparation work, drilling, or

1 hydraulic fracturing operations at the well site. Work on the  
2 removal of equipment and materials at the well site shall begin  
3 within 6 months after plugging the final well on the well site  
4 and be completed no later than 12 months after the last  
5 producing well on the well site has been plugged. Roads  
6 installed as part of the oil and gas operation may be left in  
7 place if provided in the lease or pursuant to agreement with  
8 the surface owner, as applicable.

9 (Source: P.A. 98-22, eff. 6-17-13; revised 11-12-13.)

10 Section 520. The Riverboat Gambling Act is amended by  
11 changing Section 8 as follows:

12 (230 ILCS 10/8) (from Ch. 120, par. 2408)

13 Sec. 8. Suppliers licenses.

14 (a) The Board may issue a suppliers license to such  
15 persons, firms or corporations which apply therefor upon the  
16 payment of a non-refundable application fee set by the Board,  
17 upon a determination by the Board that the applicant is  
18 eligible for a suppliers license and upon payment of a \$5,000  
19 annual license fee.

20 (b) The holder of a suppliers license is authorized to sell  
21 or lease, and to contract to sell or lease, gambling equipment  
22 and supplies to any licensee involved in the ownership or  
23 management of gambling operations.

24 (c) Gambling supplies and equipment may not be distributed

1 unless supplies and equipment conform to standards adopted by  
2 rules of the Board.

3 (d) A person, firm or corporation is ineligible to receive  
4 a suppliers license if:

5 (1) the person has been convicted of a felony under the  
6 laws of this State, any other state, or the United States;

7 (2) the person has been convicted of any violation of  
8 Article 28 of the Criminal Code of 1961 or the Criminal  
9 Code of 2012, or substantially similar laws of any other  
10 jurisdiction;

11 (3) the person has submitted an application for a  
12 license under this Act which contains false information;

13 (4) the person is a member of the Board;

14 (5) the firm or corporation is one in which a person  
15 defined in (1), (2), (3) or (4), is an officer, director or  
16 managerial employee;

17 (6) the firm or corporation employs a person who  
18 participates in the management or operation of riverboat  
19 gambling authorized under this Act;

20 (7) the license of the person, firm or corporation  
21 issued under this Act, or a license to own or operate  
22 gambling facilities in any other jurisdiction, has been  
23 revoked.

24 (e) Any person that supplies any equipment, devices, or  
25 supplies to a licensed riverboat gambling operation must first  
26 obtain a suppliers license. A supplier shall furnish to the

1 Board a list of all equipment, devices and supplies offered for  
2 sale or lease in connection with gambling games authorized  
3 under this Act. A supplier shall keep books and records for the  
4 furnishing of equipment, devices and supplies to gambling  
5 operations separate and distinct from any other business that  
6 the supplier might operate. A supplier shall file a quarterly  
7 return with the Board listing all sales and leases. A supplier  
8 shall permanently affix its name or a distinctive logo or other  
9 mark or design element identifying the manufacturer or supplier  
10 to all its equipment, devices, and supplies, except gaming  
11 chips without a value impressed, engraved, or imprinted on it,  
12 for gambling operations. The Board may waive this requirement  
13 for any specific product or products if it determines that the  
14 requirement is not necessary to protect the integrity of the  
15 game. Items purchased from a licensed supplier may continue to  
16 be used even though the supplier subsequently changes its name,  
17 distinctive logo, or other mark or design element; undergoes a  
18 change in ownership; or ceases to be licensed as a supplier for  
19 any reason. Any supplier's equipment, devices or supplies which  
20 are used by any person in an unauthorized gambling operation  
21 shall be forfeited to the State. A licensed owner may own its  
22 own equipment, devices and supplies. Each holder of an owners  
23 license under the Act shall file an annual report listing its  
24 inventories of gambling equipment, devices and supplies.

25 (f) Any person who knowingly makes a false statement on an  
26 application is guilty of a Class A misdemeanor.



1 (g) Any gambling equipment, devices and supplies provided  
2 by any licensed supplier may either be repaired on the  
3 riverboat or removed from the riverboat to an on-shore facility  
4 owned by the holder of an owners license for repair.

5 (Source: P.A. 97-1150, eff. 1-25-13; 98-12, eff. 5-10-13;  
6 revised 6-10-13.)

7 Section 525. The Raffles Act is amended by changing Section  
8 8.1 as follows:

9 (230 ILCS 15/8.1) (from Ch. 85, par. 2308.1)

10 Sec. 8.1. ~~(a)~~ Political Committees.

11 (a) For the purposes of this Section the terms defined in  
12 this subsection have the meanings given them.

13 "Net Proceeds" means the gross receipts from the conduct of  
14 raffles, less reasonable sums expended for prizes, license fees  
15 and other reasonable operating expenses incurred as a result of  
16 operating a raffle.

17 "Raffle" means a form of lottery, as defined in Section  
18 28-2 (b) of the Criminal Code of 2012, conducted by a political  
19 committee licensed under this Section, in which:

20 (1) the player pays or agrees to pay something of value  
21 for a chance, represented and differentiated by a number or  
22 by a combination of numbers or by some other medium, one or  
23 more of which chances is to be designated the winning  
24 chance;

1           (2) the winning chance is to be determined through a  
2 drawing or by some other method based on an element of  
3 chance by an act or set of acts on the part of persons  
4 conducting or connected with the lottery, except that the  
5 winning chance shall not be determined by the outcome of a  
6 publicly exhibited sporting contest.

7           "Unresolved claim" means a claim for civil penalty under  
8 Sections 9-3, 9-10, and 9-23 of The Election Code which has  
9 been begun by the State Board of Elections, has been disputed  
10 by the political committee under the applicable rules of the  
11 State Board of Elections, and has not been finally decided  
12 either by the State Board of Elections, or, where application  
13 for review has been made to the Courts of Illinois, remains  
14 finally undecided by the Courts.

15           "Owes" means that a political committee has been finally  
16 determined under applicable rules of the State Board of  
17 Elections to be liable for a civil penalty under Sections 9-3,  
18 9-10, and 9-23 of The Election Code.

19           (b) Licenses issued pursuant to this Section shall be valid  
20 for one raffle or for a specified number of raffles to be  
21 conducted during a specified period not to exceed one year and  
22 may be suspended or revoked for any violation of this Section.  
23 The State Board of Elections shall act on a license application  
24 within 30 days from the date of application.

25           (c) Licenses issued by the State Board of Elections are  
26 subject to the following restrictions:

1           (1) No political committee shall conduct raffles or  
2 chances without having first obtained a license therefor  
3 pursuant to this Section.

4           (2) The application for license shall be prepared in  
5 accordance with regulations of the State Board of Elections  
6 and must specify the area or areas within the State in  
7 which raffle chances will be sold or issued, the time  
8 period during which raffle chances will be sold or issued,  
9 the time of determination of winning chances and the  
10 location or locations at which winning chances will be  
11 determined.

12           (3) A license authorizes the licensee to conduct  
13 raffles as defined in this Section.

14           The following are ineligible for any license under this  
15 Section:

16           (i) any political committee which has an officer  
17 who has been convicted of a felony;

18           (ii) any political committee which has an officer  
19 who is or has been a professional gambler or gambling  
20 promoter;

21           (iii) any political committee which has an officer  
22 who is not of good moral character;

23           (iv) any political committee which has an officer  
24 who is also an officer of a firm or corporation in  
25 which a person defined in (i), (ii) or (iii) has a  
26 proprietary, equitable or credit interest, or in which

1 such a person is active or employed;

2 (v) any political committee in which a person  
3 defined in (i), (ii) or (iii) is an officer, director,  
4 or employee, whether compensated or not;

5 (vi) any political committee in which a person  
6 defined in (i), (ii) or (iii) is to participate in the  
7 management or operation of a raffle as defined in this  
8 Section;

9 (vii) any committee which, at the time of its  
10 application for a license to conduct a raffle, owes the  
11 State Board of Elections any unpaid civil penalty  
12 authorized by Sections 9-3, 9-10, and 9-23 of The  
13 Election Code, or is the subject of an unresolved claim  
14 for a civil penalty under Sections 9-3, 9-10, and 9-23  
15 of The Election Code;

16 (viii) any political committee which, at the time  
17 of its application to conduct a raffle, has not  
18 submitted any report or document required to be filed  
19 by Article 9 of The Election Code and such report or  
20 document is more than 10 days overdue.

21 (d) (1) The conducting of raffles is subject to the  
22 following restrictions:

23 (i) The entire net proceeds of any raffle must be  
24 exclusively devoted to the lawful purposes of the  
25 political committee permitted to conduct that game.

26 (ii) No person except a bona fide member of the

1 political committee may participate in the management  
2 or operation of the raffle.

3 (iii) No person may receive any remuneration or  
4 profit for participating in the management or  
5 operation of the raffle.

6 (iv) Raffle chances may be sold or issued only  
7 within the area specified on the license and winning  
8 chances may be determined only at those locations  
9 specified on the license.

10 (v) A person under the age of 18 years may  
11 participate in the conducting of raffles or chances  
12 only with the permission of a parent or guardian. A  
13 person under the age of 18 years may be within the area  
14 where winning chances are being determined only when  
15 accompanied by his parent or guardian.

16 (2) If a lessor rents premises where a winning chance  
17 or chances on a raffle are determined, the lessor shall not  
18 be criminally liable if the person who uses the premises  
19 for the determining of winning chances does not hold a  
20 license issued under the provisions of this Section.

21 (e) (1) Each political committee licensed to conduct  
22 raffles and chances shall keep records of its gross  
23 receipts, expenses and net proceeds for each single  
24 gathering or occasion at which winning chances are  
25 determined. All deductions from gross receipts for each  
26 single gathering or occasion shall be documented with

1 receipts or other records indicating the amount, a  
2 description of the purchased item or service or other  
3 reason for the deduction, and the recipient. The  
4 distribution of net proceeds shall be itemized as to payee,  
5 purpose, amount and date of payment.

6 (2) Each political committee licensed to conduct  
7 raffles shall report on the next report due to be filed  
8 under Article 9 of The Election Code its gross receipts,  
9 expenses and net proceeds from raffles, and the  
10 distribution of net proceeds itemized as required in this  
11 subsection.

12 Such reports shall be included in the regular reports  
13 required of political committees by Article 9 of The Election  
14 Code.

15 (3) Records required by this subsection shall be  
16 preserved for 3 years, and political committees shall make  
17 available their records relating to operation of raffles  
18 for public inspection at reasonable times and places.

19 (f) Violation of any provision of this Section is a Class C  
20 misdemeanor.

21 (g) Nothing in this Section shall be construed to authorize  
22 the conducting or operating of any gambling scheme, enterprise,  
23 activity or device other than raffles as provided for herein.

24 (Source: P.A. 97-1150, eff. 1-25-13; revised 11-12-13.)

25 Section 530. The Video Gaming Act is amended by changing

1 Sections 5, 15, 25, and 45 as follows:

2 (230 ILCS 40/5)

3 Sec. 5. Definitions. As used in this Act:

4 "Board" means the Illinois Gaming Board.

5 "Credit" means one, 5, 10, or 25 cents either won or  
6 purchased by a player.

7 "Distributor" means an individual, partnership,  
8 corporation, or limited liability company licensed under this  
9 Act to buy, sell, lease, or distribute video gaming terminals  
10 or major components or parts of video gaming terminals to or  
11 from terminal operators.

12 "Electronic card" means a card purchased from a licensed  
13 establishment, licensed fraternal establishment, licensed  
14 veterans establishment, or licensed truck stop establishment  
15 for use in that establishment as a substitute for cash in the  
16 conduct of gaming on a video gaming terminal.

17 "Electronic voucher" means a voucher printed by an  
18 electronic video game machine that is redeemable in the  
19 licensed establishment for which it was issued.

20 "Terminal operator" means an individual, partnership,  
21 corporation, or limited liability company that is licensed  
22 under this Act and that owns, services, and maintains video  
23 gaming terminals for placement in licensed establishments,  
24 licensed truck stop establishments, licensed fraternal  
25 establishments, or licensed veterans establishments.

1 "Licensed technician" means an individual who is licensed  
2 under this Act to repair, service, and maintain video gaming  
3 terminals.

4 "Licensed terminal handler" means a person, including but  
5 not limited to an employee or independent contractor working  
6 for a manufacturer, distributor, supplier, technician, or  
7 terminal operator, who is licensed under this Act to possess or  
8 control a video gaming terminal or to have access to the inner  
9 workings of a video gaming terminal. A licensed terminal  
10 handler does not include an individual, partnership,  
11 corporation, or limited liability company defined as a  
12 manufacturer, distributor, supplier, technician, or terminal  
13 operator under this Act.

14 "Manufacturer" means an individual, partnership,  
15 corporation, or limited liability company that is licensed  
16 under this Act and that manufactures or assembles video gaming  
17 terminals.

18 "Supplier" means an individual, partnership, corporation,  
19 or limited liability company that is licensed under this Act to  
20 supply major components or parts to video gaming terminals to  
21 licensed terminal operators.

22 "Net terminal income" means money put into a video gaming  
23 terminal minus credits paid out to players.

24 "Video gaming terminal" means any electronic video game  
25 machine that, upon insertion of cash, electronic cards or  
26 vouchers, or any combination thereof, ~~electronic voucher, or~~



1 ~~any combination thereof,~~ is available to play or simulate the  
2 play of a video game, including but not limited to video poker,  
3 line up, and blackjack, as authorized by the Board utilizing a  
4 video display and microprocessors in which the player may  
5 receive free games or credits that can be redeemed for cash.  
6 The term does not include a machine that directly dispenses  
7 coins, cash, or tokens or is for amusement purposes only.

8 "Licensed establishment" means any licensed retail  
9 establishment where alcoholic liquor is drawn, poured, mixed,  
10 or otherwise served for consumption on the premises, whether  
11 the establishment operates on a nonprofit or for-profit basis.

12 "Licensed establishment" includes any such establishment that  
13 has a contractual relationship with an inter-track wagering  
14 location licensee licensed under the Illinois Horse Racing Act  
15 of 1975, provided any contractual relationship shall not  
16 include any transfer or offer of revenue from the operation of  
17 video gaming under this Act to any licensee licensed under the  
18 Illinois Horse Racing Act of 1975. Provided, however, that the  
19 licensed establishment that has such a contractual  
20 relationship with an inter-track wagering location licensee  
21 may not, itself, be (i) an inter-track wagering location  
22 licensee, (ii) the corporate parent or subsidiary of any  
23 licensee licensed under the Illinois Horse Racing Act of 1975,  
24 or (iii) the corporate subsidiary of a corporation that is also  
25 the corporate parent or subsidiary of any licensee licensed  
26 under the Illinois Horse Racing Act of 1975. "Licensed

1 establishment" does not include a facility operated by an  
2 organization licensee, an inter-track wagering licensee, or an  
3 inter-track wagering location licensee licensed under the  
4 Illinois Horse Racing Act of 1975 or a riverboat licensed under  
5 the Riverboat Gambling Act, except as provided in this  
6 paragraph. The changes made to this definition by Public Act  
7 98-587 ~~this amendatory Act of the 98th General Assembly~~ are  
8 declarative of existing law.

9 "Licensed fraternal establishment" means the location  
10 where a qualified fraternal organization that derives its  
11 charter from a national fraternal organization regularly  
12 meets.

13 "Licensed veterans establishment" means the location where  
14 a qualified veterans organization that derives its charter from  
15 a national veterans organization regularly meets.

16 "Licensed truck stop establishment" means a facility (i)  
17 that is at least a 3-acre facility with a convenience store,  
18 (ii) with separate diesel islands for fueling commercial motor  
19 vehicles, (iii) that sells at retail more than 10,000 gallons  
20 of diesel or biodiesel fuel per month, and (iv) with parking  
21 spaces for commercial motor vehicles. "Commercial motor  
22 vehicles" has the same meaning as defined in Section 18b-101 of  
23 the Illinois Vehicle Code. The requirement of item (iii) of  
24 this paragraph may be met by showing that estimated future  
25 sales or past sales average at least 10,000 gallons per month.

26 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13;

1 98-582, eff. 8-27-13; 98-587, eff. 8-27-13; revised 9-19-13.)

2 (230 ILCS 40/15)

3 Sec. 15. Minimum requirements for licensing and  
4 registration. Every video gaming terminal offered for play  
5 shall first be tested and approved pursuant to the rules of the  
6 Board, and each video gaming terminal offered in this State for  
7 play shall conform to an approved model. For the examination of  
8 video gaming machines and associated equipment as required by  
9 this Section, the Board may utilize the services of one or more  
10 independent outside testing laboratories that have been  
11 accredited by a national accreditation body and that, in the  
12 judgment of the Board, are qualified to perform such  
13 examinations. Every video gaming terminal offered in this State  
14 for play must meet minimum standards set by an independent  
15 outside testing laboratory approved by the Board. Each approved  
16 model shall, at a minimum, meet the following criteria:

17 (1) It must conform to all requirements of federal law  
18 and regulations, including FCC Class A Emissions  
19 Standards.

20 (2) It must theoretically pay out a mathematically  
21 demonstrable percentage during the expected lifetime of  
22 the machine of all amounts played, which must not be less  
23 than 80%. The Board shall establish a maximum payout  
24 percentage for approved models by rule. Video gaming  
25 terminals that may be affected by skill must meet this

1 standard when using a method of play that will provide the  
2 greatest return to the player over a period of continuous  
3 play.

4 (3) It must use a random selection process to determine  
5 the outcome of each play of a game. The random selection  
6 process must meet 99% confidence limits using a standard  
7 chi-squared test for (randomness) goodness of fit.

8 (4) It must display an accurate representation of the  
9 game outcome.

10 (5) It must not automatically alter pay tables or any  
11 function of the video gaming terminal based on internal  
12 computation of hold percentage or have any means of  
13 manipulation that affects the random selection process or  
14 probabilities of winning a game.

15 (6) It must not be adversely affected by static  
16 discharge or other electromagnetic interference.

17 (7) It must be capable of detecting and displaying the  
18 following conditions during idle states or on demand: power  
19 reset; door open; and door just closed.

20 (8) It must have the capacity to display complete play  
21 history (outcome, intermediate play steps, credits  
22 available, bets placed, credits paid, and credits cashed  
23 out) for the most recent game played and 10 games prior  
24 thereto.

25 (9) The theoretical payback percentage of a video  
26 gaming terminal must not be capable of being changed

1 without making a hardware or software change in the video  
2 gaming terminal, either on site or via the central  
3 communications system.

4 (10) Video gaming terminals must be designed so that  
5 replacement of parts or modules required for normal  
6 maintenance does not necessitate replacement of the  
7 electromechanical meters.

8 (11) It must have nonresettable meters housed in a  
9 locked area of the terminal that keep a permanent record of  
10 all cash inserted into the machine, all winnings made by  
11 the terminal printer, credits played in for video gaming  
12 terminals, and credits won by video gaming players. The  
13 video gaming terminal must provide the means for on-demand  
14 display of stored information as determined by the Board.

15 (12) Electronically stored meter information required  
16 by this Section must be preserved for a minimum of 180 days  
17 after a power loss to the service.

18 (13) It must have one or more mechanisms that accept  
19 cash in the form of bills. The mechanisms shall be designed  
20 to prevent obtaining credits without paying by stringing,  
21 slamming, drilling, or other means. If such attempts at  
22 physical tampering are made, the video gaming terminal  
23 shall suspend itself from operating until reset.

24 (14) It shall have accounting software that keeps an  
25 electronic record which includes, but is not limited to,  
26 the following: total cash inserted into the video gaming

1 terminal; the value of winning tickets claimed by players;  
2 the total credits played; the total credits awarded by a  
3 video gaming terminal; and pay back percentage credited to  
4 players of each video game.

5 (15) It shall be linked by a central communications  
6 system to provide auditing program information as approved  
7 by the Board. The central communications system shall use a  
8 standard industry protocol, as defined by the Gaming  
9 Standards Association, and shall have the functionality to  
10 enable the Board or its designee to activate or deactivate  
11 individual gaming devices from the central communications  
12 system. In no event may the communications system approved  
13 by the Board limit participation to only one manufacturer  
14 of video gaming terminals by either the cost in  
15 implementing the necessary program modifications to  
16 communicate or the inability to communicate with the  
17 central communications system.

18 (16) The Board, in its discretion, may require video  
19 gaming terminals to display Amber Alert messages if the  
20 Board makes a finding that it would be economically and  
21 technically feasible and pose no risk to the integrity and  
22 security of the central communications system and video  
23 gaming terminals.

24 The Board may adopt rules to establish additional criteria  
25 to preserve the integrity and security of video gaming in this  
26 State. The central communications system vendor may be licensed

1 as a video gaming terminal manufacturer or a video gaming  
2 terminal distributor, or both, but in no event shall the  
3 central communications system vendor be licensed as a video  
4 gaming terminal operator.

5 The Board shall not permit the development of information  
6 or the use by any licensee of gaming device or individual game  
7 performance data. Nothing in this Act shall inhibit or prohibit  
8 the Board from the use of gaming device or individual game  
9 performance data in its regulatory duties. The Board shall  
10 adopt rules to ensure that all licensees are treated and all  
11 licensees act in a non-discriminatory manner and develop  
12 processes and penalties to enforce those rules.

13 (Source: P.A. 98-31, eff. 6-24-13; 98-377, eff. 1-1-14; 98-582,  
14 eff. 8-27-13; revised 9-19-13.)

15 (230 ILCS 40/25)

16 Sec. 25. Restriction of licensees.

17 (a) Manufacturer. A person may not be licensed as a  
18 manufacturer of a video gaming terminal in Illinois unless the  
19 person has a valid manufacturer's license issued under this  
20 Act. A manufacturer may only sell video gaming terminals for  
21 use in Illinois to persons having a valid distributor's  
22 license.

23 (b) Distributor. A person may not sell, distribute, or  
24 lease or market a video gaming terminal in Illinois unless the  
25 person has a valid distributor's license issued under this Act.

1 A distributor may only sell video gaming terminals for use in  
2 Illinois to persons having a valid distributor's or terminal  
3 operator's license.

4 (c) Terminal operator. A person may not own, maintain, or  
5 place a video gaming terminal unless he has a valid terminal  
6 operator's license issued under this Act. A terminal operator  
7 may only place video gaming terminals for use in Illinois in  
8 licensed establishments, licensed truck stop establishments,  
9 licensed fraternal establishments, and licensed veterans  
10 establishments. No terminal operator may give anything of  
11 value, including but not limited to a loan or financing  
12 arrangement, to a licensed establishment, licensed truck stop  
13 establishment, licensed fraternal establishment, or licensed  
14 veterans establishment as any incentive or inducement to locate  
15 video terminals in that establishment. Of the after-tax profits  
16 from a video gaming terminal, 50% shall be paid to the terminal  
17 operator and 50% shall be paid to the licensed establishment,  
18 licensed truck stop establishment, licensed fraternal  
19 establishment, or licensed veterans establishment,  
20 notwithstanding any agreement to the contrary. A video terminal  
21 operator that violates one or more requirements of this  
22 subsection is guilty of a Class 4 felony and is subject to  
23 termination of his or her license by the Board.

24 (d) Licensed technician. A person may not service,  
25 maintain, or repair a video gaming terminal in this State  
26 unless he or she (1) has a valid technician's license issued



1 under this Act, (2) is a terminal operator, or (3) is employed  
2 by a terminal operator, distributor, or manufacturer.

3 (d-5) Licensed terminal handler. No person, including, but  
4 not limited to, an employee or independent contractor working  
5 for a manufacturer, distributor, supplier, technician, or  
6 terminal operator licensed pursuant to this Act, shall have  
7 possession or control of a video gaming terminal, or access to  
8 the inner workings of a video gaming terminal, unless that  
9 person possesses a valid terminal handler's license issued  
10 under this Act.

11 (e) Licensed establishment. No video gaming terminal may be  
12 placed in any licensed establishment, licensed veterans  
13 establishment, licensed truck stop establishment, or licensed  
14 fraternal establishment unless the owner or agent of the owner  
15 of the licensed establishment, licensed veterans  
16 establishment, licensed truck stop establishment, or licensed  
17 fraternal establishment has entered into a written use  
18 agreement with the terminal operator for placement of the  
19 terminals. A copy of the use agreement shall be on file in the  
20 terminal operator's place of business and available for  
21 inspection by individuals authorized by the Board. A licensed  
22 establishment, licensed truck stop establishment, licensed  
23 veterans establishment, or licensed fraternal establishment  
24 may operate up to 5 video gaming terminals on its premises at  
25 any time.

26 (f) (Blank).

1 (g) Financial interest restrictions. As used in this Act,  
2 "substantial interest" in a partnership, a corporation, an  
3 organization, an association, a business, or a limited  
4 liability company means:

5 (A) When, with respect to a sole proprietorship, an  
6 individual or his or her spouse owns, operates, manages, or  
7 conducts, directly or indirectly, the organization,  
8 association, or business, or any part thereof; or

9 (B) When, with respect to a partnership, the individual  
10 or his or her spouse shares in any of the profits, or  
11 potential profits, of the partnership activities; or

12 (C) When, with respect to a corporation, an individual  
13 or his or her spouse is an officer or director, or the  
14 individual or his or her spouse is a holder, directly or  
15 beneficially, of 5% or more of any class of stock of the  
16 corporation; or

17 (D) When, with respect to an organization not covered  
18 in (A), (B) or (C) above, an individual or his or her  
19 spouse is an officer or manages the business affairs, or  
20 the individual or his or her spouse is the owner of or  
21 otherwise controls 10% or more of the assets of the  
22 organization; or

23 (E) When an individual or his or her spouse furnishes  
24 5% or more of the capital, whether in cash, goods, or  
25 services, for the operation of any business, association,  
26 or organization during any calendar year; or

1           (F) When, with respect to a limited liability company,  
2           an individual or his or her spouse is a member, or the  
3           individual or his or her spouse is a holder, directly or  
4           beneficially, of 5% or more of the membership interest of  
5           the limited liability company.

6           For purposes of this subsection (g), "individual" includes  
7           all individuals or their spouses whose combined interest would  
8           qualify as a substantial interest under this subsection (g) and  
9           whose activities with respect to an organization, association,  
10          or business are so closely aligned or coordinated as to  
11          constitute the activities of a single entity.

12          (h) Location restriction. A licensed establishment,  
13          licensed truck stop establishment, licensed fraternal  
14          establishment, or licensed veterans establishment that is (i)  
15          located within 1,000 feet of a facility operated by an  
16          organization licensee licensed under the Illinois Horse Racing  
17          Act of 1975 or the home dock of a riverboat licensed under the  
18          Riverboat Gambling Act or (ii) located within 100 feet of a  
19          school or a place of worship under the Religious Corporation  
20          Act, is ineligible to operate a video gaming terminal. The  
21          location restrictions in this subsection (h) do not apply if  
22          (A) a facility operated by an organization licensee, a school,  
23          or a place of worship moves to or is established within the  
24          restricted area after a licensed establishment, licensed truck  
25          stop establishment, licensed fraternal establishment, or  
26          licensed veterans establishment becomes licensed under this

1 Act or (B) a school or place of worship moves to or is  
2 established within the restricted area after a licensed  
3 establishment, licensed truck stop establishment, licensed  
4 fraternal establishment, or licensed veterans establishment  
5 obtains its original liquor license. For the purpose of this  
6 subsection, "school" means an elementary or secondary public  
7 school, or an elementary or secondary private school registered  
8 with or recognized by the State Board of Education.

9 Notwithstanding the provisions of this subsection (h), the  
10 Board may waive the requirement that a licensed establishment,  
11 licensed truck stop establishment, licensed fraternal  
12 establishment, or licensed veterans establishment not be  
13 located within 1,000 feet from a facility operated by an  
14 organization licensee ~~or~~ licensed under the Illinois Horse  
15 Racing Act of 1975 or the home dock of a riverboat licensed  
16 under the Riverboat Gambling Act. The Board shall not grant  
17 such waiver if there is any common ownership or control, shared  
18 business activity, or contractual arrangement of any type  
19 between the establishment and the organization licensee or  
20 owners licensee of a riverboat. The Board shall adopt rules to  
21 implement the provisions of this paragraph.

22 (i) Undue economic concentration. In addition to  
23 considering all other requirements under this Act, in deciding  
24 whether to approve the operation of video gaming terminals by a  
25 terminal operator in a location, the Board shall consider the  
26 impact of any economic concentration of such operation of video

1 gaming terminals. The Board shall not allow a terminal operator  
2 to operate video gaming terminals if the Board determines such  
3 operation will result in undue economic concentration. For  
4 purposes of this Section, "undue economic concentration" means  
5 that a terminal operator would have such actual or potential  
6 influence over video gaming terminals in Illinois as to:

7 (1) substantially impede or suppress competition among  
8 terminal operators;

9 (2) adversely impact the economic stability of the  
10 video gaming industry in Illinois; or

11 (3) negatively impact the purposes of the Video Gaming  
12 Act.

13 The Board shall adopt rules concerning undue economic  
14 concentration with respect to the operation of video gaming  
15 terminals in Illinois. The rules shall include, but not be  
16 limited to, (i) limitations on the number of video gaming  
17 terminals operated by any terminal operator within a defined  
18 geographic radius and (ii) guidelines on the discontinuation of  
19 operation of any such video gaming terminals the Board  
20 determines will cause undue economic concentration.

21 (j) The provisions of the Illinois Antitrust Act are fully  
22 and equally applicable to the activities of any licensee under  
23 this Act.

24 (Source: P.A. 97-333, eff. 8-12-11; 98-31, eff. 6-24-13; 98-77,  
25 eff. 7-15-13; 98-112, eff. 7-26-13; revised 10-17-13.)

1 (230 ILCS 40/45)

2 Sec. 45. Issuance of license.

3 (a) The burden is upon each applicant to demonstrate his  
4 suitability for licensure. Each video gaming terminal  
5 manufacturer, distributor, supplier, operator, handler,  
6 licensed establishment, licensed truck stop establishment,  
7 licensed fraternal establishment, and licensed veterans  
8 establishment shall be licensed by the Board. The Board may  
9 issue or deny a license under this Act to any person pursuant  
10 to the same criteria set forth in Section 9 of the Riverboat  
11 Gambling Act.

12 (a-5) The Board shall not grant a license to a person who  
13 has facilitated, enabled, or participated in the use of  
14 coin-operated devices for gambling purposes or who is under the  
15 significant influence or control of such a person. For the  
16 purposes of this Act, "facilitated, enabled, or participated in  
17 the use of coin-operated amusement devices for gambling  
18 purposes" means that the person has been convicted of any  
19 violation of Article 28 of the Criminal Code of 1961 or the  
20 Criminal Code of 2012. If there is pending legal action against  
21 a person for any such violation, then the Board shall delay the  
22 licensure of that person until the legal action is resolved.

23 (b) Each person seeking and possessing a license as a video  
24 gaming terminal manufacturer, distributor, supplier, operator,  
25 handler, licensed establishment, licensed truck stop  
26 establishment, licensed fraternal establishment, or licensed

1 veterans establishment shall submit to a background  
2 investigation conducted by the Board with the assistance of the  
3 State Police or other law enforcement. To the extent that the  
4 corporate structure of the applicant allows, the background  
5 investigation shall include any or all of the following as the  
6 Board deems appropriate or as provided by rule for each  
7 category of licensure: (i) each beneficiary of a trust, (ii)  
8 each partner of a partnership, (iii) each member of a limited  
9 liability company, (iv) each director and officer of a publicly  
10 or non-publicly held corporation, (v) each stockholder of a  
11 non-publicly held corporation, (vi) each stockholder of 5% or  
12 more of a publicly held corporation, or (vii) each stockholder  
13 of 5% or more in a parent or subsidiary corporation.

14 (c) Each person seeking and possessing a license as a video  
15 gaming terminal manufacturer, distributor, supplier, operator,  
16 handler, licensed establishment, licensed truck stop  
17 establishment, licensed fraternal establishment, or licensed  
18 veterans establishment shall disclose the identity of every  
19 person, association, trust, corporation, or limited liability  
20 company having a greater than 1% direct or indirect pecuniary  
21 interest in the video gaming terminal operation for which the  
22 license is sought. If the disclosed entity is a trust, the  
23 application shall disclose the names and addresses of the  
24 beneficiaries; if a corporation, the names and addresses of all  
25 stockholders and directors; if a limited liability company, the  
26 names and addresses of all members; or if a partnership, the

1 names and addresses of all partners, both general and limited.

2 (d) No person may be licensed as a video gaming terminal  
3 manufacturer, distributor, supplier, operator, handler,  
4 licensed establishment, licensed truck stop establishment,  
5 licensed fraternal establishment, or licensed veterans  
6 establishment if that person has been found by the Board to:

7 (1) have a background, including a criminal record,  
8 reputation, habits, social or business associations, or  
9 prior activities that pose a threat to the public interests  
10 of the State or to the security and integrity of video  
11 gaming;

12 (2) create or enhance the dangers of unsuitable,  
13 unfair, or illegal practices, methods, and activities in  
14 the conduct of video gaming; or

15 (3) present questionable business practices and  
16 financial arrangements incidental to the conduct of video  
17 gaming activities.

18 (e) Any applicant for any license under this Act has the  
19 burden of proving his or her qualifications to the satisfaction  
20 of the Board. The Board may adopt rules to establish additional  
21 qualifications and requirements to preserve the integrity and  
22 security of video gaming in this State.

23 (f) A non-refundable application fee shall be paid at the  
24 time an application for a license is filed with the Board in  
25 the following amounts:

26 (1) Manufacturer ..... \$5,000



- 1           (2) Distributor..... \$5,000
- 2           (3) Terminal operator..... \$5,000
- 3           (4) Supplier ..... \$2,500
- 4           (5) Technician ..... \$100
- 5           (6) Terminal Handler ..... \$50

6           (g) The Board shall establish an annual fee for each  
 7 license not to exceed the following:

- 8           (1) Manufacturer ..... \$10,000
- 9           (2) Distributor..... \$10,000
- 10          (3) Terminal operator..... \$5,000
- 11          (4) Supplier ..... \$2,000
- 12          (5) Technician ..... \$100
- 13          (6) Licensed establishment, licensed truck stop  
 14 establishment, licensed fraternal establishment,  
 15 or licensed veterans establishment ..... \$100
- 16          (7) Video gaming terminal..... \$100
- 17          (8) Terminal Handler ..... \$50

18          (h) A terminal operator and a licensed establishment,  
 19 licensed truck stop establishment, licensed fraternal  
 20 establishment, or licensed veterans establishment shall  
 21 equally split the fees specified in item (7) of subsection (g).

22          (Source: P.A. 97-1150, eff. 1-25-13; 98-31, eff. 6-24-13;  
 23 98-587, eff. 8-27-13; revised 9-19-13.)

24                 Section 535. The Liquor Control Act of 1934 is amended by  
 25 changing Sections 5-1, 6-2, 6-6, 6-15, and 7-1 as follows:

1 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

2 Sec. 5-1. Licenses issued by the Illinois Liquor Control  
3 Commission shall be of the following classes:

4 (a) Manufacturer's license - Class 1. Distiller, Class 2.  
5 Rectifier, Class 3. Brewer, Class 4. First Class Wine  
6 Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6.  
7 First Class Winemaker, Class 7. Second Class Winemaker, Class  
8 8. Limited Wine Manufacturer, Class 9. Craft Distiller, Class  
9 10. Craft Brewer,

10 (b) Distributor's license,

11 (c) Importing Distributor's license,

12 (d) Retailer's license,

13 (e) Special Event Retailer's license (not-for-profit),

14 (f) Railroad license,

15 (g) Boat license,

16 (h) Non-Beverage User's license,

17 (i) Wine-maker's premises license,

18 (j) Airplane license,

19 (k) Foreign importer's license,

20 (l) Broker's license,

21 (m) Non-resident dealer's license,

22 (n) Brew Pub license,

23 (o) Auction liquor license,

24 (p) Caterer retailer license,

25 (q) Special use permit license,

1 (r) Winery shipper's license.

2 No person, firm, partnership, corporation, or other legal  
3 business entity that is engaged in the manufacturing of wine  
4 may concurrently obtain and hold a wine-maker's license and a  
5 wine manufacturer's license.

6 (a) A manufacturer's license shall allow the manufacture,  
7 importation in bulk, storage, distribution and sale of  
8 alcoholic liquor to persons without the State, as may be  
9 permitted by law and to licensees in this State as follows:

10 Class 1. A Distiller may make sales and deliveries of  
11 alcoholic liquor to distillers, rectifiers, importing  
12 distributors, distributors and non-beverage users and to no  
13 other licensees.

14 Class 2. A Rectifier, who is not a distiller, as defined  
15 herein, may make sales and deliveries of alcoholic liquor to  
16 rectifiers, importing distributors, distributors, retailers  
17 and non-beverage users and to no other licensees.

18 Class 3. A Brewer may make sales and deliveries of beer to  
19 importing distributors and distributors and may make sales as  
20 authorized under subsection (e) of Section 6-4 of this Act.

21 Class 4. A first class wine-manufacturer may make sales and  
22 deliveries of up to 50,000 gallons of wine to manufacturers,  
23 importing distributors and distributors, and to no other  
24 licensees.

25 Class 5. A second class Wine manufacturer may make sales  
26 and deliveries of more than 50,000 gallons of wine to

1 manufacturers, importing distributors and distributors and to  
2 no other licensees.

3 Class 6. A first-class wine-maker's license shall allow the  
4 manufacture of up to 50,000 gallons of wine per year, and the  
5 storage and sale of such wine to distributors in the State and  
6 to persons without the State, as may be permitted by law. A  
7 person who, prior to the effective date of this amendatory Act  
8 of the 95th General Assembly, is a holder of a first-class  
9 wine-maker's license and annually produces more than 25,000  
10 gallons of its own wine and who distributes its wine to  
11 licensed retailers shall cease this practice on or before July  
12 1, 2008 in compliance with this amendatory Act of the 95th  
13 General Assembly.

14 Class 7. A second-class wine-maker's license shall allow  
15 the manufacture of between 50,000 and 150,000 gallons of wine  
16 per year, and the storage and sale of such wine to distributors  
17 in this State and to persons without the State, as may be  
18 permitted by law. A person who, prior to the effective date of  
19 this amendatory Act of the 95th General Assembly, is a holder  
20 of a second-class wine-maker's license and annually produces  
21 more than 25,000 gallons of its own wine and who distributes  
22 its wine to licensed retailers shall cease this practice on or  
23 before July 1, 2008 in compliance with this amendatory Act of  
24 the 95th General Assembly.

25 Class 8. A limited wine-manufacturer may make sales and  
26 deliveries not to exceed 40,000 gallons of wine per year to

1 distributors, and to non-licensees in accordance with the  
2 provisions of this Act.

3 Class 9. A craft distiller license shall allow the  
4 manufacture of up to 30,000 gallons of spirits by distillation  
5 for one year after the effective date of this amendatory Act of  
6 the 97th General Assembly and up to 35,000 gallons of spirits  
7 by distillation per year thereafter and the storage of such  
8 spirits. If a craft distiller licensee is not affiliated with  
9 any other manufacturer, then the craft distiller licensee may  
10 sell such spirits to distributors in this State and up to 2,500  
11 gallons of such spirits to non-licensees to the extent  
12 permitted by any exemption approved by the Commission pursuant  
13 to Section 6-4 of this Act.

14 Any craft distiller licensed under this Act who on the  
15 effective date of this amendatory Act of the 96th General  
16 Assembly was licensed as a distiller and manufactured no more  
17 spirits than permitted by this Section shall not be required to  
18 pay the initial licensing fee.

19 Class 10. A craft brewer's license, which may only be  
20 issued to a licensed brewer or licensed non-resident dealer,  
21 shall allow the manufacture of up to 930,000 gallons of beer  
22 per year. A craft brewer licensee may make sales and deliveries  
23 to importing distributors and distributors and to retail  
24 licensees in accordance with the conditions set forth in  
25 paragraph (18) of subsection (a) of Section 3-12 of this Act.

26 (a-1) A manufacturer which is licensed in this State to

1 make sales or deliveries of alcoholic liquor to licensed  
2 distributors or importing distributors and which enlists  
3 agents, representatives, or individuals acting on its behalf  
4 who contact licensed retailers on a regular and continual basis  
5 in this State must register those agents, representatives, or  
6 persons acting on its behalf with the State Commission.

7 Registration of agents, representatives, or persons acting  
8 on behalf of a manufacturer is fulfilled by submitting a form  
9 to the Commission. The form shall be developed by the  
10 Commission and shall include the name and address of the  
11 applicant, the name and address of the manufacturer he or she  
12 represents, the territory or areas assigned to sell to or  
13 discuss pricing terms of alcoholic liquor, and any other  
14 questions deemed appropriate and necessary. All statements in  
15 the forms required to be made by law or by rule shall be deemed  
16 material, and any person who knowingly misstates any material  
17 fact under oath in an application is guilty of a Class B  
18 misdemeanor. Fraud, misrepresentation, false statements,  
19 misleading statements, evasions, or suppression of material  
20 facts in the securing of a registration are grounds for  
21 suspension or revocation of the registration. The State  
22 Commission shall post a list of registered agents on the  
23 Commission's website.

24 (b) A distributor's license shall allow the wholesale  
25 purchase and storage of alcoholic liquors and sale of alcoholic  
26 liquors to licensees in this State and to persons without the

1 State, as may be permitted by law.

2 (c) An importing distributor's license may be issued to and  
3 held by those only who are duly licensed distributors, upon the  
4 filing of an application by a duly licensed distributor, with  
5 the Commission and the Commission shall, without the payment of  
6 any fee, immediately issue such importing distributor's  
7 license to the applicant, which shall allow the importation of  
8 alcoholic liquor by the licensee into this State from any point  
9 in the United States outside this State, and the purchase of  
10 alcoholic liquor in barrels, casks or other bulk containers and  
11 the bottling of such alcoholic liquors before resale thereof,  
12 but all bottles or containers so filled shall be sealed,  
13 labeled, stamped and otherwise made to comply with all  
14 provisions, rules and regulations governing manufacturers in  
15 the preparation and bottling of alcoholic liquors. The  
16 importing distributor's license shall permit such licensee to  
17 purchase alcoholic liquor from Illinois licensed non-resident  
18 dealers and foreign importers only.

19 (d) A retailer's license shall allow the licensee to sell  
20 and offer for sale at retail, only in the premises specified in  
21 the license, alcoholic liquor for use or consumption, but not  
22 for resale in any form. Nothing in this amendatory Act of the  
23 95th General Assembly shall deny, limit, remove, or restrict  
24 the ability of a holder of a retailer's license to transfer,  
25 deliver, or ship alcoholic liquor to the purchaser for use or  
26 consumption subject to any applicable local law or ordinance.

1 Any retail license issued to a manufacturer shall only permit  
2 the manufacturer to sell beer at retail on the premises  
3 actually occupied by the manufacturer. For the purpose of  
4 further describing the type of business conducted at a retail  
5 licensed premises, a retailer's licensee may be designated by  
6 the State Commission as (i) an on premise consumption retailer,  
7 (ii) an off premise sale retailer, or (iii) a combined on  
8 premise consumption and off premise sale retailer.

9 Notwithstanding any other provision of this subsection  
10 (d), a retail licensee may sell alcoholic liquors to a special  
11 event retailer licensee for resale to the extent permitted  
12 under subsection (e).

13 (e) A special event retailer's license (not-for-profit)  
14 shall permit the licensee to purchase alcoholic liquors from an  
15 Illinois licensed distributor (unless the licensee purchases  
16 less than \$500 of alcoholic liquors for the special event, in  
17 which case the licensee may purchase the alcoholic liquors from  
18 a licensed retailer) and shall allow the licensee to sell and  
19 offer for sale, at retail, alcoholic liquors for use or  
20 consumption, but not for resale in any form and only at the  
21 location and on the specific dates designated for the special  
22 event in the license. An applicant for a special event retailer  
23 license must (i) furnish with the application: (A) a resale  
24 number issued under Section 2c of the Retailers' Occupation Tax  
25 Act or evidence that the applicant is registered under Section  
26 2a of the Retailers' Occupation Tax Act, (B) a current, valid



1 exemption identification number issued under Section 1g of the  
2 Retailers' Occupation Tax Act, and a certification to the  
3 Commission that the purchase of alcoholic liquors will be a  
4 tax-exempt purchase, or (C) a statement that the applicant is  
5 not registered under Section 2a of the Retailers' Occupation  
6 Tax Act, does not hold a resale number under Section 2c of the  
7 Retailers' Occupation Tax Act, and does not hold an exemption  
8 number under Section 1g of the Retailers' Occupation Tax Act,  
9 in which event the Commission shall set forth on the special  
10 event retailer's license a statement to that effect; (ii)  
11 submit with the application proof satisfactory to the State  
12 Commission that the applicant will provide dram shop liability  
13 insurance in the maximum limits; and (iii) show proof  
14 satisfactory to the State Commission that the applicant has  
15 obtained local authority approval.

16 (f) A railroad license shall permit the licensee to import  
17 alcoholic liquors into this State from any point in the United  
18 States outside this State and to store such alcoholic liquors  
19 in this State; to make wholesale purchases of alcoholic liquors  
20 directly from manufacturers, foreign importers, distributors  
21 and importing distributors from within or outside this State;  
22 and to store such alcoholic liquors in this State; provided  
23 that the above powers may be exercised only in connection with  
24 the importation, purchase or storage of alcoholic liquors to be  
25 sold or dispensed on a club, buffet, lounge or dining car  
26 operated on an electric, gas or steam railway in this State;

1 and provided further, that railroad licensees exercising the  
2 above powers shall be subject to all provisions of Article VIII  
3 of this Act as applied to importing distributors. A railroad  
4 license shall also permit the licensee to sell or dispense  
5 alcoholic liquors on any club, buffet, lounge or dining car  
6 operated on an electric, gas or steam railway regularly  
7 operated by a common carrier in this State, but shall not  
8 permit the sale for resale of any alcoholic liquors to any  
9 licensee within this State. A license shall be obtained for  
10 each car in which such sales are made.

11 (g) A boat license shall allow the sale of alcoholic liquor  
12 in individual drinks, on any passenger boat regularly operated  
13 as a common carrier on navigable waters in this State or on any  
14 riverboat operated under the Riverboat Gambling Act, which boat  
15 or riverboat maintains a public dining room or restaurant  
16 thereon.

17 (h) A non-beverage user's license shall allow the licensee  
18 to purchase alcoholic liquor from a licensed manufacturer or  
19 importing distributor, without the imposition of any tax upon  
20 the business of such licensed manufacturer or importing  
21 distributor as to such alcoholic liquor to be used by such  
22 licensee solely for the non-beverage purposes set forth in  
23 subsection (a) of Section 8-1 of this Act, and such licenses  
24 shall be divided and classified and shall permit the purchase,  
25 possession and use of limited and stated quantities of  
26 alcoholic liquor as follows:

- 1 Class 1, not to exceed ..... 500 gallons
- 2 Class 2, not to exceed ..... 1,000 gallons
- 3 Class 3, not to exceed ..... 5,000 gallons
- 4 Class 4, not to exceed ..... 10,000 gallons
- 5 Class 5, not to exceed ..... 50,000 gallons

6 (i) A wine-maker's premises license shall allow a licensee  
7 that concurrently holds a first-class wine-maker's license to  
8 sell and offer for sale at retail in the premises specified in  
9 such license not more than 50,000 gallons of the first-class  
10 wine-maker's wine that is made at the first-class wine-maker's  
11 licensed premises per year for use or consumption, but not for  
12 resale in any form. A wine-maker's premises license shall allow  
13 a licensee who concurrently holds a second-class wine-maker's  
14 license to sell and offer for sale at retail in the premises  
15 specified in such license up to 100,000 gallons of the  
16 second-class wine-maker's wine that is made at the second-class  
17 wine-maker's licensed premises per year for use or consumption  
18 but not for resale in any form. A wine-maker's premises license  
19 shall allow a licensee that concurrently holds a first-class  
20 wine-maker's license or a second-class wine-maker's license to  
21 sell and offer for sale at retail at the premises specified in  
22 the wine-maker's premises license, for use or consumption but  
23 not for resale in any form, any beer, wine, and spirits  
24 purchased from a licensed distributor. Upon approval from the  
25 State Commission, a wine-maker's premises license shall allow  
26 the licensee to sell and offer for sale at (i) the wine-maker's

1 licensed premises and (ii) at up to 2 additional locations for  
2 use and consumption and not for resale. Each location shall  
3 require additional licensing per location as specified in  
4 Section 5-3 of this Act. A wine-maker's premises licensee shall  
5 secure liquor liability insurance coverage in an amount at  
6 least equal to the maximum liability amounts set forth in  
7 subsection (a) of Section 6-21 of this Act.

8 (j) An airplane license shall permit the licensee to import  
9 alcoholic liquors into this State from any point in the United  
10 States outside this State and to store such alcoholic liquors  
11 in this State; to make wholesale purchases of alcoholic liquors  
12 directly from manufacturers, foreign importers, distributors  
13 and importing distributors from within or outside this State;  
14 and to store such alcoholic liquors in this State; provided  
15 that the above powers may be exercised only in connection with  
16 the importation, purchase or storage of alcoholic liquors to be  
17 sold or dispensed on an airplane; and provided further, that  
18 airplane licensees exercising the above powers shall be subject  
19 to all provisions of Article VIII of this Act as applied to  
20 importing distributors. An airplane licensee shall also permit  
21 the sale or dispensing of alcoholic liquors on any passenger  
22 airplane regularly operated by a common carrier in this State,  
23 but shall not permit the sale for resale of any alcoholic  
24 liquors to any licensee within this State. A single airplane  
25 license shall be required of an airline company if liquor  
26 service is provided on board aircraft in this State. The annual

1 fee for such license shall be as determined in Section 5-3.

2 (k) A foreign importer's license shall permit such licensee  
3 to purchase alcoholic liquor from Illinois licensed  
4 non-resident dealers only, and to import alcoholic liquor other  
5 than in bulk from any point outside the United States and to  
6 sell such alcoholic liquor to Illinois licensed importing  
7 distributors and to no one else in Illinois; provided that (i)  
8 the foreign importer registers with the State Commission every  
9 brand of alcoholic liquor that it proposes to sell to Illinois  
10 licensees during the license period, (ii) the foreign importer  
11 complies with all of the provisions of Section 6-9 of this Act  
12 with respect to registration of such Illinois licensees as may  
13 be granted the right to sell such brands at wholesale, and  
14 (iii) the foreign importer complies with the provisions of  
15 Sections 6-5 and 6-6 of this Act to the same extent that these  
16 provisions apply to manufacturers.

17 (l) (i) A broker's license shall be required of all persons  
18 who solicit orders for, offer to sell or offer to supply  
19 alcoholic liquor to retailers in the State of Illinois, or who  
20 offer to retailers to ship or cause to be shipped or to make  
21 contact with distillers, rectifiers, brewers or manufacturers  
22 or any other party within or without the State of Illinois in  
23 order that alcoholic liquors be shipped to a distributor,  
24 importing distributor or foreign importer, whether such  
25 solicitation or offer is consummated within or without the  
26 State of Illinois.

1           No holder of a retailer's license issued by the Illinois  
2 Liquor Control Commission shall purchase or receive any  
3 alcoholic liquor, the order for which was solicited or offered  
4 for sale to such retailer by a broker unless the broker is the  
5 holder of a valid broker's license.

6           The broker shall, upon the acceptance by a retailer of the  
7 broker's solicitation of an order or offer to sell or supply or  
8 deliver or have delivered alcoholic liquors, promptly forward  
9 to the Illinois Liquor Control Commission a notification of  
10 said transaction in such form as the Commission may by  
11 regulations prescribe.

12           (ii) A broker's license shall be required of a person  
13 within this State, other than a retail licensee, who, for a fee  
14 or commission, promotes, solicits, or accepts orders for  
15 alcoholic liquor, for use or consumption and not for resale, to  
16 be shipped from this State and delivered to residents outside  
17 of this State by an express company, common carrier, or  
18 contract carrier. This Section does not apply to any person who  
19 promotes, solicits, or accepts orders for wine as specifically  
20 authorized in Section 6-29 of this Act.

21           A broker's license under this subsection (1) shall not  
22 entitle the holder to buy or sell any alcoholic liquors for his  
23 own account or to take or deliver title to such alcoholic  
24 liquors.

25           This subsection (1) shall not apply to distributors,  
26 employees of distributors, or employees of a manufacturer who

1 has registered the trademark, brand or name of the alcoholic  
2 liquor pursuant to Section 6-9 of this Act, and who regularly  
3 sells such alcoholic liquor in the State of Illinois only to  
4 its registrants thereunder.

5 Any agent, representative, or person subject to  
6 registration pursuant to subsection (a-1) of this Section shall  
7 not be eligible to receive a broker's license.

8 (m) A non-resident dealer's license shall permit such  
9 licensee to ship into and warehouse alcoholic liquor into this  
10 State from any point outside of this State, and to sell such  
11 alcoholic liquor to Illinois licensed foreign importers and  
12 importing distributors and to no one else in this State;  
13 provided that (i) said non-resident dealer shall register with  
14 the Illinois Liquor Control Commission each and every brand of  
15 alcoholic liquor which it proposes to sell to Illinois  
16 licensees during the license period, (ii) it shall comply with  
17 all of the provisions of Section 6-9 hereof with respect to  
18 registration of such Illinois licensees as may be granted the  
19 right to sell such brands at wholesale, and (iii) the  
20 non-resident dealer shall comply with the provisions of  
21 Sections 6-5 and 6-6 of this Act to the same extent that these  
22 provisions apply to manufacturers.

23 (n) A brew pub license shall allow the licensee (i) to  
24 manufacture beer only on the premises specified in the license,  
25 (ii) to make sales of the beer manufactured on the premises or,  
26 with the approval of the Commission, beer manufactured on

1 another brew pub licensed premises that is substantially owned  
2 and operated by the same licensee to importing distributors,  
3 distributors, and to non-licensees for use and consumption,  
4 (iii) to store the beer upon the premises, and (iv) to sell and  
5 offer for sale at retail from the licensed premises, provided  
6 that a brew pub licensee shall not sell for off-premises  
7 consumption more than 50,000 gallons per year. A person who  
8 holds a brew pub license may simultaneously hold a craft brewer  
9 license if he or she otherwise qualifies for the craft brewer  
10 license and the craft brewer license is for a location separate  
11 from the brew pub's licensed premises. A brew pub license shall  
12 permit a person who has received prior approval from the  
13 Commission to annually transfer no more than a total of 50,000  
14 gallons of beer manufactured on premises to all other licensed  
15 brew pubs that are substantially owned and operated by the same  
16 person.

17 (o) A caterer retailer license shall allow the holder to  
18 serve alcoholic liquors as an incidental part of a food service  
19 that serves prepared meals which excludes the serving of snacks  
20 as the primary meal, either on or off-site whether licensed or  
21 unlicensed.

22 (p) An auction liquor license shall allow the licensee to  
23 sell and offer for sale at auction wine and spirits for use or  
24 consumption, or for resale by an Illinois liquor licensee in  
25 accordance with provisions of this Act. An auction liquor  
26 license will be issued to a person and it will permit the



1 auction liquor licensee to hold the auction anywhere in the  
2 State. An auction liquor license must be obtained for each  
3 auction at least 14 days in advance of the auction date.

4 (q) A special use permit license shall allow an Illinois  
5 licensed retailer to transfer a portion of its alcoholic liquor  
6 inventory from its retail licensed premises to the premises  
7 specified in the license hereby created, and to sell or offer  
8 for sale at retail, only in the premises specified in the  
9 license hereby created, the transferred alcoholic liquor for  
10 use or consumption, but not for resale in any form. A special  
11 use permit license may be granted for the following time  
12 periods: one day or less; 2 or more days to a maximum of 15 days  
13 per location in any 12 month period. An applicant for the  
14 special use permit license must also submit with the  
15 application proof satisfactory to the State Commission that the  
16 applicant will provide dram shop liability insurance to the  
17 maximum limits and have local authority approval.

18 (r) A winery shipper's license shall allow a person with a  
19 first-class or second-class wine manufacturer's license, a  
20 first-class or second-class wine-maker's license, or a limited  
21 wine manufacturer's license or who is licensed to make wine  
22 under the laws of another state to ship wine made by that  
23 licensee directly to a resident of this State who is 21 years  
24 of age or older for that resident's personal use and not for  
25 resale. Prior to receiving a winery shipper's license, an  
26 applicant for the license must provide the Commission with a

1 true copy of its current license in any state in which it is  
2 licensed as a manufacturer of wine. An applicant for a winery  
3 shipper's license must also complete an application form that  
4 provides any other information the Commission deems necessary.  
5 The application form shall include an acknowledgement  
6 consenting to the jurisdiction of the Commission, the Illinois  
7 Department of Revenue, and the courts of this State concerning  
8 the enforcement of this Act and any related laws, rules, and  
9 regulations, including authorizing the Department of Revenue  
10 and the Commission to conduct audits for the purpose of  
11 ensuring compliance with this amendatory Act.

12 A winery shipper licensee must pay to the Department of  
13 Revenue the State liquor gallonage tax under Section 8-1 for  
14 all wine that is sold by the licensee and shipped to a person  
15 in this State. For the purposes of Section 8-1, a winery  
16 shipper licensee shall be taxed in the same manner as a  
17 manufacturer of wine. A licensee who is not otherwise required  
18 to register under the Retailers' Occupation Tax Act must  
19 register under the Use Tax Act to collect and remit use tax to  
20 the Department of Revenue for all gallons of wine that are sold  
21 by the licensee and shipped to persons in this State. If a  
22 licensee fails to remit the tax imposed under this Act in  
23 accordance with the provisions of Article VIII of this Act, the  
24 winery shipper's license shall be revoked in accordance with  
25 the provisions of Article VII of this Act. If a licensee fails  
26 to properly register and remit tax under the Use Tax Act or the

1 Retailers' Occupation Tax Act for all wine that is sold by the  
2 winery shipper and shipped to persons in this State, the winery  
3 shipper's license shall be revoked in accordance with the  
4 provisions of Article VII of this Act.

5 A winery shipper licensee must collect, maintain, and  
6 submit to the Commission on a semi-annual basis the total  
7 number of cases per resident of wine shipped to residents of  
8 this State. A winery shipper licensed under this subsection (r)  
9 must comply with the requirements of Section 6-29 of this  
10 amendatory Act.

11 (Source: P.A. 97-5, eff. 6-1-11; 97-455, eff. 8-19-11; 97-813,  
12 eff. 7-13-12; 97-1166, eff. 3-1-13; 98-394, eff. 8-16-13;  
13 98-401, eff. 8-16-13; revised 9-12-13.)

14 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

15 Sec. 6-2. Issuance of licenses to certain persons  
16 prohibited.

17 (a) Except as otherwise provided in subsection (b) of this  
18 Section and in paragraph (1) of subsection (a) of Section 3-12,  
19 no license of any kind issued by the State Commission or any  
20 local commission shall be issued to:

21 (1) A person who is not a resident of any city, village  
22 or county in which the premises covered by the license are  
23 located; except in case of railroad or boat licenses.

24 (2) A person who is not of good character and  
25 reputation in the community in which he resides.

1 (3) A person who is not a citizen of the United States.

2 (4) A person who has been convicted of a felony under  
3 any Federal or State law, unless the Commission determines  
4 that such person has been sufficiently rehabilitated to  
5 warrant the public trust after considering matters set  
6 forth in such person's application and the Commission's  
7 investigation. The burden of proof of sufficient  
8 rehabilitation shall be on the applicant.

9 (5) A person who has been convicted of keeping a place  
10 of prostitution or keeping a place of juvenile  
11 prostitution, promoting prostitution that involves keeping  
12 a place of prostitution, or promoting juvenile  
13 prostitution that involves keeping a place of juvenile  
14 prostitution.

15 (6) A person who has been convicted of pandering or  
16 other crime or misdemeanor opposed to decency and morality.

17 (7) A person whose license issued under this Act has  
18 been revoked for cause.

19 (8) A person who at the time of application for renewal  
20 of any license issued hereunder would not be eligible for  
21 such license upon a first application.

22 (9) A copartnership, if any general partnership  
23 thereof, or any limited partnership thereof, owning more  
24 than 5% of the aggregate limited partner interest in such  
25 copartnership would not be eligible to receive a license  
26 hereunder for any reason other than residence within the

1 political subdivision, unless residency is required by  
2 local ordinance.

3 (10) A corporation or limited liability company, if any  
4 member, officer, manager or director thereof, or any  
5 stockholder or stockholders owning in the aggregate more  
6 than 5% of the stock of such corporation, would not be  
7 eligible to receive a license hereunder for any reason  
8 other than citizenship and residence within the political  
9 subdivision.

10 (10a) A corporation or limited liability company  
11 unless it is incorporated or organized in Illinois, or  
12 unless it is a foreign corporation or foreign limited  
13 liability company which is qualified under the Business  
14 Corporation Act of 1983 or the Limited Liability Company  
15 Act to transact business in Illinois. The Commission shall  
16 permit and accept from an applicant for a license under  
17 this Act proof prepared from the Secretary of State's  
18 website that the corporation or limited liability company  
19 is in good standing and is qualified under the Business  
20 Corporation Act of 1983 or the Limited Liability Company  
21 Act to transact business in Illinois.

22 (11) A person whose place of business is conducted by a  
23 manager or agent unless the manager or agent possesses the  
24 same qualifications required by the licensee.

25 (12) A person who has been convicted of a violation of  
26 any Federal or State law concerning the manufacture,

1 possession or sale of alcoholic liquor, subsequent to the  
2 passage of this Act or has forfeited his bond to appear in  
3 court to answer charges for any such violation.

4 (13) A person who does not beneficially own the  
5 premises for which a license is sought, or does not have a  
6 lease thereon for the full period for which the license is  
7 to be issued.

8 (14) Any law enforcing public official, including  
9 members of local liquor control commissions, any mayor,  
10 alderman, or member of the city council or commission, any  
11 president of the village board of trustees, any member of a  
12 village board of trustees, or any president or member of a  
13 county board; and no such official shall have a direct  
14 interest in the manufacture, sale, or distribution of  
15 alcoholic liquor, except that a license may be granted to  
16 such official in relation to premises that are not located  
17 within the territory subject to the jurisdiction of that  
18 official if the issuance of such license is approved by the  
19 State Liquor Control Commission and except that a license  
20 may be granted, in a city or village with a population of  
21 55,000 or less, to any alderman, member of a city council,  
22 or member of a village board of trustees in relation to  
23 premises that are located within the territory subject to  
24 the jurisdiction of that official if (i) the sale of  
25 alcoholic liquor pursuant to the license is incidental to  
26 the selling of food, (ii) the issuance of the license is

1 approved by the State Commission, (iii) the issuance of the  
2 license is in accordance with all applicable local  
3 ordinances in effect where the premises are located, and  
4 (iv) the official granted a license does not vote on  
5 alcoholic liquor issues pending before the board or council  
6 to which the license holder is elected. Notwithstanding any  
7 provision of this paragraph (14) to the contrary, an  
8 alderman or member of a city council or commission, a  
9 member of a village board of trustees other than the  
10 president of the village board of trustees, or a member of  
11 a county board other than the president of a county board  
12 may have a direct interest in the manufacture, sale, or  
13 distribution of alcoholic liquor as long as he or she is  
14 not a law enforcing public official, a mayor, a village  
15 board president, or president of a county board. To prevent  
16 any conflict of interest, the elected official with the  
17 direct interest in the manufacture, sale, or distribution  
18 of alcoholic liquor shall not participate in any meetings,  
19 hearings, or decisions on matters impacting the  
20 manufacture, sale, or distribution of alcoholic liquor.  
21 Furthermore, the mayor of a city with a population of  
22 55,000 or less or the president of a village with a  
23 population of 55,000 or less may have an interest in the  
24 manufacture, sale, or distribution of alcoholic liquor as  
25 long as the council or board over which he or she presides  
26 has made a local liquor control commissioner appointment

1           that complies with the requirements of Section 4-2 of this  
2           Act.

3           (15) A person who is not a beneficial owner of the  
4           business to be operated by the licensee.

5           (16) A person who has been convicted of a gambling  
6           offense as proscribed by any of subsections (a) (3) through  
7           (a) (11) of Section 28-1 of, or as proscribed by Section  
8           28-1.1 or 28-3 of, the Criminal Code of 1961 or the  
9           Criminal Code of 2012, or as proscribed by a statute  
10          replaced by any of the aforesaid statutory provisions.

11          (17) A person or entity to whom a federal wagering  
12          stamp has been issued by the federal government, unless the  
13          person or entity is eligible to be issued a license under  
14          the Raffles Act or the Illinois Pull Tabs and Jar Games  
15          Act.

16          (18) A person who intends to sell alcoholic liquors for  
17          use or consumption on his or her licensed retail premises  
18          who does not have liquor liability insurance coverage for  
19          that premises in an amount that is at least equal to the  
20          maximum liability amounts set out in subsection (a) of  
21          Section 6-21.

22          (19) A person who is licensed by any licensing  
23          authority as a manufacturer of beer, or any partnership,  
24          corporation, limited liability company, or trust or any  
25          subsidiary, affiliate, or agent thereof, or any other form  
26          of business enterprise licensed as a manufacturer of beer,



1           having any legal, equitable, or beneficial interest,  
2           directly or indirectly, in a person licensed in this State  
3           as a distributor or importing distributor. For purposes of  
4           this paragraph (19), a person who is licensed by any  
5           licensing authority as a "manufacturer of beer" shall also  
6           mean a brewer and a non-resident dealer who is also a  
7           manufacturer of beer, including a partnership,  
8           corporation, limited liability company, or trust or any  
9           subsidiary, affiliate, or agent thereof, or any other form  
10          of business enterprise licensed as a manufacturer of beer.

11          (20) A person who is licensed in this State as a  
12          distributor or importing distributor, or any partnership,  
13          corporation, limited liability company, or trust or any  
14          subsidiary, affiliate, or agent thereof, or any other form  
15          of business enterprise licensed in this State as a  
16          distributor or importing distributor having any legal,  
17          equitable, or beneficial interest, directly or indirectly,  
18          in a person licensed as a manufacturer of beer by any  
19          licensing authority, or any partnership, corporation,  
20          limited liability company, or trust or any subsidiary,  
21          affiliate, or agent thereof, or any other form of business  
22          enterprise, except for a person who owns, on or after the  
23          effective date of this amendatory Act of the 98th General  
24          Assembly, no more than 5% of the outstanding shares of a  
25          manufacturer of beer whose shares are publicly traded on an  
26          exchange within the meaning of the Securities Exchange Act

1 of 1934. For the purposes of this paragraph (20), a person  
2 who is licensed by any licensing authority as a  
3 "manufacturer of beer" shall also mean a brewer and a  
4 non-resident dealer who is also a manufacturer of beer,  
5 including a partnership, corporation, limited liability  
6 company, or trust or any subsidiary, affiliate, or agent  
7 thereof, or any other form of business enterprise licensed  
8 as a manufacturer of beer.

9 (b) A criminal conviction of a corporation is not grounds  
10 for the denial, suspension, or revocation of a license applied  
11 for or held by the corporation if the criminal conviction was  
12 not the result of a violation of any federal or State law  
13 concerning the manufacture, possession or sale of alcoholic  
14 liquor, the offense that led to the conviction did not result  
15 in any financial gain to the corporation and the corporation  
16 has terminated its relationship with each director, officer,  
17 employee, or controlling shareholder whose actions directly  
18 contributed to the conviction of the corporation. The  
19 Commission shall determine if all provisions of this subsection  
20 (b) have been met before any action on the corporation's  
21 license is initiated.

22 (Source: P.A. 97-1059, eff. 8-24-12; 97-1150, eff. 1-25-13;  
23 98-10, eff. 5-6-13; 98-21, eff. 6-13-13, revised 9-24-13.)

24 (235 ILCS 5/6-6) (from Ch. 43, par. 123)

25 Sec. 6-6. Except as otherwise provided in this Act no

1 manufacturer or distributor or importing distributor shall,  
2 directly~~7~~ or indirectly, sell, supply, furnish, give or pay  
3 for, or loan or lease, any furnishing, fixture or equipment on  
4 the premises of a place of business of another licensee  
5 authorized under this Act to sell alcoholic liquor at retail,  
6 either for consumption on or off the premises, nor shall he or  
7 she, directly or indirectly, pay for any such license, or  
8 advance, furnish, lend or give money for payment of such  
9 license, or purchase or become the owner of any note, mortgage,  
10 or other evidence of indebtedness of such licensee or any form  
11 of security therefor, nor shall such manufacturer, or  
12 distributor, or importing distributor, directly or indirectly,  
13 be interested in the ownership, conduct or operation of the  
14 business of any licensee authorized to sell alcoholic liquor at  
15 retail, nor shall any manufacturer, or distributor, or  
16 importing distributor be interested directly or indirectly or  
17 as owner or part owner of said premises or as lessee or lessor  
18 thereof, in any premises upon which alcoholic liquor is sold at  
19 retail.

20 No manufacturer or distributor or importing distributor  
21 shall, directly or indirectly or through a subsidiary or  
22 affiliate, or by any officer, director or firm of such  
23 manufacturer, distributor or importing distributor, furnish,  
24 give, lend or rent, install, repair or maintain, to or for any  
25 retail licensee in this State, any signs or inside advertising  
26 materials except as provided in this Section and Section 6-5.

1 With respect to retail licensees, other than any government  
2 owned or operated auditorium, exhibition hall, recreation  
3 facility or other similar facility holding a retailer's license  
4 as described in Section 6-5, a manufacturer, distributor, or  
5 importing distributor may furnish, give, lend or rent and  
6 erect, install, repair and maintain to or for any retail  
7 licensee, for use at any one time in or about or in connection  
8 with a retail establishment on which the products of the  
9 manufacturer, distributor or importing distributor are sold,  
10 the following signs and inside advertising materials as  
11 authorized in subparts (i), (ii), (iii), and (iv):

12 (i) Permanent outside signs shall be limited to one  
13 outside sign, per brand, in place and in use at any one  
14 time, costing not more than \$893, exclusive of erection,  
15 installation, repair and maintenance costs, and permit  
16 fees and shall bear only the manufacturer's name, brand  
17 name, trade name, slogans, markings, trademark, or other  
18 symbols commonly associated with and generally used in  
19 identifying the product including, but not limited to,  
20 "cold beer", "on tap", "carry out", and "packaged liquor".

21 (ii) Temporary outside signs shall be limited to one  
22 temporary outside sign per brand. Examples of temporary  
23 outside signs are banners, flags, pennants, streamers, and  
24 other items of a temporary and non-permanent nature. Each  
25 temporary outside sign must include the manufacturer's  
26 name, brand name, trade name, slogans, markings,

1 trademark, or other symbol commonly associated with and  
2 generally used in identifying the product. Temporary  
3 outside signs may also include, for example, the product,  
4 price, packaging, date or dates of a promotion and an  
5 announcement of a retail licensee's specific sponsored  
6 event, if the temporary outside sign is intended to promote  
7 a product, and provided that the announcement of the retail  
8 licensee's event and the product promotion are held  
9 simultaneously. However, temporary outside signs may not  
10 include names, slogans, markings, or logos that relate to  
11 the retailer. Nothing in this subpart (ii) shall prohibit a  
12 distributor or importing distributor from bearing the cost  
13 of creating or printing a temporary outside sign for the  
14 retail licensee's specific sponsored event or from bearing  
15 the cost of creating or printing a temporary sign for a  
16 retail licensee containing, for example, community  
17 goodwill expressions, regional sporting event  
18 announcements, or seasonal messages, provided that the  
19 primary purpose of the temporary outside sign is to  
20 highlight, promote, or advertise the product. In addition,  
21 temporary outside signs provided by the manufacturer to the  
22 distributor or importing distributor may also include, for  
23 example, subject to the limitations of this Section,  
24 preprinted community goodwill expressions, sporting event  
25 announcements, seasonal messages, and manufacturer  
26 promotional announcements. However, a distributor or

1 importing distributor shall not bear the cost of such  
2 manufacturer preprinted signs.

3 (iii) Permanent inside signs, whether visible from the  
4 outside or the inside of the premises, include, but are not  
5 limited to: alcohol lists and menus that may include names,  
6 slogans, markings, or logos that relate to the retailer;  
7 neons; illuminated signs; clocks; table lamps; mirrors;  
8 tap handles; decalcomanias; window painting; and window  
9 trim. All permanent inside signs in place and in use at any  
10 one time shall cost in the aggregate not more than \$2000  
11 per manufacturer. A permanent inside sign must include the  
12 manufacturer's name, brand name, trade name, slogans,  
13 markings, trademark, or other symbol commonly associated  
14 with and generally used in identifying the product.  
15 However, permanent inside signs may not include names,  
16 slogans, markings, or logos that relate to the retailer.  
17 For the purpose of this subpart (iii), all permanent inside  
18 signs may be displayed in an adjacent courtyard or patio  
19 commonly referred to as a "beer garden" that is a part of  
20 the retailer's licensed premises.

21 (iv) Temporary inside signs shall include, but are not  
22 limited to, lighted chalk boards, acrylic table tent  
23 beverage or hors d'oeuvre list holders, banners, flags,  
24 pennants, streamers, and inside advertising materials such  
25 as posters, placards, bowling sheets, table tents, inserts  
26 for acrylic table tent beverage or hors d'oeuvre list

1 holders, sports schedules, or similar printed or  
2 illustrated materials; however, such items, for example,  
3 as coasters, trays, napkins, glassware and cups shall not  
4 be deemed to be inside signs or advertising materials and  
5 may only be sold to retailers. All temporary inside signs  
6 and inside advertising materials in place and in use at any  
7 one time shall cost in the aggregate not more than \$325 per  
8 manufacturer. Nothing in this subpart (iv) prohibits a  
9 distributor or importing distributor from paying the cost  
10 of printing or creating any temporary inside banner or  
11 inserts for acrylic table tent beverage or hors d'oeuvre  
12 list holders for a retail licensee, provided that the  
13 primary purpose for the banner or insert is to highlight,  
14 promote, or advertise the product. For the purpose of this  
15 subpart (iv), all temporary inside signs and inside  
16 advertising materials may be displayed in an adjacent  
17 courtyard or patio commonly referred to as a "beer garden"  
18 that is a part of the retailer's licensed premises.

19 A "cost adjustment factor" shall be used to periodically  
20 update the dollar limitations prescribed in subparts (i),  
21 (iii), and (iv). The Commission shall establish the adjusted  
22 dollar limitation on an annual basis beginning in January,  
23 1997. The term "cost adjustment factor" means a percentage  
24 equal to the change in the Bureau of Labor Statistics Consumer  
25 Price Index or 5%, whichever is greater. The restrictions  
26 contained in this Section 6-6 do not apply to signs, or

1 promotional or advertising materials furnished by  
2 manufacturers, distributors or importing distributors to a  
3 government owned or operated facility holding a retailer's  
4 license as described in Section 6-5.

5 No distributor or importing distributor shall directly or  
6 indirectly or through a subsidiary or affiliate, or by any  
7 officer, director or firm of such manufacturer, distributor or  
8 importing distributor, furnish, give, lend or rent, install,  
9 repair or maintain, to or for any retail licensee in this  
10 State, any signs or inside advertising materials described in  
11 subparts (i), (ii), (iii), or (iv) of this Section except as  
12 the agent for or on behalf of a manufacturer, provided that the  
13 total cost of any signs and inside advertising materials  
14 including but not limited to labor, erection, installation and  
15 permit fees shall be paid by the manufacturer whose product or  
16 products said signs and inside advertising materials advertise  
17 and except as follows:

18 A distributor or importing distributor may purchase from or  
19 enter into a written agreement with a manufacturer or a  
20 manufacturer's designated supplier and such manufacturer or  
21 the manufacturer's designated supplier may sell or enter into  
22 an agreement to sell to a distributor or importing distributor  
23 permitted signs and advertising materials described in  
24 subparts (ii), (iii), or (iv) of this Section for the purpose  
25 of furnishing, giving, lending, renting, installing,  
26 repairing, or maintaining such signs or advertising materials



1 to or for any retail licensee in this State. Any purchase by a  
2 distributor or importing distributor from a manufacturer or a  
3 manufacturer's designated supplier shall be voluntary and the  
4 manufacturer may not require the distributor or the importing  
5 distributor to purchase signs or advertising materials from the  
6 manufacturer or the manufacturer's designated supplier.

7 A distributor or importing distributor shall be deemed the  
8 owner of such signs or advertising materials purchased from a  
9 manufacturer or a manufacturer's designated supplier.

10 The provisions of Public Act 90-373 concerning signs or  
11 advertising materials delivered by a manufacturer to a  
12 distributor or importing distributor shall apply only to signs  
13 or advertising materials delivered on or after August 14, 1997.

14 No person engaged in the business of manufacturing,  
15 importing or distributing alcoholic liquors shall, directly or  
16 indirectly, pay for, or advance, furnish, or lend money for the  
17 payment of any license for another. Any licensee who shall  
18 permit or assent, or be a party in any way to any violation or  
19 infringement of the provisions of this Section shall be deemed  
20 guilty of a violation of this Act, and any money loaned  
21 contrary to a provision of this Act shall not be recovered  
22 back, or any note, mortgage or other evidence of indebtedness,  
23 or security, or any lease or contract obtained or made contrary  
24 to this Act shall be unenforceable and void.

25 This Section shall not apply to airplane licensees  
26 exercising powers provided in paragraph (i) of Section 5-1 of

1 this Act.

2 (Source: P.A. 89-238, eff. 8-4-95; 89-529, eff. 7-19-96;  
3 90-373, eff. 8-14-97; 90-432, eff. 1-1-98; 90-655, eff.  
4 7-30-98; revised 9-24-13.)

5 (235 ILCS 5/6-15) (from Ch. 43, par. 130)

6 Sec. 6-15. No alcoholic liquors shall be sold or delivered  
7 in any building belonging to or under the control of the State  
8 or any political subdivision thereof except as provided in this  
9 Act. The corporate authorities of any city, village,  
10 incorporated town, township, or county may provide by  
11 ordinance, however, that alcoholic liquor may be sold or  
12 delivered in any specifically designated building belonging to  
13 or under the control of the municipality, township, or county,  
14 or in any building located on land under the control of the  
15 municipality, township, or county; provided that such township  
16 or county complies with all applicable local ordinances in any  
17 incorporated area of the township or county. Alcoholic liquor  
18 may be delivered to and sold under the authority of a special  
19 use permit on any property owned by a conservation district  
20 organized under the Conservation District Act, provided that  
21 (i) the alcoholic liquor is sold only at an event authorized by  
22 the governing board of the conservation district, (ii) the  
23 issuance of the special use permit is authorized by the local  
24 liquor control commissioner of the territory in which the  
25 property is located, and (iii) the special use permit

1 authorizes the sale of alcoholic liquor for one day or less.  
2 Alcoholic liquors may be delivered to and sold at any airport  
3 belonging to or under the control of a municipality of more  
4 than 25,000 inhabitants, or in any building or on any golf  
5 course owned by a park district organized under the Park  
6 District Code, subject to the approval of the governing board  
7 of the district, or in any building or on any golf course owned  
8 by a forest preserve district organized under the Downstate  
9 Forest Preserve District Act, subject to the approval of the  
10 governing board of the district, or on the grounds within 500  
11 feet of any building owned by a forest preserve district  
12 organized under the Downstate Forest Preserve District Act  
13 during times when food is dispensed for consumption within 500  
14 feet of the building from which the food is dispensed, subject  
15 to the approval of the governing board of the district, or in a  
16 building owned by a Local Mass Transit District organized under  
17 the Local Mass Transit District Act, subject to the approval of  
18 the governing Board of the District, or in Bicentennial Park,  
19 or on the premises of the City of Mendota Lake Park located  
20 adjacent to Route 51 in Mendota, Illinois, or on the premises  
21 of Camden Park in Milan, Illinois, or in the community center  
22 owned by the City of Loves Park that is located at 1000 River  
23 Park Drive in Loves Park, Illinois, or, in connection with the  
24 operation of an established food serving facility during times  
25 when food is dispensed for consumption on the premises, and at  
26 the following aquarium and museums located in public parks: Art

1 Institute of Chicago, Chicago Academy of Sciences, Chicago  
2 Historical Society, Field Museum of Natural History, Museum of  
3 Science and Industry, DuSable Museum of African American  
4 History, John G. Shedd Aquarium and Adler Planetarium, or at  
5 Lakeview Museum of Arts and Sciences in Peoria, or in  
6 connection with the operation of the facilities of the Chicago  
7 Zoological Society or the Chicago Horticultural Society on land  
8 owned by the Forest Preserve District of Cook County, or on any  
9 land used for a golf course or for recreational purposes owned  
10 by the Forest Preserve District of Cook County, subject to the  
11 control of the Forest Preserve District Board of Commissioners  
12 and applicable local law, provided that dram shop liability  
13 insurance is provided at maximum coverage limits so as to hold  
14 the District harmless from all financial loss, damage, and  
15 harm, or in any building located on land owned by the Chicago  
16 Park District if approved by the Park District Commissioners,  
17 or on any land used for a golf course or for recreational  
18 purposes and owned by the Illinois International Port District  
19 if approved by the District's governing board, or at any  
20 airport, golf course, faculty center, or facility in which  
21 conference and convention type activities take place belonging  
22 to or under control of any State university or public community  
23 college district, provided that with respect to a facility for  
24 conference and convention type activities alcoholic liquors  
25 shall be limited to the use of the convention or conference  
26 participants or participants in cultural, political or

1 educational activities held in such facilities, and provided  
2 further that the faculty or staff of the State university or a  
3 public community college district, or members of an  
4 organization of students, alumni, faculty or staff of the State  
5 university or a public community college district are active  
6 participants in the conference or convention, or in Memorial  
7 Stadium on the campus of the University of Illinois at  
8 Urbana-Champaign during games in which the Chicago Bears  
9 professional football team is playing in that stadium during  
10 the renovation of Soldier Field, not more than one and a half  
11 hours before the start of the game and not after the end of the  
12 third quarter of the game, or in the Pavilion Facility on the  
13 campus of the University of Illinois at Chicago during games in  
14 which the Chicago Storm professional soccer team is playing in  
15 that facility, not more than one and a half hours before the  
16 start of the game and not after the end of the third quarter of  
17 the game, or in the Pavilion Facility on the campus of the  
18 University of Illinois at Chicago during games in which the  
19 WNBA professional women's basketball team is playing in that  
20 facility, not more than one and a half hours before the start  
21 of the game and not after the 10-minute mark of the second half  
22 of the game, or by a catering establishment which has rented  
23 facilities from a board of trustees of a public community  
24 college district, or in a restaurant that is operated by a  
25 commercial tenant in the North Campus Parking Deck building  
26 that (1) is located at 1201 West University Avenue, Urbana,

1 Illinois and (2) is owned by the Board of Trustees of the  
2 University of Illinois, or, if approved by the District board,  
3 on land owned by the Metropolitan Sanitary District of Greater  
4 Chicago and leased to others for a term of at least 20 years.  
5 Nothing in this Section precludes the sale or delivery of  
6 alcoholic liquor in the form of original packaged goods in  
7 premises located at 500 S. Racine in Chicago belonging to the  
8 University of Illinois and used primarily as a grocery store by  
9 a commercial tenant during the term of a lease that predates  
10 the University's acquisition of the premises; but the  
11 University shall have no power or authority to renew, transfer,  
12 or extend the lease with terms allowing the sale of alcoholic  
13 liquor; and the sale of alcoholic liquor shall be subject to  
14 all local laws and regulations. After the acquisition by  
15 Winnebago County of the property located at 404 Elm Street in  
16 Rockford, a commercial tenant who sold alcoholic liquor at  
17 retail on a portion of the property under a valid license at  
18 the time of the acquisition may continue to do so for so long  
19 as the tenant and the County may agree under existing or future  
20 leases, subject to all local laws and regulations regarding the  
21 sale of alcoholic liquor. Alcoholic liquors may be delivered to  
22 and sold at Memorial Hall, located at 211 North Main Street,  
23 Rockford, under conditions approved by Winnebago County and  
24 subject to all local laws and regulations regarding the sale of  
25 alcoholic liquor. Each facility shall provide dram shop  
26 liability in maximum insurance coverage limits so as to save

1 harmless the State, municipality, State university, airport,  
2 golf course, faculty center, facility in which conference and  
3 convention type activities take place, park district, Forest  
4 Preserve District, public community college district,  
5 aquarium, museum, or sanitary district from all financial loss,  
6 damage or harm. Alcoholic liquors may be sold at retail in  
7 buildings of golf courses owned by municipalities or Illinois  
8 State University in connection with the operation of an  
9 established food serving facility during times when food is  
10 dispensed for consumption upon the premises. Alcoholic liquors  
11 may be delivered to and sold at retail in any building owned by  
12 a fire protection district organized under the Fire Protection  
13 District Act, provided that such delivery and sale is approved  
14 by the board of trustees of the district, and provided further  
15 that such delivery and sale is limited to fundraising events  
16 and to a maximum of 6 events per year. However, the limitation  
17 to fundraising events and to a maximum of 6 events per year  
18 does not apply to the delivery, sale, or manufacture of  
19 alcoholic liquors at the building located at 59 Main Street in  
20 Oswego, Illinois, owned by the Oswego Fire Protection District  
21 if the alcoholic liquor is sold or dispensed as approved by the  
22 Oswego Fire Protection District and the property is no longer  
23 being utilized for fire protection purposes.

24 Alcoholic liquors may be served or sold in buildings under  
25 the control of the Board of Trustees of the University of  
26 Illinois for events that the Board may determine are public

1 events and not related student activities. The Board of  
2 Trustees shall issue a written policy within 6 months of the  
3 effective date of this amendatory Act of the 95th General  
4 Assembly concerning the types of events that would be eligible  
5 for an exemption. Thereafter, the Board of Trustees may issue  
6 revised, updated, new, or amended policies as it deems  
7 necessary and appropriate. In preparing its written policy, the  
8 Board of Trustees shall, among other factors it considers  
9 relevant and important, give consideration to the following:  
10 (i) whether the event is a student activity or student related  
11 activity; (ii) whether the physical setting of the event is  
12 conducive to control of liquor sales and distribution; (iii)  
13 the ability of the event operator to ensure that the sale or  
14 serving of alcoholic liquors and the demeanor of the  
15 participants are in accordance with State law and University  
16 policies; (iv) regarding the anticipated attendees at the  
17 event, the relative proportion of individuals under the age of  
18 21 to individuals age 21 or older; (v) the ability of the venue  
19 operator to prevent the sale or distribution of alcoholic  
20 liquors to individuals under the age of 21; (vi) whether the  
21 event prohibits participants from removing alcoholic beverages  
22 from the venue; and (vii) whether the event prohibits  
23 participants from providing their own alcoholic liquors to the  
24 venue. In addition, any policy submitted by the Board of  
25 Trustees to the Illinois Liquor Control Commission must require  
26 that any event at which alcoholic liquors are served or sold in



1 buildings under the control of the Board of Trustees shall  
2 require the prior written approval of the Office of the  
3 Chancellor for the University campus where the event is  
4 located. The Board of Trustees shall submit its policy, and any  
5 subsequently revised, updated, new, or amended policies, to the  
6 Illinois Liquor Control Commission, and any University event,  
7 or location for an event, exempted under such policies shall  
8 apply for a license under the applicable Sections of this Act.

9       Alcoholic liquors may be served or sold in buildings under  
10 the control of the Board of Trustees of Northern Illinois  
11 University for events that the Board may determine are public  
12 events and not student-related activities. The Board of  
13 Trustees shall issue a written policy within 6 months after  
14 June 28, 2011 (the effective date of Public Act 97-45)  
15 concerning the types of events that would be eligible for an  
16 exemption. Thereafter, the Board of Trustees may issue revised,  
17 updated, new, or amended policies as it deems necessary and  
18 appropriate. In preparing its written policy, the Board of  
19 Trustees shall, in addition to other factors it considers  
20 relevant and important, give consideration to the following:  
21 (i) whether the event is a student activity or student-related  
22 activity; (ii) whether the physical setting of the event is  
23 conducive to control of liquor sales and distribution; (iii)  
24 the ability of the event operator to ensure that the sale or  
25 serving of alcoholic liquors and the demeanor of the  
26 participants are in accordance with State law and University

1 policies; (iv) the anticipated attendees at the event and the  
2 relative proportion of individuals under the age of 21 to  
3 individuals age 21 or older; (v) the ability of the venue  
4 operator to prevent the sale or distribution of alcoholic  
5 liquors to individuals under the age of 21; (vi) whether the  
6 event prohibits participants from removing alcoholic beverages  
7 from the venue; and (vii) whether the event prohibits  
8 participants from providing their own alcoholic liquors to the  
9 venue.

10 Alcoholic liquors may be served or sold in buildings under  
11 the control of the Board of Trustees of Chicago State  
12 University for events that the Board may determine are public  
13 events and not student-related activities. The Board of  
14 Trustees shall issue a written policy within 6 months after  
15 August 2, 2013 (the effective date of Public Act 98-132) ~~this~~  
16 ~~amendatory Act of the 98th General Assembly~~ concerning the  
17 types of events that would be eligible for an exemption.  
18 Thereafter, the Board of Trustees may issue revised, updated,  
19 new, or amended policies as it deems necessary and appropriate.  
20 In preparing its written policy, the Board of Trustees shall,  
21 in addition to other factors it considers relevant and  
22 important, give consideration to the following: (i) whether the  
23 event is a student activity or student-related activity; (ii)  
24 whether the physical setting of the event is conducive to  
25 control of liquor sales and distribution; (iii) the ability of  
26 the event operator to ensure that the sale or serving of

1 alcoholic liquors and the demeanor of the participants are in  
2 accordance with State law and University policies; (iv) the  
3 anticipated attendees at the event and the relative proportion  
4 of individuals under the age of 21 to individuals age 21 or  
5 older; (v) the ability of the venue operator to prevent the  
6 sale or distribution of alcoholic liquors to individuals under  
7 the age of 21; (vi) whether the event prohibits participants  
8 from removing alcoholic beverages from the venue; and (vii)  
9 whether the event prohibits participants from providing their  
10 own alcoholic liquors to the venue.

11 Alcoholic liquors may be served or sold in buildings under  
12 the control of the Board of Trustees of Illinois State  
13 University for events that the Board may determine are public  
14 events and not student-related activities. The Board of  
15 Trustees shall issue a written policy within 6 months after the  
16 effective date of this amendatory Act of the 97th General  
17 Assembly concerning the types of events that would be eligible  
18 for an exemption. Thereafter, the Board of Trustees may issue  
19 revised, updated, new, or amended policies as it deems  
20 necessary and appropriate. In preparing its written policy, the  
21 Board of Trustees shall, in addition to other factors it  
22 considers relevant and important, give consideration to the  
23 following: (i) whether the event is a student activity or  
24 student-related activity; (ii) whether the physical setting of  
25 the event is conducive to control of liquor sales and  
26 distribution; (iii) the ability of the event operator to ensure

1 that the sale or serving of alcoholic liquors and the demeanor  
2 of the participants are in accordance with State law and  
3 University policies; (iv) the anticipated attendees at the  
4 event and the relative proportion of individuals under the age  
5 of 21 to individuals age 21 or older; (v) the ability of the  
6 venue operator to prevent the sale or distribution of alcoholic  
7 liquors to individuals under the age of 21; (vi) whether the  
8 event prohibits participants from removing alcoholic beverages  
9 from the venue; and (vii) whether the event prohibits  
10 participants from providing their own alcoholic liquors to the  
11 venue.

12 Alcoholic liquor may be delivered to and sold at retail in  
13 the Dorchester Senior Business Center owned by the Village of  
14 Dolton if the alcoholic liquor is sold or dispensed only in  
15 connection with organized functions for which the planned  
16 attendance is 20 or more persons, and if the person or facility  
17 selling or dispensing the alcoholic liquor has provided dram  
18 shop liability insurance in maximum limits so as to hold  
19 harmless the Village of Dolton and the State from all financial  
20 loss, damage and harm.

21 Alcoholic liquors may be delivered to and sold at retail in  
22 any building used as an Illinois State Armory provided:

23 (i) the Adjutant General's written consent to the  
24 issuance of a license to sell alcoholic liquor in such  
25 building is filed with the Commission;

26 (ii) the alcoholic liquor is sold or dispensed only in

1 connection with organized functions held on special  
2 occasions;

3 (iii) the organized function is one for which the  
4 planned attendance is 25 or more persons; and

5 (iv) the facility selling or dispensing the alcoholic  
6 liquors has provided dram shop liability insurance in  
7 maximum limits so as to save harmless the facility and the  
8 State from all financial loss, damage or harm.

9 Alcoholic liquors may be delivered to and sold at retail in  
10 the Chicago Civic Center, provided that:

11 (i) the written consent of the Public Building  
12 Commission which administers the Chicago Civic Center is  
13 filed with the Commission;

14 (ii) the alcoholic liquor is sold or dispensed only in  
15 connection with organized functions held on special  
16 occasions;

17 (iii) the organized function is one for which the  
18 planned attendance is 25 or more persons;

19 (iv) the facility selling or dispensing the alcoholic  
20 liquors has provided dram shop liability insurance in  
21 maximum limits so as to hold harmless the Civic Center, the  
22 City of Chicago and the State from all financial loss,  
23 damage or harm; and

24 (v) all applicable local ordinances are complied with.

25 Alcoholic liquors may be delivered or sold in any building  
26 belonging to or under the control of any city, village or

1 incorporated town where more than 75% of the physical  
2 properties of the building is used for commercial or  
3 recreational purposes, and the building is located upon a pier  
4 extending into or over the waters of a navigable lake or stream  
5 or on the shore of a navigable lake or stream. In accordance  
6 with a license issued under this Act, alcoholic liquor may be  
7 sold, served, or delivered in buildings and facilities under  
8 the control of the Department of Natural Resources during  
9 events or activities lasting no more than 7 continuous days  
10 upon the written approval of the Director of Natural Resources  
11 acting as the controlling government authority. The Director of  
12 Natural Resources may specify conditions on that approval,  
13 including but not limited to requirements for insurance and  
14 hours of operation. Notwithstanding any other provision of this  
15 Act, alcoholic liquor sold by a United States Army Corps of  
16 Engineers or Department of Natural Resources concessionaire  
17 who was operating on June 1, 1991 for on-premises consumption  
18 only is not subject to the provisions of Articles IV and IX.  
19 Beer and wine may be sold on the premises of the Joliet Park  
20 District Stadium owned by the Joliet Park District when written  
21 consent to the issuance of a license to sell beer and wine in  
22 such premises is filed with the local liquor commissioner by  
23 the Joliet Park District. Beer and wine may be sold in  
24 buildings on the grounds of State veterans' homes when written  
25 consent to the issuance of a license to sell beer and wine in  
26 such buildings is filed with the Commission by the Department

1 of Veterans' Affairs, and the facility shall provide dram shop  
2 liability in maximum insurance coverage limits so as to save  
3 the facility harmless from all financial loss, damage or harm.  
4 Such liquors may be delivered to and sold at any property owned  
5 or held under lease by a Metropolitan Pier and Exposition  
6 Authority or Metropolitan Exposition and Auditorium Authority.

7 Beer and wine may be sold and dispensed at professional  
8 sporting events and at professional concerts and other  
9 entertainment events conducted on premises owned by the Forest  
10 Preserve District of Kane County, subject to the control of the  
11 District Commissioners and applicable local law, provided that  
12 dram shop liability insurance is provided at maximum coverage  
13 limits so as to hold the District harmless from all financial  
14 loss, damage and harm.

15 Nothing in this Section shall preclude the sale or delivery  
16 of beer and wine at a State or county fair or the sale or  
17 delivery of beer or wine at a city fair in any otherwise lawful  
18 manner.

19 Alcoholic liquors may be sold at retail in buildings in  
20 State parks under the control of the Department of Natural  
21 Resources, provided:

22 a. the State park has overnight lodging facilities with  
23 some restaurant facilities or, not having overnight  
24 lodging facilities, has restaurant facilities which serve  
25 complete luncheon and dinner or supper meals,

26 b. consent to the issuance of a license to sell

1 alcoholic liquors in the buildings has been filed with the  
2 commission by the Department of Natural Resources, and

3 c. the alcoholic liquors are sold by the State park  
4 lodge or restaurant concessionaire only during the hours  
5 from 11 o'clock a.m. until 12 o'clock midnight.  
6 Notwithstanding any other provision of this Act, alcoholic  
7 liquor sold by the State park or restaurant concessionaire  
8 is not subject to the provisions of Articles IV and IX.

9 Alcoholic liquors may be sold at retail in buildings on  
10 properties under the control of the Historic Sites and  
11 Preservation Division of the Historic Preservation Agency or  
12 the Abraham Lincoln Presidential Library and Museum provided:

13 a. the property has overnight lodging facilities with  
14 some restaurant facilities or, not having overnight  
15 lodging facilities, has restaurant facilities which serve  
16 complete luncheon and dinner or supper meals,

17 b. consent to the issuance of a license to sell  
18 alcoholic liquors in the buildings has been filed with the  
19 commission by the Historic Sites and Preservation Division  
20 of the Historic Preservation Agency or the Abraham Lincoln  
21 Presidential Library and Museum, and

22 c. the alcoholic liquors are sold by the lodge or  
23 restaurant concessionaire only during the hours from 11  
24 o'clock a.m. until 12 o'clock midnight.

25 The sale of alcoholic liquors pursuant to this Section does  
26 not authorize the establishment and operation of facilities



1 commonly called taverns, saloons, bars, cocktail lounges, and  
2 the like except as a part of lodge and restaurant facilities in  
3 State parks or golf courses owned by Forest Preserve Districts  
4 with a population of less than 3,000,000 or municipalities or  
5 park districts.

6 Alcoholic liquors may be sold at retail in the Springfield  
7 Administration Building of the Department of Transportation  
8 and the Illinois State Armory in Springfield; provided, that  
9 the controlling government authority may consent to such sales  
10 only if

11 a. the request is from a not-for-profit organization;

12 b. such sales would not impede normal operations of the  
13 departments involved;

14 c. the not-for-profit organization provides dram shop  
15 liability in maximum insurance coverage limits and agrees  
16 to defend, save harmless and indemnify the State of  
17 Illinois from all financial loss, damage or harm;

18 d. no such sale shall be made during normal working  
19 hours of the State of Illinois; and

20 e. the consent is in writing.

21 Alcoholic liquors may be sold at retail in buildings in  
22 recreational areas of river conservancy districts under the  
23 control of, or leased from, the river conservancy districts.  
24 Such sales are subject to reasonable local regulations as  
25 provided in Article IV; however, no such regulations may  
26 prohibit or substantially impair the sale of alcoholic liquors

1 on Sundays or Holidays.

2 Alcoholic liquors may be provided in long term care  
3 facilities owned or operated by a county under Division 5-21 or  
4 5-22 of the Counties Code, when approved by the facility  
5 operator and not in conflict with the regulations of the  
6 Illinois Department of Public Health, to residents of the  
7 facility who have had their consumption of the alcoholic  
8 liquors provided approved in writing by a physician licensed to  
9 practice medicine in all its branches.

10 Alcoholic liquors may be delivered to and dispensed in  
11 State housing assigned to employees of the Department of  
12 Corrections. No person shall furnish or allow to be furnished  
13 any alcoholic liquors to any prisoner confined in any jail,  
14 reformatory, prison or house of correction except upon a  
15 physician's prescription for medicinal purposes.

16 Alcoholic liquors may be sold at retail or dispensed at the  
17 Willard Ice Building in Springfield, at the State Library in  
18 Springfield, and at Illinois State Museum facilities by (1) an  
19 agency of the State, whether legislative, judicial or  
20 executive, provided that such agency first obtains written  
21 permission to sell or dispense alcoholic liquors from the  
22 controlling government authority, or by (2) a not-for-profit  
23 organization, provided that such organization:

24 a. Obtains written consent from the controlling  
25 government authority;

26 b. Sells or dispenses the alcoholic liquors in a manner

1           that does not impair normal operations of State offices  
2           located in the building;

3           c. Sells or dispenses alcoholic liquors only in  
4           connection with an official activity in the building;

5           d. Provides, or its catering service provides, dram  
6           shop liability insurance in maximum coverage limits and in  
7           which the carrier agrees to defend, save harmless and  
8           indemnify the State of Illinois from all financial loss,  
9           damage or harm arising out of the selling or dispensing of  
10          alcoholic liquors.

11          Nothing in this Act shall prevent a not-for-profit  
12          organization or agency of the State from employing the services  
13          of a catering establishment for the selling or dispensing of  
14          alcoholic liquors at authorized functions.

15          The controlling government authority for the Willard Ice  
16          Building in Springfield shall be the Director of the Department  
17          of Revenue. The controlling government authority for Illinois  
18          State Museum facilities shall be the Director of the Illinois  
19          State Museum. The controlling government authority for the  
20          State Library in Springfield shall be the Secretary of State.

21          Alcoholic liquors may be delivered to and sold at retail or  
22          dispensed at any facility, property or building under the  
23          jurisdiction of the Historic Sites and Preservation Division of  
24          the Historic Preservation Agency or the Abraham Lincoln  
25          Presidential Library and Museum where the delivery, sale or  
26          dispensing is by (1) an agency of the State, whether

1 legislative, judicial or executive, provided that such agency  
2 first obtains written permission to sell or dispense alcoholic  
3 liquors from a controlling government authority, or by (2) an  
4 individual or organization provided that such individual or  
5 organization:

6 a. Obtains written consent from the controlling  
7 government authority;

8 b. Sells or dispenses the alcoholic liquors in a manner  
9 that does not impair normal workings of State offices or  
10 operations located at the facility, property or building;

11 c. Sells or dispenses alcoholic liquors only in  
12 connection with an official activity of the individual or  
13 organization in the facility, property or building;

14 d. Provides, or its catering service provides, dram  
15 shop liability insurance in maximum coverage limits and in  
16 which the carrier agrees to defend, save harmless and  
17 indemnify the State of Illinois from all financial loss,  
18 damage or harm arising out of the selling or dispensing of  
19 alcoholic liquors.

20 The controlling government authority for the Historic  
21 Sites and Preservation Division of the Historic Preservation  
22 Agency shall be the Director of the Historic Sites and  
23 Preservation, and the controlling government authority for the  
24 Abraham Lincoln Presidential Library and Museum shall be the  
25 Director of the Abraham Lincoln Presidential Library and  
26 Museum.

1           Alcoholic liquors may be delivered to and sold at retail or  
2           dispensed for consumption at the Michael Bilandic Building at  
3           160 North LaSalle Street, Chicago IL 60601, after the normal  
4           business hours of any day care or child care facility located  
5           in the building, by (1) a commercial tenant or subtenant  
6           conducting business on the premises under a lease made pursuant  
7           to Section 405-315 of the Department of Central Management  
8           Services Law (20 ILCS 405/405-315), provided that such tenant  
9           or subtenant who accepts delivery of, sells, or dispenses  
10          alcoholic liquors shall procure and maintain dram shop  
11          liability insurance in maximum coverage limits and in which the  
12          carrier agrees to defend, indemnify, and save harmless the  
13          State of Illinois from all financial loss, damage, or harm  
14          arising out of the delivery, sale, or dispensing of alcoholic  
15          liquors, or by (2) an agency of the State, whether legislative,  
16          judicial, or executive, provided that such agency first obtains  
17          written permission to accept delivery of and sell or dispense  
18          alcoholic liquors from the Director of Central Management  
19          Services, or by (3) a not-for-profit organization, provided  
20          that such organization:

21               a. obtains written consent from the Department of  
22               Central Management Services;

23               b. accepts delivery of and sells or dispenses the  
24               alcoholic liquors in a manner that does not impair normal  
25               operations of State offices located in the building;

26               c. accepts delivery of and sells or dispenses alcoholic

1           liquors only in connection with an official activity in the  
2           building; and

3           d. provides, or its catering service provides, dram  
4           shop liability insurance in maximum coverage limits and in  
5           which the carrier agrees to defend, save harmless, and  
6           indemnify the State of Illinois from all financial loss,  
7           damage, or harm arising out of the selling or dispensing of  
8           alcoholic liquors.

9           Nothing in this Act shall prevent a not-for-profit  
10          organization or agency of the State from employing the services  
11          of a catering establishment for the selling or dispensing of  
12          alcoholic liquors at functions authorized by the Director of  
13          Central Management Services.

14          Alcoholic liquors may be sold at retail or dispensed at the  
15          James R. Thompson Center in Chicago, subject to the provisions  
16          of Section 7.4 of the State Property Control Act, and 222 South  
17          College Street in Springfield, Illinois by (1) a commercial  
18          tenant or subtenant conducting business on the premises under a  
19          lease or sublease made pursuant to Section 405-315 of the  
20          Department of Central Management Services Law (20 ILCS  
21          405/405-315), provided that such tenant or subtenant who sells  
22          or dispenses alcoholic liquors shall procure and maintain dram  
23          shop liability insurance in maximum coverage limits and in  
24          which the carrier agrees to defend, indemnify and save harmless  
25          the State of Illinois from all financial loss, damage or harm  
26          arising out of the sale or dispensing of alcoholic liquors, or

1 by (2) an agency of the State, whether legislative, judicial or  
2 executive, provided that such agency first obtains written  
3 permission to sell or dispense alcoholic liquors from the  
4 Director of Central Management Services, or by (3) a  
5 not-for-profit organization, provided that such organization:

6 a. Obtains written consent from the Department of  
7 Central Management Services;

8 b. Sells or dispenses the alcoholic liquors in a manner  
9 that does not impair normal operations of State offices  
10 located in the building;

11 c. Sells or dispenses alcoholic liquors only in  
12 connection with an official activity in the building;

13 d. Provides, or its catering service provides, dram  
14 shop liability insurance in maximum coverage limits and in  
15 which the carrier agrees to defend, save harmless and  
16 indemnify the State of Illinois from all financial loss,  
17 damage or harm arising out of the selling or dispensing of  
18 alcoholic liquors.

19 Nothing in this Act shall prevent a not-for-profit  
20 organization or agency of the State from employing the services  
21 of a catering establishment for the selling or dispensing of  
22 alcoholic liquors at functions authorized by the Director of  
23 Central Management Services.

24 Alcoholic liquors may be sold or delivered at any facility  
25 owned by the Illinois Sports Facilities Authority provided that  
26 dram shop liability insurance has been made available in a

1 form, with such coverage and in such amounts as the Authority  
2 reasonably determines is necessary.

3 Alcoholic liquors may be sold at retail or dispensed at the  
4 Rockford State Office Building by (1) an agency of the State,  
5 whether legislative, judicial or executive, provided that such  
6 agency first obtains written permission to sell or dispense  
7 alcoholic liquors from the Department of Central Management  
8 Services, or by (2) a not-for-profit organization, provided  
9 that such organization:

10 a. Obtains written consent from the Department of  
11 Central Management Services;

12 b. Sells or dispenses the alcoholic liquors in a manner  
13 that does not impair normal operations of State offices  
14 located in the building;

15 c. Sells or dispenses alcoholic liquors only in  
16 connection with an official activity in the building;

17 d. Provides, or its catering service provides, dram  
18 shop liability insurance in maximum coverage limits and in  
19 which the carrier agrees to defend, save harmless and  
20 indemnify the State of Illinois from all financial loss,  
21 damage or harm arising out of the selling or dispensing of  
22 alcoholic liquors.

23 Nothing in this Act shall prevent a not-for-profit  
24 organization or agency of the State from employing the services  
25 of a catering establishment for the selling or dispensing of  
26 alcoholic liquors at functions authorized by the Department of



1 Central Management Services.

2 Alcoholic liquors may be sold or delivered in a building  
3 that is owned by McLean County, situated on land owned by the  
4 county in the City of Bloomington, and used by the McLean  
5 County Historical Society if the sale or delivery is approved  
6 by an ordinance adopted by the county board, and the  
7 municipality in which the building is located may not prohibit  
8 that sale or delivery, notwithstanding any other provision of  
9 this Section. The regulation of the sale and delivery of  
10 alcoholic liquor in a building that is owned by McLean County,  
11 situated on land owned by the county, and used by the McLean  
12 County Historical Society as provided in this paragraph is an  
13 exclusive power and function of the State and is a denial and  
14 limitation under Article VII, Section 6, subsection (h) of the  
15 Illinois Constitution of the power of a home rule municipality  
16 to regulate that sale and delivery.

17 Alcoholic liquors may be sold or delivered in any building  
18 situated on land held in trust for any school district  
19 organized under Article 34 of the School Code, if the building  
20 is not used for school purposes and if the sale or delivery is  
21 approved by the board of education.

22 Alcoholic liquors may be sold or delivered in buildings  
23 owned by the Community Building Complex Committee of Boone  
24 County, Illinois if the person or facility selling or  
25 dispensing the alcoholic liquor has provided dram shop  
26 liability insurance with coverage and in amounts that the

1 Committee reasonably determines are necessary.

2 Alcoholic liquors may be sold or delivered in the building  
3 located at 1200 Centerville Avenue in Belleville, Illinois and  
4 occupied by either the Belleville Area Special Education  
5 District or the Belleville Area Special Services Cooperative.

6 Alcoholic liquors may be delivered to and sold at the Louis  
7 Joliet Renaissance Center, City Center Campus, located at 214  
8 N. Ottawa Street, Joliet, and the Food Services/Culinary Arts  
9 Department facilities, Main Campus, located at 1215 Houbolt  
10 Road, Joliet, owned by or under the control of Joliet Junior  
11 College, Illinois Community College District No. 525.

12 Alcoholic liquors may be delivered to and sold at Triton  
13 College, Illinois Community College District No. 504.

14 Alcoholic liquors may be delivered to and sold at the  
15 College of DuPage, Illinois Community College District No. 502.

16 Alcoholic liquors may be delivered to and sold at the  
17 building located at 446 East Hickory Avenue in Apple River,  
18 Illinois, owned by the Apple River Fire Protection District,  
19 and occupied by the Apple River Community Association if the  
20 alcoholic liquor is sold or dispensed only in connection with  
21 organized functions approved by the Apple River Community  
22 Association for which the planned attendance is 20 or more  
23 persons and if the person or facility selling or dispensing the  
24 alcoholic liquor has provided dram shop liability insurance in  
25 maximum limits so as to hold harmless the Apple River Fire  
26 Protection District, the Village of Apple River, and the Apple

1 River Community Association from all financial loss, damage,  
2 and harm.

3 Alcoholic liquors may be delivered to and sold at the Sikia  
4 Restaurant, Kennedy King College Campus, located at 740 West  
5 63rd Street, Chicago, and at the Food Services in the Great  
6 Hall/Washburne Culinary Institute Department facility, Kennedy  
7 King College Campus, located at 740 West 63rd Street, Chicago,  
8 owned by or under the control of City Colleges of Chicago,  
9 Illinois Community College District No. 508.

10 (Source: P.A. 97-33, eff. 6-28-11; 97-45, eff. 6-28-11; 97-51,  
11 eff. 6-28-11; 97-167, eff. 7-22-11; 97-250, eff. 8-4-11;  
12 97-395, eff. 8-16-11; 97-813, eff. 7-13-12; 97-1166, eff.  
13 3-1-13; 98-132, eff. 8-2-13; 98-201, eff. 8-9-13; revised  
14 9-24-13.)

15 (235 ILCS 5/7-1) (from Ch. 43, par. 145)

16 Sec. 7-1. An applicant for a retail license from the State  
17 Commission shall submit to the State Commission an application  
18 in writing under oath stating:

- 19 (1) The applicant's name and mailing address;
- 20 (2) The name and address of the applicant's business;
- 21 (3) If applicable, the date of the filing of the  
22 "assumed name" of the business with the County Clerk;
- 23 (4) In case of a copartnership, the date of the  
24 formation of the partnership; in the case of an Illinois  
25 corporation, the date of its incorporation; or in the case

1 of a foreign corporation, the State where it was  
2 incorporated and the date of its becoming qualified under  
3 the Business Corporation Act of 1983 to transact business  
4 in the State of Illinois;

5 (5) The number, the date of issuance and the date of  
6 expiration of the applicant's current local retail liquor  
7 license;

8 (6) The name of the city, village, or county that  
9 issued the local retail liquor license;

10 (7) The name and address of the landlord if the  
11 premises are leased;

12 (8) The date of the applicant's first request for a  
13 State liquor license and whether it was granted, denied or  
14 withdrawn;

15 (9) The address of the applicant when the first  
16 application for a State liquor license was made;

17 (10) The applicant's current State liquor license  
18 number;

19 (11) The date the applicant began liquor sales at his  
20 place of business;

21 (12) The address of the applicant's warehouse if he  
22 warehouses liquor;

23 (13) The applicant's Retailers' ~~Retailer's~~ Occupation  
24 Tax (ROT) Registration Number;

25 (14) The applicant's document locator ~~locator~~ number  
26 on his Federal Special Tax Stamp;

1           (15) Whether the applicant is delinquent in the payment  
2 of the Retailers' Occupation ~~Retailer's Occupational~~ Tax  
3 (Sales Tax), and if so, the reasons therefor;

4           (16) Whether the applicant is delinquent under the cash  
5 beer law, and if so, the reasons therefor;

6           (17) In the case of a retailer, whether he is  
7 delinquent under the 30-day ~~30-day~~ credit law, and if so,  
8 the reasons therefor;

9           (18) In the case of a distributor, whether he is  
10 delinquent under the 15-day ~~15-day~~ credit law, and if so,  
11 the reasons therefor;

12           (19) Whether the applicant has made an application for  
13 a liquor license which has been denied, and if so, the  
14 reasons therefor;

15           (20) Whether the applicant has ever had any previous  
16 liquor license suspended or revoked, and if so, the reasons  
17 therefor;

18           (21) Whether the applicant has ever been convicted of a  
19 gambling offense or felony, and if so, the particulars  
20 thereof;

21           (22) Whether the applicant possesses a current Federal  
22 Wagering Stamp, and if so, the reasons therefor;

23           (23) Whether the applicant, or any other person,  
24 directly in his place of business is a public official, and  
25 if so, the particulars thereof;

26           (24) The applicant's name, sex, date of birth, social

1 security number, position and percentage of ownership in  
2 the business; and the name, sex, date of birth, social  
3 security number, position and percentage of ownership in  
4 the business of every sole owner, partner, corporate  
5 officer, director, manager and any person who owns 5% or  
6 more of the shares of the applicant business entity or  
7 parent corporations of the applicant business entity; and

8 (25) That he has not received or borrowed money or  
9 anything else of value, and that he will not receive or  
10 borrow money or anything else of value (other than  
11 merchandising credit in the ordinary course of business for  
12 a period not to exceed 90 days as herein expressly  
13 permitted under Section 6-5 hereof), directly or  
14 indirectly, from any manufacturer, importing distributor  
15 or distributor or from any representative of any such  
16 manufacturer, importing distributor or distributor, nor be  
17 a party in any way, directly or indirectly, to any  
18 violation by a manufacturer, distributor or importing  
19 distributor of Section 6-6 of this Act.

20 In addition to any other requirement of this Section, an  
21 applicant for a special use permit license and a special event  
22 retailer's license shall also submit (A) proof satisfactory to  
23 the Commission that the applicant has a resale number issued  
24 under Section 2c of the Retailers' ~~Retailer's~~ Occupation Tax  
25 Act or that the applicant is registered under Section 2a of the  
26 Retailers' ~~Retailer's~~ Occupation Tax Act, (B) proof

1 satisfactory to the Commission that the applicant has a  
2 current, valid exemption identification number issued under  
3 Section 1g of the Retailers' Occupation Tax Act and a  
4 certification to the Commission that the purchase of alcoholic  
5 liquors will be a tax-exempt purchase, or (C) a statement that  
6 the applicant is not registered under Section 2a of the  
7 Retailers' Occupation Tax Act, does not hold a resale number  
8 under Section 2c of the Retailers' Occupation Tax Act, and does  
9 not hold an exemption number under Section 1g of the Retailers'  
10 Occupation Tax Act. The applicant shall also submit proof of  
11 adequate dram shop insurance for the special event prior to  
12 being issued a license.

13 In addition to the foregoing information, such application  
14 shall contain such other and further information as the State  
15 Commission and the local commission may, by rule or regulation  
16 not inconsistent with law, prescribe.

17 If the applicant reports a felony conviction as required  
18 under paragraph (21) of this Section, such conviction may be  
19 considered by the Commission in determining qualifications for  
20 licensing, but shall not operate as a bar to licensing.

21 If said application is made in behalf of a partnership,  
22 firm, association, club or corporation, then the same shall be  
23 signed by one member of such partnership or the president or  
24 secretary of such corporation or an authorized agent of said  
25 partnership or corporation.

26 All other applications shall be on forms prescribed by the

1 State Commission, and which may exclude any of the above  
2 requirements which the State Commission rules to be  
3 inapplicable.

4 (Source: P.A. 90-596, eff. 6-24-98; 91-357, eff. 7-29-99;  
5 revised 11-12-13.)

6 Section 540. The Illinois Public Aid Code is amended by  
7 changing Sections 1-10, 5-5, 5-5.2, 5-5.4, 5-5f, 5A-5, 5A-8,  
8 5A-12.4, 11-5.2, and 12-4.25 and by setting forth and  
9 renumbering multiple versions of Section 12-4.45 as follows:

10 (305 ILCS 5/1-10)

11 Sec. 1-10. Drug convictions.

12 (a) Persons convicted of an offense under the Illinois  
13 Controlled Substances Act, the Cannabis Control Act, or the  
14 Methamphetamine Control and Community Protection Act which is a  
15 Class X felony, or a Class 1 felony, or comparable federal  
16 criminal law which has as an element the possession, use, or  
17 distribution of a controlled substance, as defined in Section  
18 102(6) of the federal Controlled Substances Act (21 U.S.C.  
19 802(c)), shall not be eligible for cash assistance provided  
20 under this Code.

21 (b) Persons convicted of any other felony under the  
22 Illinois Controlled Substances Act, the Cannabis Control Act,  
23 or the Methamphetamine Control and Community Protection Act  
24 which is not a Class X or Class 1 felony, or comparable federal



1 criminal law which has as an element the possession, use, or  
2 distribution of a controlled substance, as defined in Section  
3 102(6) of the federal Controlled Substances Act (21 U.S.C.  
4 802(c)), shall not be eligible for cash assistance provided  
5 under this Code for 2 years from the date of conviction. This  
6 prohibition shall not apply if the person is in a drug  
7 treatment program, aftercare program, or similar program as  
8 defined by rule.

9 (c) Persons shall not be determined ineligible for food  
10 stamps provided under this Code based upon a conviction of any  
11 felony or comparable federal or State criminal law which has an  
12 element the possession, use or distribution of a controlled  
13 substance, as defined in Section 102(6) of the federal  
14 Controlled Substances ~~Substance~~ Act (21 U.S.C. 802(c)).

15 (Source: P.A. 94-556, eff. 9-11-05; revised 11-12-13.)

16 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

17 Sec. 5-5. Medical services. The Illinois Department, by  
18 rule, shall determine the quantity and quality of and the rate  
19 of reimbursement for the medical assistance for which payment  
20 will be authorized, and the medical services to be provided,  
21 which may include all or part of the following: (1) inpatient  
22 hospital services; (2) outpatient hospital services; (3) other  
23 laboratory and X-ray services; (4) skilled nursing home  
24 services; (5) physicians' services whether furnished in the  
25 office, the patient's home, a hospital, a skilled nursing home,

1 or elsewhere; (6) medical care, or any other type of remedial  
2 care furnished by licensed practitioners; (7) home health care  
3 services; (8) private duty nursing service; (9) clinic  
4 services; (10) dental services, including prevention and  
5 treatment of periodontal disease and dental caries disease for  
6 pregnant women, provided by an individual licensed to practice  
7 dentistry or dental surgery; for purposes of this item (10),  
8 "dental services" means diagnostic, preventive, or corrective  
9 procedures provided by or under the supervision of a dentist in  
10 the practice of his or her profession; (11) physical therapy  
11 and related services; (12) prescribed drugs, dentures, and  
12 prosthetic devices; and eyeglasses prescribed by a physician  
13 skilled in the diseases of the eye, or by an optometrist,  
14 whichever the person may select; (13) other diagnostic,  
15 screening, preventive, and rehabilitative services, including  
16 to ensure that the individual's need for intervention or  
17 treatment of mental disorders or substance use disorders or  
18 co-occurring mental health and substance use disorders is  
19 determined using a uniform screening, assessment, and  
20 evaluation process inclusive of criteria, for children and  
21 adults; for purposes of this item (13), a uniform screening,  
22 assessment, and evaluation process refers to a process that  
23 includes an appropriate evaluation and, as warranted, a  
24 referral; "uniform" does not mean the use of a singular  
25 instrument, tool, or process that all must utilize; (14)  
26 transportation and such other expenses as may be necessary;

1 (15) medical treatment of sexual assault survivors, as defined  
2 in Section 1a of the Sexual Assault Survivors Emergency  
3 Treatment Act, for injuries sustained as a result of the sexual  
4 assault, including examinations and laboratory tests to  
5 discover evidence which may be used in criminal proceedings  
6 arising from the sexual assault; (16) the diagnosis and  
7 treatment of sickle cell anemia; and (17) any other medical  
8 care, and any other type of remedial care recognized under the  
9 laws of this State, but not including abortions, or induced  
10 miscarriages or premature births, unless, in the opinion of a  
11 physician, such procedures are necessary for the preservation  
12 of the life of the woman seeking such treatment, or except an  
13 induced premature birth intended to produce a live viable child  
14 and such procedure is necessary for the health of the mother or  
15 her unborn child. The Illinois Department, by rule, shall  
16 prohibit any physician from providing medical assistance to  
17 anyone eligible therefor under this Code where such physician  
18 has been found guilty of performing an abortion procedure in a  
19 wilful and wanton manner upon a woman who was not pregnant at  
20 the time such abortion procedure was performed. The term "any  
21 other type of remedial care" shall include nursing care and  
22 nursing home service for persons who rely on treatment by  
23 spiritual means alone through prayer for healing.

24 Notwithstanding any other provision of this Section, a  
25 comprehensive tobacco use cessation program that includes  
26 purchasing prescription drugs or prescription medical devices

1 approved by the Food and Drug Administration shall be covered  
2 under the medical assistance program under this Article for  
3 persons who are otherwise eligible for assistance under this  
4 Article.

5 Notwithstanding any other provision of this Code, the  
6 Illinois Department may not require, as a condition of payment  
7 for any laboratory test authorized under this Article, that a  
8 physician's handwritten signature appear on the laboratory  
9 test order form. The Illinois Department may, however, impose  
10 other appropriate requirements regarding laboratory test order  
11 documentation.

12 On and after July 1, 2012, the Department of Healthcare and  
13 Family Services may provide the following services to persons  
14 eligible for assistance under this Article who are  
15 participating in education, training or employment programs  
16 operated by the Department of Human Services as successor to  
17 the Department of Public Aid:

18 (1) dental services provided by or under the  
19 supervision of a dentist; and

20 (2) eyeglasses prescribed by a physician skilled in the  
21 diseases of the eye, or by an optometrist, whichever the  
22 person may select.

23 Notwithstanding any other provision of this Code and  
24 subject to federal approval, the Department may adopt rules to  
25 allow a dentist who is volunteering his or her service at no  
26 cost to render dental services through an enrolled

1 not-for-profit health clinic without the dentist personally  
2 enrolling as a participating provider in the medical assistance  
3 program. A not-for-profit health clinic shall include a public  
4 health clinic or Federally Qualified Health Center or other  
5 enrolled provider, as determined by the Department, through  
6 which dental services covered under this Section are performed.  
7 The Department shall establish a process for payment of claims  
8 for reimbursement for covered dental services rendered under  
9 this provision.

10 The Illinois Department, by rule, may distinguish and  
11 classify the medical services to be provided only in accordance  
12 with the classes of persons designated in Section 5-2.

13 The Department of Healthcare and Family Services must  
14 provide coverage and reimbursement for amino acid-based  
15 elemental formulas, regardless of delivery method, for the  
16 diagnosis and treatment of (i) eosinophilic disorders and (ii)  
17 short bowel syndrome when the prescribing physician has issued  
18 a written order stating that the amino acid-based elemental  
19 formula is medically necessary.

20 The Illinois Department shall authorize the provision of,  
21 and shall authorize payment for, screening by low-dose  
22 mammography for the presence of occult breast cancer for women  
23 35 years of age or older who are eligible for medical  
24 assistance under this Article, as follows:

- 25 (A) A baseline mammogram for women 35 to 39 years of  
26 age.

1           (B) An annual mammogram for women 40 years of age or  
2           older.

3           (C) A mammogram at the age and intervals considered  
4           medically necessary by the woman's health care provider for  
5           women under 40 years of age and having a family history of  
6           breast cancer, prior personal history of breast cancer,  
7           positive genetic testing, or other risk factors.

8           (D) A comprehensive ultrasound screening of an entire  
9           breast or breasts if a mammogram demonstrates  
10          heterogeneous or dense breast tissue, when medically  
11          necessary as determined by a physician licensed to practice  
12          medicine in all of its branches.

13          All screenings shall include a physical breast exam,  
14          instruction on self-examination and information regarding the  
15          frequency of self-examination and its value as a preventative  
16          tool. For purposes of this Section, "low-dose mammography"  
17          means the x-ray examination of the breast using equipment  
18          dedicated specifically for mammography, including the x-ray  
19          tube, filter, compression device, and image receptor, with an  
20          average radiation exposure delivery of less than one rad per  
21          breast for 2 views of an average size breast. The term also  
22          includes digital mammography.

23          On and after January 1, 2012, providers participating in a  
24          quality improvement program approved by the Department shall be  
25          reimbursed for screening and diagnostic mammography at the same  
26          rate as the Medicare program's rates, including the increased

1 reimbursement for digital mammography.

2 The Department shall convene an expert panel including  
3 representatives of hospitals, free-standing mammography  
4 facilities, and doctors, including radiologists, to establish  
5 quality standards.

6 Subject to federal approval, the Department shall  
7 establish a rate methodology for mammography at federally  
8 qualified health centers and other encounter-rate clinics.  
9 These clinics or centers may also collaborate with other  
10 hospital-based mammography facilities.

11 The Department shall establish a methodology to remind  
12 women who are age-appropriate for screening mammography, but  
13 who have not received a mammogram within the previous 18  
14 months, of the importance and benefit of screening mammography.

15 The Department shall establish a performance goal for  
16 primary care providers with respect to their female patients  
17 over age 40 receiving an annual mammogram. This performance  
18 goal shall be used to provide additional reimbursement in the  
19 form of a quality performance bonus to primary care providers  
20 who meet that goal.

21 The Department shall devise a means of case-managing or  
22 patient navigation for beneficiaries diagnosed with breast  
23 cancer. This program shall initially operate as a pilot program  
24 in areas of the State with the highest incidence of mortality  
25 related to breast cancer. At least one pilot program site shall  
26 be in the metropolitan Chicago area and at least one site shall

1 be outside the metropolitan Chicago area. An evaluation of the  
2 pilot program shall be carried out measuring health outcomes  
3 and cost of care for those served by the pilot program compared  
4 to similarly situated patients who are not served by the pilot  
5 program.

6 Any medical or health care provider shall immediately  
7 recommend, to any pregnant woman who is being provided prenatal  
8 services and is suspected of drug abuse or is addicted as  
9 defined in the Alcoholism and Other Drug Abuse and Dependency  
10 Act, referral to a local substance abuse treatment provider  
11 licensed by the Department of Human Services or to a licensed  
12 hospital which provides substance abuse treatment services.  
13 The Department of Healthcare and Family Services shall assure  
14 coverage for the cost of treatment of the drug abuse or  
15 addiction for pregnant recipients in accordance with the  
16 Illinois Medicaid Program in conjunction with the Department of  
17 Human Services.

18 All medical providers providing medical assistance to  
19 pregnant women under this Code shall receive information from  
20 the Department on the availability of services under the Drug  
21 Free Families with a Future or any comparable program providing  
22 case management services for addicted women, including  
23 information on appropriate referrals for other social services  
24 that may be needed by addicted women in addition to treatment  
25 for addiction.

26 The Illinois Department, in cooperation with the



1 Departments of Human Services (as successor to the Department  
2 of Alcoholism and Substance Abuse) and Public Health, through a  
3 public awareness campaign, may provide information concerning  
4 treatment for alcoholism and drug abuse and addiction, prenatal  
5 health care, and other pertinent programs directed at reducing  
6 the number of drug-affected infants born to recipients of  
7 medical assistance.

8 Neither the Department of Healthcare and Family Services  
9 nor the Department of Human Services shall sanction the  
10 recipient solely on the basis of her substance abuse.

11 The Illinois Department shall establish such regulations  
12 governing the dispensing of health services under this Article  
13 as it shall deem appropriate. The Department should seek the  
14 advice of formal professional advisory committees appointed by  
15 the Director of the Illinois Department for the purpose of  
16 providing regular advice on policy and administrative matters,  
17 information dissemination and educational activities for  
18 medical and health care providers, and consistency in  
19 procedures to the Illinois Department.

20 The Illinois Department may develop and contract with  
21 Partnerships of medical providers to arrange medical services  
22 for persons eligible under Section 5-2 of this Code.  
23 Implementation of this Section may be by demonstration projects  
24 in certain geographic areas. The Partnership shall be  
25 represented by a sponsor organization. The Department, by rule,  
26 shall develop qualifications for sponsors of Partnerships.

1 Nothing in this Section shall be construed to require that the  
2 sponsor organization be a medical organization.

3 The sponsor must negotiate formal written contracts with  
4 medical providers for physician services, inpatient and  
5 outpatient hospital care, home health services, treatment for  
6 alcoholism and substance abuse, and other services determined  
7 necessary by the Illinois Department by rule for delivery by  
8 Partnerships. Physician services must include prenatal and  
9 obstetrical care. The Illinois Department shall reimburse  
10 medical services delivered by Partnership providers to clients  
11 in target areas according to provisions of this Article and the  
12 Illinois Health Finance Reform Act, except that:

13 (1) Physicians participating in a Partnership and  
14 providing certain services, which shall be determined by  
15 the Illinois Department, to persons in areas covered by the  
16 Partnership may receive an additional surcharge for such  
17 services.

18 (2) The Department may elect to consider and negotiate  
19 financial incentives to encourage the development of  
20 Partnerships and the efficient delivery of medical care.

21 (3) Persons receiving medical services through  
22 Partnerships may receive medical and case management  
23 services above the level usually offered through the  
24 medical assistance program.

25 Medical providers shall be required to meet certain  
26 qualifications to participate in Partnerships to ensure the

1 delivery of high quality medical services. These  
2 qualifications shall be determined by rule of the Illinois  
3 Department and may be higher than qualifications for  
4 participation in the medical assistance program. Partnership  
5 sponsors may prescribe reasonable additional qualifications  
6 for participation by medical providers, only with the prior  
7 written approval of the Illinois Department.

8 Nothing in this Section shall limit the free choice of  
9 practitioners, hospitals, and other providers of medical  
10 services by clients. In order to ensure patient freedom of  
11 choice, the Illinois Department shall immediately promulgate  
12 all rules and take all other necessary actions so that provided  
13 services may be accessed from therapeutically certified  
14 optometrists to the full extent of the Illinois Optometric  
15 Practice Act of 1987 without discriminating between service  
16 providers.

17 The Department shall apply for a waiver from the United  
18 States Health Care Financing Administration to allow for the  
19 implementation of Partnerships under this Section.

20 The Illinois Department shall require health care  
21 providers to maintain records that document the medical care  
22 and services provided to recipients of Medical Assistance under  
23 this Article. Such records must be retained for a period of not  
24 less than 6 years from the date of service or as provided by  
25 applicable State law, whichever period is longer, except that  
26 if an audit is initiated within the required retention period

1 then the records must be retained until the audit is completed  
2 and every exception is resolved. The Illinois Department shall  
3 require health care providers to make available, when  
4 authorized by the patient, in writing, the medical records in a  
5 timely fashion to other health care providers who are treating  
6 or serving persons eligible for Medical Assistance under this  
7 Article. All dispensers of medical services shall be required  
8 to maintain and retain business and professional records  
9 sufficient to fully and accurately document the nature, scope,  
10 details and receipt of the health care provided to persons  
11 eligible for medical assistance under this Code, in accordance  
12 with regulations promulgated by the Illinois Department. The  
13 rules and regulations shall require that proof of the receipt  
14 of prescription drugs, dentures, prosthetic devices and  
15 eyeglasses by eligible persons under this Section accompany  
16 each claim for reimbursement submitted by the dispenser of such  
17 medical services. No such claims for reimbursement shall be  
18 approved for payment by the Illinois Department without such  
19 proof of receipt, unless the Illinois Department shall have put  
20 into effect and shall be operating a system of post-payment  
21 audit and review which shall, on a sampling basis, be deemed  
22 adequate by the Illinois Department to assure that such drugs,  
23 dentures, prosthetic devices and eyeglasses for which payment  
24 is being made are actually being received by eligible  
25 recipients. Within 90 days after the effective date of this  
26 amendatory Act of 1984, the Illinois Department shall establish

1 a current list of acquisition costs for all prosthetic devices  
2 and any other items recognized as medical equipment and  
3 supplies reimbursable under this Article and shall update such  
4 list on a quarterly basis, except that the acquisition costs of  
5 all prescription drugs shall be updated no less frequently than  
6 every 30 days as required by Section 5-5.12.

7 The rules and regulations of the Illinois Department shall  
8 require that a written statement including the required opinion  
9 of a physician shall accompany any claim for reimbursement for  
10 abortions, or induced miscarriages or premature births. This  
11 statement shall indicate what procedures were used in providing  
12 such medical services.

13 Notwithstanding any other law to the contrary, the Illinois  
14 Department shall, within 365 days after July 22, 2013 (the  
15 effective date of Public Act 98-104) ~~this amendatory Act of the~~  
16 ~~98th General Assembly~~, establish procedures to permit skilled  
17 care facilities licensed under the Nursing Home Care Act to  
18 submit monthly billing claims for reimbursement purposes.  
19 Following development of these procedures, the Department  
20 shall have an additional 365 days to test the viability of the  
21 new system and to ensure that any necessary operational or  
22 structural changes to its information technology platforms are  
23 implemented.

24 The Illinois Department shall require all dispensers of  
25 medical services, other than an individual practitioner or  
26 group of practitioners, desiring to participate in the Medical

1 Assistance program established under this Article to disclose  
2 all financial, beneficial, ownership, equity, surety or other  
3 interests in any and all firms, corporations, partnerships,  
4 associations, business enterprises, joint ventures, agencies,  
5 institutions or other legal entities providing any form of  
6 health care services in this State under this Article.

7 The Illinois Department may require that all dispensers of  
8 medical services desiring to participate in the medical  
9 assistance program established under this Article disclose,  
10 under such terms and conditions as the Illinois Department may  
11 by rule establish, all inquiries from clients and attorneys  
12 regarding medical bills paid by the Illinois Department, which  
13 inquiries could indicate potential existence of claims or liens  
14 for the Illinois Department.

15 Enrollment of a vendor shall be subject to a provisional  
16 period and shall be conditional for one year. During the period  
17 of conditional enrollment, the Department may terminate the  
18 vendor's eligibility to participate in, or may disenroll the  
19 vendor from, the medical assistance program without cause.  
20 Unless otherwise specified, such termination of eligibility or  
21 disenrollment is not subject to the Department's hearing  
22 process. However, a disenrolled vendor may reapply without  
23 penalty.

24 The Department has the discretion to limit the conditional  
25 enrollment period for vendors based upon category of risk of  
26 the vendor.

1 Prior to enrollment and during the conditional enrollment  
2 period in the medical assistance program, all vendors shall be  
3 subject to enhanced oversight, screening, and review based on  
4 the risk of fraud, waste, and abuse that is posed by the  
5 category of risk of the vendor. The Illinois Department shall  
6 establish the procedures for oversight, screening, and review,  
7 which may include, but need not be limited to: criminal and  
8 financial background checks; fingerprinting; license,  
9 certification, and authorization verifications; unscheduled or  
10 unannounced site visits; database checks; prepayment audit  
11 reviews; audits; payment caps; payment suspensions; and other  
12 screening as required by federal or State law.

13 The Department shall define or specify the following: (i)  
14 by provider notice, the "category of risk of the vendor" for  
15 each type of vendor, which shall take into account the level of  
16 screening applicable to a particular category of vendor under  
17 federal law and regulations; (ii) by rule or provider notice,  
18 the maximum length of the conditional enrollment period for  
19 each category of risk of the vendor; and (iii) by rule, the  
20 hearing rights, if any, afforded to a vendor in each category  
21 of risk of the vendor that is terminated or disenrolled during  
22 the conditional enrollment period.

23 To be eligible for payment consideration, a vendor's  
24 payment claim or bill, either as an initial claim or as a  
25 resubmitted claim following prior rejection, must be received  
26 by the Illinois Department, or its fiscal intermediary, no

1 later than 180 days after the latest date on the claim on which  
2 medical goods or services were provided, with the following  
3 exceptions:

4 (1) In the case of a provider whose enrollment is in  
5 process by the Illinois Department, the 180-day period  
6 shall not begin until the date on the written notice from  
7 the Illinois Department that the provider enrollment is  
8 complete.

9 (2) In the case of errors attributable to the Illinois  
10 Department or any of its claims processing intermediaries  
11 which result in an inability to receive, process, or  
12 adjudicate a claim, the 180-day period shall not begin  
13 until the provider has been notified of the error.

14 (3) In the case of a provider for whom the Illinois  
15 Department initiates the monthly billing process.

16 (4) In the case of a provider operated by a unit of  
17 local government with a population exceeding 3,000,000  
18 when local government funds finance federal participation  
19 for claims payments.

20 For claims for services rendered during a period for which  
21 a recipient received retroactive eligibility, claims must be  
22 filed within 180 days after the Department determines the  
23 applicant is eligible. For claims for which the Illinois  
24 Department is not the primary payer, claims must be submitted  
25 to the Illinois Department within 180 days after the final  
26 adjudication by the primary payer.



1           In the case of long term care facilities, admission  
2 documents shall be submitted within 30 days of an admission to  
3 the facility through the Medical Electronic Data Interchange  
4 (MEDI) or the Recipient Eligibility Verification (REV) System,  
5 or shall be submitted directly to the Department of Human  
6 Services using required admission forms. Confirmation numbers  
7 assigned to an accepted transaction shall be retained by a  
8 facility to verify timely submittal. Once an admission  
9 transaction has been completed, all resubmitted claims  
10 following prior rejection are subject to receipt no later than  
11 180 days after the admission transaction has been completed.

12           Claims that are not submitted and received in compliance  
13 with the foregoing requirements shall not be eligible for  
14 payment under the medical assistance program, and the State  
15 shall have no liability for payment of those claims.

16           To the extent consistent with applicable information and  
17 privacy, security, and disclosure laws, State and federal  
18 agencies and departments shall provide the Illinois Department  
19 access to confidential and other information and data necessary  
20 to perform eligibility and payment verifications and other  
21 Illinois Department functions. This includes, but is not  
22 limited to: information pertaining to licensure;  
23 certification; earnings; immigration status; citizenship; wage  
24 reporting; unearned and earned income; pension income;  
25 employment; supplemental security income; social security  
26 numbers; National Provider Identifier (NPI) numbers; the

1 National Practitioner Data Bank (NPDB); program and agency  
2 exclusions; taxpayer identification numbers; tax delinquency;  
3 corporate information; and death records.

4 The Illinois Department shall enter into agreements with  
5 State agencies and departments, and is authorized to enter into  
6 agreements with federal agencies and departments, under which  
7 such agencies and departments shall share data necessary for  
8 medical assistance program integrity functions and oversight.  
9 The Illinois Department shall develop, in cooperation with  
10 other State departments and agencies, and in compliance with  
11 applicable federal laws and regulations, appropriate and  
12 effective methods to share such data. At a minimum, and to the  
13 extent necessary to provide data sharing, the Illinois  
14 Department shall enter into agreements with State agencies and  
15 departments, and is authorized to enter into agreements with  
16 federal agencies and departments, including but not limited to:  
17 the Secretary of State; the Department of Revenue; the  
18 Department of Public Health; the Department of Human Services;  
19 and the Department of Financial and Professional Regulation.

20 Beginning in fiscal year 2013, the Illinois Department  
21 shall set forth a request for information to identify the  
22 benefits of a pre-payment, post-adjudication, and post-edit  
23 claims system with the goals of streamlining claims processing  
24 and provider reimbursement, reducing the number of pending or  
25 rejected claims, and helping to ensure a more transparent  
26 adjudication process through the utilization of: (i) provider

1 data verification and provider screening technology; and (ii)  
2 clinical code editing; and (iii) pre-pay, pre- or  
3 post-adjudicated predictive modeling with an integrated case  
4 management system with link analysis. Such a request for  
5 information shall not be considered as a request for proposal  
6 or as an obligation on the part of the Illinois Department to  
7 take any action or acquire any products or services.

8 The Illinois Department shall establish policies,  
9 procedures, standards and criteria by rule for the acquisition,  
10 repair and replacement of orthotic and prosthetic devices and  
11 durable medical equipment. Such rules shall provide, but not be  
12 limited to, the following services: (1) immediate repair or  
13 replacement of such devices by recipients; and (2) rental,  
14 lease, purchase or lease-purchase of durable medical equipment  
15 in a cost-effective manner, taking into consideration the  
16 recipient's medical prognosis, the extent of the recipient's  
17 needs, and the requirements and costs for maintaining such  
18 equipment. Subject to prior approval, such rules shall enable a  
19 recipient to temporarily acquire and use alternative or  
20 substitute devices or equipment pending repairs or  
21 replacements of any device or equipment previously authorized  
22 for such recipient by the Department.

23 The Department shall execute, relative to the nursing home  
24 prescreening project, written inter-agency agreements with the  
25 Department of Human Services and the Department on Aging, to  
26 effect the following: (i) intake procedures and common

1 eligibility criteria for those persons who are receiving  
2 non-institutional services; and (ii) the establishment and  
3 development of non-institutional services in areas of the State  
4 where they are not currently available or are undeveloped; and  
5 (iii) notwithstanding any other provision of law, subject to  
6 federal approval, on and after July 1, 2012, an increase in the  
7 determination of need (DON) scores from 29 to 37 for applicants  
8 for institutional and home and community-based long term care;  
9 if and only if federal approval is not granted, the Department  
10 may, in conjunction with other affected agencies, implement  
11 utilization controls or changes in benefit packages to  
12 effectuate a similar savings amount for this population; and  
13 (iv) no later than July 1, 2013, minimum level of care  
14 eligibility criteria for institutional and home and  
15 community-based long term care; and (v) no later than October  
16 1, 2013, establish procedures to permit long term care  
17 providers access to eligibility scores for individuals with an  
18 admission date who are seeking or receiving services from the  
19 long term care provider. In order to select the minimum level  
20 of care eligibility criteria, the Governor shall establish a  
21 workgroup that includes affected agency representatives and  
22 stakeholders representing the institutional and home and  
23 community-based long term care interests. This Section shall  
24 not restrict the Department from implementing lower level of  
25 care eligibility criteria for community-based services in  
26 circumstances where federal approval has been granted.

1           The Illinois Department shall develop and operate, in  
2 cooperation with other State Departments and agencies and in  
3 compliance with applicable federal laws and regulations,  
4 appropriate and effective systems of health care evaluation and  
5 programs for monitoring of utilization of health care services  
6 and facilities, as it affects persons eligible for medical  
7 assistance under this Code.

8           The Illinois Department shall report annually to the  
9 General Assembly, no later than the second Friday in April of  
10 1979 and each year thereafter, in regard to:

11           (a) actual statistics and trends in utilization of  
12 medical services by public aid recipients;

13           (b) actual statistics and trends in the provision of  
14 the various medical services by medical vendors;

15           (c) current rate structures and proposed changes in  
16 those rate structures for the various medical vendors; and

17           (d) efforts at utilization review and control by the  
18 Illinois Department.

19           The period covered by each report shall be the 3 years  
20 ending on the June 30 prior to the report. The report shall  
21 include suggested legislation for consideration by the General  
22 Assembly. The filing of one copy of the report with the  
23 Speaker, one copy with the Minority Leader and one copy with  
24 the Clerk of the House of Representatives, one copy with the  
25 President, one copy with the Minority Leader and one copy with  
26 the Secretary of the Senate, one copy with the Legislative

1 Research Unit, and such additional copies with the State  
2 Government Report Distribution Center for the General Assembly  
3 as is required under paragraph (t) of Section 7 of the State  
4 Library Act shall be deemed sufficient to comply with this  
5 Section.

6 Rulemaking authority to implement Public Act 95-1045, if  
7 any, is conditioned on the rules being adopted in accordance  
8 with all provisions of the Illinois Administrative Procedure  
9 Act and all rules and procedures of the Joint Committee on  
10 Administrative Rules; any purported rule not so adopted, for  
11 whatever reason, is unauthorized.

12 On and after July 1, 2012, the Department shall reduce any  
13 rate of reimbursement for services or other payments or alter  
14 any methodologies authorized by this Code to reduce any rate of  
15 reimbursement for services or other payments in accordance with  
16 Section 5-5e.

17 (Source: P.A. 97-48, eff. 6-28-11; 97-638, eff. 1-1-12; 97-689,  
18 eff. 6-14-12; 97-1061, eff. 8-24-12; 98-104, Article 9, Section  
19 9-5, eff. 7-22-13; 98-104, Article 12, Section 12-20, eff.  
20 7-22-13; 98-303, eff. 8-9-13; 98-463, eff. 8-16-13; revised  
21 9-19-13.)

22 (305 ILCS 5/5-5.2) (from Ch. 23, par. 5-5.2)

23 Sec. 5-5.2. Payment.

24 (a) All nursing facilities that are grouped pursuant to  
25 Section 5-5.1 of this Act shall receive the same rate of

1 payment for similar services.

2 (b) It shall be a matter of State policy that the Illinois  
3 Department shall utilize a uniform billing cycle throughout the  
4 State for the long-term care providers.

5 (c) Notwithstanding any other provisions of this Code, the  
6 methodologies for reimbursement of nursing services as  
7 provided under this Article shall no longer be applicable for  
8 bills payable for nursing services rendered on or after a new  
9 reimbursement system based on the Resource Utilization Groups  
10 (RUGs) has been fully operationalized, which shall take effect  
11 for services provided on or after January 1, 2014.

12 (d) The new nursing services reimbursement methodology  
13 utilizing RUG-IV 48 grouper model, which shall be referred to  
14 as the RUGs reimbursement system, taking effect January 1,  
15 2014, shall be based on the following:

16 (1) The methodology shall be resident-driven,  
17 facility-specific, and cost-based.

18 (2) Costs shall be annually rebased and case mix index  
19 quarterly updated. The nursing services methodology will  
20 be assigned to the Medicaid enrolled residents on record as  
21 of 30 days prior to the beginning of the rate period in the  
22 Department's Medicaid Management Information System (MMIS)  
23 as present on the last day of the second quarter preceding  
24 the rate period.

25 (3) Regional wage adjustors based on the Health Service  
26 Areas (HSA) groupings and adjusters in effect on April 30,

1 2012 shall be included.

2 (4) Case mix index shall be assigned to each resident  
3 class based on the Centers for Medicare and Medicaid  
4 Services staff time measurement study in effect on July 1,  
5 2013, utilizing an index maximization approach.

6 (5) The pool of funds available for distribution by  
7 case mix and the base facility rate shall be determined  
8 using the formula contained in subsection (d-1).

9 (d-1) Calculation of base year Statewide RUG-IV nursing  
10 base per diem rate.

11 (1) Base rate spending pool shall be:

12 (A) The base year resident days which are  
13 calculated by multiplying the number of Medicaid  
14 residents in each nursing home as indicated in the MDS  
15 data defined in paragraph (4) by 365.

16 (B) Each facility's nursing component per diem in  
17 effect on July 1, 2012 shall be multiplied by  
18 subsection (A).

19 (C) Thirteen million is added to the product of  
20 subparagraph (A) and subparagraph (B) to adjust for the  
21 exclusion of nursing homes defined in paragraph (5).

22 (2) For each nursing home with Medicaid residents as  
23 indicated by the MDS data defined in paragraph (4),  
24 weighted days adjusted for case mix and regional wage  
25 adjustment shall be calculated. For each home this  
26 calculation is the product of:



1 (A) Base year resident days as calculated in  
2 subparagraph (A) of paragraph (1).

3 (B) The nursing home's regional wage adjustor  
4 based on the Health Service Areas (HSA) groupings and  
5 adjustors in effect on April 30, 2012.

6 (C) Facility weighted case mix which is the number  
7 of Medicaid residents as indicated by the MDS data  
8 defined in paragraph (4) multiplied by the associated  
9 case weight for the RUG-IV 48 grouper model using  
10 standard RUG-IV procedures for index maximization.

11 (D) The sum of the products calculated for each  
12 nursing home in subparagraphs (A) through (C) above  
13 shall be the base year case mix, rate adjusted weighted  
14 days.

15 (3) The Statewide RUG-IV nursing base per diem rate on  
16 January 1, 2014 shall be the quotient of the paragraph (1)  
17 divided by the sum calculated under subparagraph (D) of  
18 paragraph (2).

19 (4) Minimum Data Set (MDS) comprehensive assessments  
20 for Medicaid residents on the last day of the quarter used  
21 to establish the base rate.

22 (5) Nursing facilities designated as of July 1, 2012 by  
23 the Department as "Institutions for Mental Disease" shall  
24 be excluded from all calculations under this subsection.  
25 The data from these facilities shall not be used in the  
26 computations described in paragraphs (1) through (4) above

1 to establish the base rate.

2 (e) Notwithstanding any other provision of this Code, the  
3 Department shall by rule develop a reimbursement methodology  
4 reflective of the intensity of care and services requirements  
5 of low need residents in the lowest RUG IV groupers and  
6 corresponding regulations. Only that portion of the RUGs  
7 Reimbursement System spending pool described in subsection  
8 (d-1) attributed to the groupers as of July 1, 2013 for which  
9 the methodology in this Section is developed may be diverted  
10 for this purpose. The Department shall submit the rules no  
11 later than January 1, 2014 for an implementation date no later  
12 than January 1, 2015. If the Department does not implement this  
13 reimbursement methodology by the required date, the nursing  
14 component per diem on January 1, 2015 for residents classified  
15 in RUG-IV groups PA1, PA2, BA1, and BA2 shall be the blended  
16 rate of the calculated RUG-IV nursing component per diem and  
17 the nursing component per diem in effect on July 1, 2012. This  
18 blended rate shall be applied only to nursing homes whose  
19 resident population is greater than or equal to 70% of the  
20 total residents served and whose RUG-IV nursing component per  
21 diem rate is less than the nursing component per diem in effect  
22 on July 1, 2012. This blended rate shall be in effect until the  
23 reimbursement methodology is implemented or until July 1, 2019,  
24 whichever is sooner.

25 (e-1) Notwithstanding any other provision of this Article,  
26 rates established pursuant to this subsection shall not apply

1 to any and all nursing facilities designated by the Department  
2 as "Institutions for Mental Disease" and shall be excluded from  
3 the RUGs Reimbursement System applicable to facilities not  
4 designated as "Institutions for the Mentally Diseased" by the  
5 Department.

6 (e-2) For dates of services beginning January 1, 2014, the  
7 RUG-IV nursing component per diem for a nursing home shall be  
8 the product of the statewide RUG-IV nursing base per diem rate,  
9 the facility average case mix index, and the regional wage  
10 adjustor. Transition rates for services provided between  
11 January 1, 2014 and December 31, 2014 shall be as follows:

12 (1) The transition RUG-IV per diem nursing rate for  
13 nursing homes whose rate calculated in this subsection  
14 (e-2) is greater than the nursing component rate in effect  
15 July 1, 2012 shall be paid the sum of:

16 (A) The nursing component rate in effect July 1,  
17 2012; plus

18 (B) The difference of the RUG-IV nursing component  
19 per diem calculated for the current quarter minus the  
20 nursing component rate in effect July 1, 2012  
21 multiplied by 0.88.

22 (2) The transition RUG-IV per diem nursing rate for  
23 nursing homes whose rate calculated in this subsection  
24 (e-2) is less than the nursing component rate in effect  
25 July 1, 2012 shall be paid the sum of:

26 (A) The nursing component rate in effect July 1,

1           2012; plus

2                   (B) The difference of the RUG-IV nursing component  
3           per diem calculated for the current quarter minus the  
4           nursing component rate in effect July 1, 2012  
5           multiplied by 0.13.

6           (f) Notwithstanding any other provision of this Code, on  
7           and after July 1, 2012, reimbursement rates associated with the  
8           nursing or support components of the current nursing facility  
9           rate methodology shall not increase beyond the level effective  
10          May 1, 2011 until a new reimbursement system based on the RUGs  
11          IV 48 grouper model has been fully operationalized.

12          (g) Notwithstanding any other provision of this Code, on  
13          and after July 1, 2012, for facilities not designated by the  
14          Department of Healthcare and Family Services as "Institutions  
15          for Mental Disease", rates effective May 1, 2011 shall be  
16          adjusted as follows:

17                  (1) Individual nursing rates for residents classified  
18                  in RUG IV groups PA1, PA2, BA1, and BA2 during the quarter  
19                  ending March 31, 2012 shall be reduced by 10%;

20                  (2) Individual nursing rates for residents classified  
21                  in all other RUG IV groups shall be reduced by 1.0%;

22                  (3) Facility rates for the capital and support  
23                  components shall be reduced by 1.7%.

24          (h) Notwithstanding any other provision of this Code, on  
25          and after July 1, 2012, nursing facilities designated by the  
26          Department of Healthcare and Family Services as "Institutions

1 for Mental Disease" and "Institutions for Mental Disease" that  
2 are facilities licensed under the Specialized Mental Health  
3 Rehabilitation Act of 2013 shall have the nursing,  
4 socio-developmental, capital, and support components of their  
5 reimbursement rate effective May 1, 2011 reduced in total by  
6 2.7%.

7 (Source: P.A. 97-689, eff. 6-14-12; 98-104, Article 6, Section  
8 6-240, eff. 7-22-13; 98-104, Article 11, Section 11-35, eff.  
9 7-22-13; revised 9-19-13.)

10 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

11 Sec. 5-5.4. Standards of Payment - Department of Healthcare  
12 and Family Services. The Department of Healthcare and Family  
13 Services shall develop standards of payment of nursing facility  
14 and ICF/DD services in facilities providing such services under  
15 this Article which:

16 (1) Provide for the determination of a facility's payment  
17 for nursing facility or ICF/DD services on a prospective basis.  
18 The amount of the payment rate for all nursing facilities  
19 certified by the Department of Public Health under the ID/DD  
20 Community Care Act or the Nursing Home Care Act as Intermediate  
21 Care for the Developmentally Disabled facilities, Long Term  
22 Care for Under Age 22 facilities, Skilled Nursing facilities,  
23 or Intermediate Care facilities under the medical assistance  
24 program shall be prospectively established annually on the  
25 basis of historical, financial, and statistical data

1 reflecting actual costs from prior years, which shall be  
2 applied to the current rate year and updated for inflation,  
3 except that the capital cost element for newly constructed  
4 facilities shall be based upon projected budgets. The annually  
5 established payment rate shall take effect on July 1 in 1984  
6 and subsequent years. No rate increase and no update for  
7 inflation shall be provided on or after July 1, 1994, unless  
8 specifically provided for in this Section. The changes made by  
9 Public Act 93-841 extending the duration of the prohibition  
10 against a rate increase or update for inflation are effective  
11 retroactive to July 1, 2004.

12 For facilities licensed by the Department of Public Health  
13 under the Nursing Home Care Act as Intermediate Care for the  
14 Developmentally Disabled facilities or Long Term Care for Under  
15 Age 22 facilities, the rates taking effect on July 1, 1998  
16 shall include an increase of 3%. For facilities licensed by the  
17 Department of Public Health under the Nursing Home Care Act as  
18 Skilled Nursing facilities or Intermediate Care facilities,  
19 the rates taking effect on July 1, 1998 shall include an  
20 increase of 3% plus \$1.10 per resident-day, as defined by the  
21 Department. For facilities licensed by the Department of Public  
22 Health under the Nursing Home Care Act as Intermediate Care  
23 Facilities for the Developmentally Disabled or Long Term Care  
24 for Under Age 22 facilities, the rates taking effect on January  
25 1, 2006 shall include an increase of 3%. For facilities  
26 licensed by the Department of Public Health under the Nursing

1 Home Care Act as Intermediate Care Facilities for the  
2 Developmentally Disabled or Long Term Care for Under Age 22  
3 facilities, the rates taking effect on January 1, 2009 shall  
4 include an increase sufficient to provide a \$0.50 per hour wage  
5 increase for non-executive staff.

6 For facilities licensed by the Department of Public Health  
7 under the Nursing Home Care Act as Intermediate Care for the  
8 Developmentally Disabled facilities or Long Term Care for Under  
9 Age 22 facilities, the rates taking effect on July 1, 1999  
10 shall include an increase of 1.6% plus \$3.00 per resident-day,  
11 as defined by the Department. For facilities licensed by the  
12 Department of Public Health under the Nursing Home Care Act as  
13 Skilled Nursing facilities or Intermediate Care facilities,  
14 the rates taking effect on July 1, 1999 shall include an  
15 increase of 1.6% and, for services provided on or after October  
16 1, 1999, shall be increased by \$4.00 per resident-day, as  
17 defined by the Department.

18 For facilities licensed by the Department of Public Health  
19 under the Nursing Home Care Act as Intermediate Care for the  
20 Developmentally Disabled facilities or Long Term Care for Under  
21 Age 22 facilities, the rates taking effect on July 1, 2000  
22 shall include an increase of 2.5% per resident-day, as defined  
23 by the Department. For facilities licensed by the Department of  
24 Public Health under the Nursing Home Care Act as Skilled  
25 Nursing facilities or Intermediate Care facilities, the rates  
26 taking effect on July 1, 2000 shall include an increase of 2.5%

1 per resident-day, as defined by the Department.

2 For facilities licensed by the Department of Public Health  
3 under the Nursing Home Care Act as skilled nursing facilities  
4 or intermediate care facilities, a new payment methodology must  
5 be implemented for the nursing component of the rate effective  
6 July 1, 2003. The Department of Public Aid (now Healthcare and  
7 Family Services) shall develop the new payment methodology  
8 using the Minimum Data Set (MDS) as the instrument to collect  
9 information concerning nursing home resident condition  
10 necessary to compute the rate. The Department shall develop the  
11 new payment methodology to meet the unique needs of Illinois  
12 nursing home residents while remaining subject to the  
13 appropriations provided by the General Assembly. A transition  
14 period from the payment methodology in effect on June 30, 2003  
15 to the payment methodology in effect on July 1, 2003 shall be  
16 provided for a period not exceeding 3 years and 184 days after  
17 implementation of the new payment methodology as follows:

18 (A) For a facility that would receive a lower nursing  
19 component rate per patient day under the new system than  
20 the facility received effective on the date immediately  
21 preceding the date that the Department implements the new  
22 payment methodology, the nursing component rate per  
23 patient day for the facility shall be held at the level in  
24 effect on the date immediately preceding the date that the  
25 Department implements the new payment methodology until a  
26 higher nursing component rate of reimbursement is achieved



1 by that facility.

2 (B) For a facility that would receive a higher nursing  
3 component rate per patient day under the payment  
4 methodology in effect on July 1, 2003 than the facility  
5 received effective on the date immediately preceding the  
6 date that the Department implements the new payment  
7 methodology, the nursing component rate per patient day for  
8 the facility shall be adjusted.

9 (C) Notwithstanding paragraphs (A) and (B), the  
10 nursing component rate per patient day for the facility  
11 shall be adjusted subject to appropriations provided by the  
12 General Assembly.

13 For facilities licensed by the Department of Public Health  
14 under the Nursing Home Care Act as Intermediate Care for the  
15 Developmentally Disabled facilities or Long Term Care for Under  
16 Age 22 facilities, the rates taking effect on March 1, 2001  
17 shall include a statewide increase of 7.85%, as defined by the  
18 Department.

19 Notwithstanding any other provision of this Section, for  
20 facilities licensed by the Department of Public Health under  
21 the Nursing Home Care Act as skilled nursing facilities or  
22 intermediate care facilities, except facilities participating  
23 in the Department's demonstration program pursuant to the  
24 provisions of Title 77, Part 300, Subpart T of the Illinois  
25 Administrative Code, the numerator of the ratio used by the  
26 Department of Healthcare and Family Services to compute the

1 rate payable under this Section using the Minimum Data Set  
2 (MDS) methodology shall incorporate the following annual  
3 amounts as the additional funds appropriated to the Department  
4 specifically to pay for rates based on the MDS nursing  
5 component methodology in excess of the funding in effect on  
6 December 31, 2006:

7 (i) For rates taking effect January 1, 2007,  
8 \$60,000,000.

9 (ii) For rates taking effect January 1, 2008,  
10 \$110,000,000.

11 (iii) For rates taking effect January 1, 2009,  
12 \$194,000,000.

13 (iv) For rates taking effect April 1, 2011, or the  
14 first day of the month that begins at least 45 days after  
15 the effective date of this amendatory Act of the 96th  
16 General Assembly, \$416,500,000 or an amount as may be  
17 necessary to complete the transition to the MDS methodology  
18 for the nursing component of the rate. Increased payments  
19 under this item (iv) are not due and payable, however,  
20 until (i) the methodologies described in this paragraph are  
21 approved by the federal government in an appropriate State  
22 Plan amendment and (ii) the assessment imposed by Section  
23 5B-2 of this Code is determined to be a permissible tax  
24 under Title XIX of the Social Security Act.

25 Notwithstanding any other provision of this Section, for  
26 facilities licensed by the Department of Public Health under

1 the Nursing Home Care Act as skilled nursing facilities or  
2 intermediate care facilities, the support component of the  
3 rates taking effect on January 1, 2008 shall be computed using  
4 the most recent cost reports on file with the Department of  
5 Healthcare and Family Services no later than April 1, 2005,  
6 updated for inflation to January 1, 2006.

7 For facilities licensed by the Department of Public Health  
8 under the Nursing Home Care Act as Intermediate Care for the  
9 Developmentally Disabled facilities or Long Term Care for Under  
10 Age 22 facilities, the rates taking effect on April 1, 2002  
11 shall include a statewide increase of 2.0%, as defined by the  
12 Department. This increase terminates on July 1, 2002; beginning  
13 July 1, 2002 these rates are reduced to the level of the rates  
14 in effect on March 31, 2002, as defined by the Department.

15 For facilities licensed by the Department of Public Health  
16 under the Nursing Home Care Act as skilled nursing facilities  
17 or intermediate care facilities, the rates taking effect on  
18 July 1, 2001 shall be computed using the most recent cost  
19 reports on file with the Department of Public Aid no later than  
20 April 1, 2000, updated for inflation to January 1, 2001. For  
21 rates effective July 1, 2001 only, rates shall be the greater  
22 of the rate computed for July 1, 2001 or the rate effective on  
23 June 30, 2001.

24 Notwithstanding any other provision of this Section, for  
25 facilities licensed by the Department of Public Health under  
26 the Nursing Home Care Act as skilled nursing facilities or

1 intermediate care facilities, the Illinois Department shall  
2 determine by rule the rates taking effect on July 1, 2002,  
3 which shall be 5.9% less than the rates in effect on June 30,  
4 2002.

5 Notwithstanding any other provision of this Section, for  
6 facilities licensed by the Department of Public Health under  
7 the Nursing Home Care Act as skilled nursing facilities or  
8 intermediate care facilities, if the payment methodologies  
9 required under Section 5A-12 and the waiver granted under 42  
10 CFR 433.68 are approved by the United States Centers for  
11 Medicare and Medicaid Services, the rates taking effect on July  
12 1, 2004 shall be 3.0% greater than the rates in effect on June  
13 30, 2004. These rates shall take effect only upon approval and  
14 implementation of the payment methodologies required under  
15 Section 5A-12.

16 Notwithstanding any other provisions of this Section, for  
17 facilities licensed by the Department of Public Health under  
18 the Nursing Home Care Act as skilled nursing facilities or  
19 intermediate care facilities, the rates taking effect on  
20 January 1, 2005 shall be 3% more than the rates in effect on  
21 December 31, 2004.

22 Notwithstanding any other provision of this Section, for  
23 facilities licensed by the Department of Public Health under  
24 the Nursing Home Care Act as skilled nursing facilities or  
25 intermediate care facilities, effective January 1, 2009, the  
26 per diem support component of the rates effective on January 1,

1 2008, computed using the most recent cost reports on file with  
2 the Department of Healthcare and Family Services no later than  
3 April 1, 2005, updated for inflation to January 1, 2006, shall  
4 be increased to the amount that would have been derived using  
5 standard Department of Healthcare and Family Services methods,  
6 procedures, and inflators.

7 Notwithstanding any other provisions of this Section, for  
8 facilities licensed by the Department of Public Health under  
9 the Nursing Home Care Act as intermediate care facilities that  
10 are federally defined as Institutions for Mental Disease, or  
11 facilities licensed by the Department of Public Health under  
12 the Specialized Mental Health Rehabilitation Act of 2013, a  
13 socio-development component rate equal to 6.6% of the  
14 facility's nursing component rate as of January 1, 2006 shall  
15 be established and paid effective July 1, 2006. The  
16 socio-development component of the rate shall be increased by a  
17 factor of 2.53 on the first day of the month that begins at  
18 least 45 days after January 11, 2008 (the effective date of  
19 Public Act 95-707). As of August 1, 2008, the socio-development  
20 component rate shall be equal to 6.6% of the facility's nursing  
21 component rate as of January 1, 2006, multiplied by a factor of  
22 3.53. For services provided on or after April 1, 2011, or the  
23 first day of the month that begins at least 45 days after the  
24 effective date of this amendatory Act of the 96th General  
25 Assembly, whichever is later, the Illinois Department may by  
26 rule adjust these socio-development component rates, and may

1 use different adjustment methodologies for those facilities  
2 participating, and those not participating, in the Illinois  
3 Department's demonstration program pursuant to the provisions  
4 of Title 77, Part 300, Subpart T of the Illinois Administrative  
5 Code, but in no case may such rates be diminished below those  
6 in effect on August 1, 2008.

7 For facilities licensed by the Department of Public Health  
8 under the Nursing Home Care Act as Intermediate Care for the  
9 Developmentally Disabled facilities or as long-term care  
10 facilities for residents under 22 years of age, the rates  
11 taking effect on July 1, 2003 shall include a statewide  
12 increase of 4%, as defined by the Department.

13 For facilities licensed by the Department of Public Health  
14 under the Nursing Home Care Act as Intermediate Care for the  
15 Developmentally Disabled facilities or Long Term Care for Under  
16 Age 22 facilities, the rates taking effect on the first day of  
17 the month that begins at least 45 days after the effective date  
18 of this amendatory Act of the 95th General Assembly shall  
19 include a statewide increase of 2.5%, as defined by the  
20 Department.

21 Notwithstanding any other provision of this Section, for  
22 facilities licensed by the Department of Public Health under  
23 the Nursing Home Care Act as skilled nursing facilities or  
24 intermediate care facilities, effective January 1, 2005,  
25 facility rates shall be increased by the difference between (i)  
26 a facility's per diem property, liability, and malpractice

1 insurance costs as reported in the cost report filed with the  
2 Department of Public Aid and used to establish rates effective  
3 July 1, 2001 and (ii) those same costs as reported in the  
4 facility's 2002 cost report. These costs shall be passed  
5 through to the facility without caps or limitations, except for  
6 adjustments required under normal auditing procedures.

7 Rates established effective each July 1 shall govern  
8 payment for services rendered throughout that fiscal year,  
9 except that rates established on July 1, 1996 shall be  
10 increased by 6.8% for services provided on or after January 1,  
11 1997. Such rates will be based upon the rates calculated for  
12 the year beginning July 1, 1990, and for subsequent years  
13 thereafter until June 30, 2001 shall be based on the facility  
14 cost reports for the facility fiscal year ending at any point  
15 in time during the previous calendar year, updated to the  
16 midpoint of the rate year. The cost report shall be on file  
17 with the Department no later than April 1 of the current rate  
18 year. Should the cost report not be on file by April 1, the  
19 Department shall base the rate on the latest cost report filed  
20 by each skilled care facility and intermediate care facility,  
21 updated to the midpoint of the current rate year. In  
22 determining rates for services rendered on and after July 1,  
23 1985, fixed time shall not be computed at less than zero. The  
24 Department shall not make any alterations of regulations which  
25 would reduce any component of the Medicaid rate to a level  
26 below what that component would have been utilizing in the rate

1 effective on July 1, 1984.

2 (2) Shall take into account the actual costs incurred by  
3 facilities in providing services for recipients of skilled  
4 nursing and intermediate care services under the medical  
5 assistance program.

6 (3) Shall take into account the medical and psycho-social  
7 characteristics and needs of the patients.

8 (4) Shall take into account the actual costs incurred by  
9 facilities in meeting licensing and certification standards  
10 imposed and prescribed by the State of Illinois, any of its  
11 political subdivisions or municipalities and by the U.S.  
12 Department of Health and Human Services pursuant to Title XIX  
13 of the Social Security Act.

14 The Department of Healthcare and Family Services shall  
15 develop precise standards for payments to reimburse nursing  
16 facilities for any utilization of appropriate rehabilitative  
17 personnel for the provision of rehabilitative services which is  
18 authorized by federal regulations, including reimbursement for  
19 services provided by qualified therapists or qualified  
20 assistants, and which is in accordance with accepted  
21 professional practices. Reimbursement also may be made for  
22 utilization of other supportive personnel under appropriate  
23 supervision.

24 The Department shall develop enhanced payments to offset  
25 the additional costs incurred by a facility serving exceptional  
26 need residents and shall allocate at least \$4,000,000 of the



1 funds collected from the assessment established by Section 5B-2  
2 of this Code for such payments. For the purpose of this  
3 Section, "exceptional needs" means, but need not be limited to,  
4 ventilator care and traumatic brain injury care. The enhanced  
5 payments for exceptional need residents under this paragraph  
6 are not due and payable, however, until (i) the methodologies  
7 described in this paragraph are approved by the federal  
8 government in an appropriate State Plan amendment and (ii) the  
9 assessment imposed by Section 5B-2 of this Code is determined  
10 to be a permissible tax under Title XIX of the Social Security  
11 Act.

12 Beginning January 1, 2014 the methodologies for  
13 reimbursement of nursing facility services as provided under  
14 this Section 5-5.4 shall no longer be applicable for services  
15 provided on or after January 1, 2014.

16 No payment increase under this Section for the MDS  
17 methodology, exceptional care residents, or the  
18 socio-development component rate established by Public Act  
19 96-1530 of the 96th General Assembly and funded by the  
20 assessment imposed under Section 5B-2 of this Code shall be due  
21 and payable until after the Department notifies the long-term  
22 care providers, in writing, that the payment methodologies to  
23 long-term care providers required under this Section have been  
24 approved by the Centers for Medicare and Medicaid Services of  
25 the U.S. Department of Health and Human Services and the  
26 waivers under 42 CFR 433.68 for the assessment imposed by this

1 Section, if necessary, have been granted by the Centers for  
2 Medicare and Medicaid Services of the U.S. Department of Health  
3 and Human Services. Upon notification to the Department of  
4 approval of the payment methodologies required under this  
5 Section and the waivers granted under 42 CFR 433.68, all  
6 increased payments otherwise due under this Section prior to  
7 the date of notification shall be due and payable within 90  
8 days of the date federal approval is received.

9 On and after July 1, 2012, the Department shall reduce any  
10 rate of reimbursement for services or other payments or alter  
11 any methodologies authorized by this Code to reduce any rate of  
12 reimbursement for services or other payments in accordance with  
13 Section 5-5e.

14 (Source: P.A. 97-10, eff. 6-14-11; 97-38, eff. 6-28-11; 97-227,  
15 eff. 1-1-12; 97-584, eff. 8-26-11; 97-689, eff. 6-14-12;  
16 97-813, eff. 7-13-12; 98-24, eff. 6-19-13; 98-104, eff.  
17 7-22-13; revised 9-19-13.)

18 (305 ILCS 5/5-5f)

19 Sec. 5-5f. Elimination and limitations of medical  
20 assistance services. Notwithstanding any other provision of  
21 this Code to the contrary, on and after July 1, 2012:

22 (a) The following services shall no longer be a covered  
23 service available under this Code: group psychotherapy for  
24 residents of any facility licensed under the Nursing Home Care  
25 Act or the Specialized Mental Health Rehabilitation Act of

1 2013; and adult chiropractic services.

2 (b) The Department shall place the following limitations on  
3 services: (i) the Department shall limit adult eyeglasses to  
4 one pair every 2 years; (ii) the Department shall set an annual  
5 limit of a maximum of 20 visits for each of the following  
6 services: adult speech, hearing, and language therapy  
7 services, adult occupational therapy services, and physical  
8 therapy services; (iii) the Department shall limit adult  
9 podiatry services to individuals with diabetes; (iv) the  
10 Department shall pay for caesarean sections at the normal  
11 vaginal delivery rate unless a caesarean section was medically  
12 necessary; (v) the Department shall limit adult dental services  
13 to emergencies; beginning July 1, 2013, the Department shall  
14 ensure that the following conditions are recognized as  
15 emergencies: (A) dental services necessary for an individual in  
16 order for the individual to be cleared for a medical procedure,  
17 such as a transplant; (B) extractions and dentures necessary  
18 for a diabetic to receive proper nutrition; (C) extractions and  
19 dentures necessary as a result of cancer treatment; and (D)  
20 dental services necessary for the health of a pregnant woman  
21 prior to delivery of her baby; and (vi) effective July 1, 2012,  
22 the Department shall place limitations and require concurrent  
23 review on every inpatient detoxification stay to prevent repeat  
24 admissions to any hospital for detoxification within 60 days of  
25 a previous inpatient detoxification stay. The Department shall  
26 convene a workgroup of hospitals, substance abuse providers,

1 care coordination entities, managed care plans, and other  
2 stakeholders to develop recommendations for quality standards,  
3 diversion to other settings, and admission criteria for  
4 patients who need inpatient detoxification, which shall be  
5 published on the Department's website no later than September  
6 1, 2013.

7 (c) The Department shall require prior approval of the  
8 following services: wheelchair repairs costing more than \$400,  
9 coronary artery bypass graft, and bariatric surgery consistent  
10 with Medicare standards concerning patient responsibility.  
11 Wheelchair repair prior approval requests shall be adjudicated  
12 within one business day of receipt of complete supporting  
13 documentation. Providers may not break wheelchair repairs into  
14 separate claims for purposes of staying under the \$400  
15 threshold for requiring prior approval. The wholesale price of  
16 manual and power wheelchairs, durable medical equipment and  
17 supplies, and complex rehabilitation technology products and  
18 services shall be defined as actual acquisition cost including  
19 all discounts.

20 (d) The Department shall establish benchmarks for  
21 hospitals to measure and align payments to reduce potentially  
22 preventable hospital readmissions, inpatient complications,  
23 and unnecessary emergency room visits. In doing so, the  
24 Department shall consider items, including, but not limited to,  
25 historic and current acuity of care and historic and current  
26 trends in readmission. The Department shall publish

1 provider-specific historical readmission data and anticipated  
2 potentially preventable targets 60 days prior to the start of  
3 the program. In the instance of readmissions, the Department  
4 shall adopt policies and rates of reimbursement for services  
5 and other payments provided under this Code to ensure that, by  
6 June 30, 2013, expenditures to hospitals are reduced by, at a  
7 minimum, \$40,000,000.

8 (e) The Department shall establish utilization controls  
9 for the hospice program such that it shall not pay for other  
10 care services when an individual is in hospice.

11 (f) For home health services, the Department shall require  
12 Medicare certification of providers participating in the  
13 program and implement the Medicare face-to-face encounter  
14 rule. The Department shall require providers to implement  
15 auditable electronic service verification based on global  
16 positioning systems or other cost-effective technology.

17 (g) For the Home Services Program operated by the  
18 Department of Human Services and the Community Care Program  
19 operated by the Department on Aging, the Department of Human  
20 Services, in cooperation with the Department on Aging, shall  
21 implement an electronic service verification based on global  
22 positioning systems or other cost-effective technology.

23 (h) Effective with inpatient hospital admissions on or  
24 after July 1, 2012, the Department shall reduce the payment for  
25 a claim that indicates the occurrence of a provider-preventable  
26 condition during the admission as specified by the Department

1 in rules. The Department shall not pay for services related to  
2 an other provider-preventable condition.

3 As used in this subsection (h):

4 "Provider-preventable condition" means a health care  
5 acquired condition as defined under the federal Medicaid  
6 regulation found at 42 CFR 447.26 or an other  
7 provider-preventable condition.

8 "Other provider-preventable condition" means a wrong  
9 surgical or other invasive procedure performed on a patient, a  
10 surgical or other invasive procedure performed on the wrong  
11 body part, or a surgical procedure or other invasive procedure  
12 performed on the wrong patient.

13 (i) The Department shall implement cost savings  
14 initiatives for advanced imaging services, cardiac imaging  
15 services, pain management services, and back surgery. Such  
16 initiatives shall be designed to achieve annual costs savings.

17 (j) The Department shall ensure that beneficiaries with a  
18 diagnosis of epilepsy or seizure disorder in Department records  
19 will not require prior approval for anticonvulsants.

20 (Source: P.A. 97-689, eff. 6-14-12; 98-104, Article 6, Section  
21 6-240, eff. 7-22-13; 98-104, Article 9, Section 9-5, eff.  
22 7-22-13; revised 9-19-13.)

23 (305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)

24 Sec. 5A-5. Notice; penalty; maintenance of records.

25 (a) The Illinois Department shall send a notice of

1 assessment to every hospital provider subject to assessment  
2 under this Article. The notice of assessment shall notify the  
3 hospital of its assessment and shall be sent after receipt by  
4 the Department of notification from the Centers for Medicare  
5 and Medicaid Services of the U.S. Department of Health and  
6 Human Services that the payment methodologies required under  
7 this Article and, if necessary, the waiver granted under 42 CFR  
8 433.68 have been approved. The notice shall be on a form  
9 prepared by the Illinois Department and shall state the  
10 following:

11 (1) The name of the hospital provider.

12 (2) The address of the hospital provider's principal  
13 place of business from which the provider engages in the  
14 occupation of hospital provider in this State, and the name  
15 and address of each hospital operated, conducted, or  
16 maintained by the provider in this State.

17 (3) The occupied bed days, occupied bed days less  
18 Medicare days, adjusted gross hospital revenue, or  
19 outpatient gross revenue of the hospital provider  
20 (whichever is applicable), the amount of assessment  
21 imposed under Section 5A-2 for the State fiscal year for  
22 which the notice is sent, and the amount of each  
23 installment to be paid during the State fiscal year.

24 (4) (Blank).

25 (5) Other reasonable information as determined by the  
26 Illinois Department.

1 (b) If a hospital provider conducts, operates, or maintains  
2 more than one hospital licensed by the Illinois Department of  
3 Public Health, the provider shall pay the assessment for each  
4 hospital separately.

5 (c) Notwithstanding any other provision in this Article, in  
6 the case of a person who ceases to conduct, operate, or  
7 maintain a hospital in respect of which the person is subject  
8 to assessment under this Article as a hospital provider, the  
9 assessment for the State fiscal year in which the cessation  
10 occurs shall be adjusted by multiplying the assessment computed  
11 under Section 5A-2 by a fraction, the numerator of which is the  
12 number of days in the year during which the provider conducts,  
13 operates, or maintains the hospital and the denominator of  
14 which is 365. Immediately upon ceasing to conduct, operate, or  
15 maintain a hospital, the person shall pay the assessment for  
16 the year as so adjusted (to the extent not previously paid).

17 (d) Notwithstanding any other provision in this Article, a  
18 provider who commences conducting, operating, or maintaining a  
19 hospital, upon notice by the Illinois Department, shall pay the  
20 assessment computed under Section 5A-2 and subsection (e) in  
21 installments on the due dates stated in the notice and on the  
22 regular installment due dates for the State fiscal year  
23 occurring after the due dates of the initial notice.

24 (e) Notwithstanding any other provision in this Article,  
25 for State fiscal years 2009 through 2015 ~~2014~~, in the case of a  
26 hospital provider that did not conduct, operate, or maintain a



1 hospital in 2005, the assessment for that State fiscal year  
2 shall be computed on the basis of hypothetical occupied bed  
3 days for the full calendar year as determined by the Illinois  
4 Department. Notwithstanding any other provision in this  
5 Article, for the portion of State fiscal year 2012 beginning  
6 June 10, 2012 through June 30, 2012, and for State fiscal years  
7 2013 through 2014, and for July 1, 2014 through December 31,  
8 2014, in the case of a hospital provider that did not conduct,  
9 operate, or maintain a hospital in 2009, the assessment under  
10 subsection (b-5) of Section 5A-2 for that State fiscal year  
11 shall be computed on the basis of hypothetical gross outpatient  
12 revenue for the full calendar year as determined by the  
13 Illinois Department.

14 (f) Every hospital provider subject to assessment under  
15 this Article shall keep sufficient records to permit the  
16 determination of adjusted gross hospital revenue for the  
17 hospital's fiscal year. All such records shall be kept in the  
18 English language and shall, at all times during regular  
19 business hours of the day, be subject to inspection by the  
20 Illinois Department or its duly authorized agents and  
21 employees.

22 (g) The Illinois Department may, by rule, provide a  
23 hospital provider a reasonable opportunity to request a  
24 clarification or correction of any clerical or computational  
25 errors contained in the calculation of its assessment, but such  
26 corrections shall not extend to updating the cost report

1 information used to calculate the assessment.

2 (h) (Blank).

3 (Source: P.A. 97-688, eff. 6-14-12; 97-689, eff. 6-14-12;  
4 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; revised 10-21-13.)

5 (305 ILCS 5/5A-8) (from Ch. 23, par. 5A-8)

6 Sec. 5A-8. Hospital Provider Fund.

7 (a) There is created in the State Treasury the Hospital  
8 Provider Fund. Interest earned by the Fund shall be credited to  
9 the Fund. The Fund shall not be used to replace any moneys  
10 appropriated to the Medicaid program by the General Assembly.

11 (b) The Fund is created for the purpose of receiving moneys  
12 in accordance with Section 5A-6 and disbursing moneys only for  
13 the following purposes, notwithstanding any other provision of  
14 law:

15 (1) For making payments to hospitals as required under  
16 this Code, under the Children's Health Insurance Program  
17 Act, under the Covering ALL KIDS Health Insurance Act, and  
18 under the Long Term Acute Care Hospital Quality Improvement  
19 Transfer Program Act.

20 (2) For the reimbursement of moneys collected by the  
21 Illinois Department from hospitals or hospital providers  
22 through error or mistake in performing the activities  
23 authorized under this Code.

24 (3) For payment of administrative expenses incurred by  
25 the Illinois Department or its agent in performing

1 activities under this Code, under the Children's Health  
2 Insurance Program Act, under the Covering ALL KIDS Health  
3 Insurance Act, and under the Long Term Acute Care Hospital  
4 Quality Improvement Transfer Program Act.

5 (4) For payments of any amounts which are reimbursable  
6 to the federal government for payments from this Fund which  
7 are required to be paid by State warrant.

8 (5) For making transfers, as those transfers are  
9 authorized in the proceedings authorizing debt under the  
10 Short Term Borrowing Act, but transfers made under this  
11 paragraph (5) shall not exceed the principal amount of debt  
12 issued in anticipation of the receipt by the State of  
13 moneys to be deposited into the Fund.

14 (6) For making transfers to any other fund in the State  
15 treasury, but transfers made under this paragraph (6) shall  
16 not exceed the amount transferred previously from that  
17 other fund into the Hospital Provider Fund plus any  
18 interest that would have been earned by that fund on the  
19 monies that had been transferred.

20 (6.5) For making transfers to the Healthcare Provider  
21 Relief Fund, except that transfers made under this  
22 paragraph (6.5) shall not exceed \$60,000,000 in the  
23 aggregate.

24 (7) For making transfers not exceeding the following  
25 amounts, in State fiscal years 2013 and 2014 in each State  
26 fiscal year during which an assessment is imposed pursuant

1 to Section 5A-2, to the following designated funds:

2	Health and Human Services Medicaid Trust	
3	Fund .....	\$20,000,000
4	Long-Term Care Provider Fund .....	\$30,000,000
5	General Revenue Fund .....	\$80,000,000.

6 Transfers under this paragraph shall be made within 7 days  
7 after the payments have been received pursuant to the  
8 schedule of payments provided in subsection (a) of Section  
9 5A-4.

10 (7.1) For making transfers not exceeding the following  
11 amounts, in State fiscal year 2015, to the following  
12 designated funds:

13	Health and Human Services Medicaid Trust	
14	Fund .....	\$10,000,000
15	Long-Term Care Provider Fund .....	\$15,000,000
16	General Revenue Fund .....	\$40,000,000.

17 Transfers under this paragraph shall be made within 7 days  
18 after the payments have been received pursuant to the  
19 schedule of payments provided in subsection (a) of Section  
20 5A-4.

21 (7.5) (Blank).

22 (7.8) (Blank).

23 (7.9) (Blank).

24 (7.10) For State fiscal years 2013 and 2014, for making  
25 transfers of the moneys resulting from the assessment under  
26 subsection (b-5) of Section 5A-2 and received from hospital

1 providers under Section 5A-4 and transferred into the  
2 Hospital Provider Fund under Section 5A-6 to the designated  
3 funds not exceeding the following amounts in that State  
4 fiscal year:

5 Health Care Provider Relief Fund . . . . \$50,000,000

6 Transfers under this paragraph shall be made within 7  
7 days after the payments have been received pursuant to the  
8 schedule of payments provided in subsection (a) of Section  
9 5A-4.

10 (7.11) For State fiscal year 2015, for making transfers  
11 of the moneys resulting from the assessment under  
12 subsection (b-5) of Section 5A-2 and received from hospital  
13 providers under Section 5A-4 and transferred into the  
14 Hospital Provider Fund under Section 5A-6 to the designated  
15 funds not exceeding the following amounts in that State  
16 fiscal year:

17 Health Care Provider Relief Fund . . . . \$25,000,000

18 Transfers under this paragraph shall be made within 7  
19 days after the payments have been received pursuant to the  
20 schedule of payments provided in subsection (a) of Section  
21 5A-4.

22 (7.12) For State fiscal year 2013, for increasing by  
23  $21/365$ ths the transfer of the moneys resulting from the  
24 assessment under subsection (b-5) of Section 5A-2 and  
25 received from hospital providers under Section 5A-4 for the  
26 portion of State fiscal year 2012 beginning June 10, 2012

1 through June 30, 2012 and transferred into the Hospital  
2 Provider Fund under Section 5A-6 to the designated funds  
3 not exceeding the following amounts in that State fiscal  
4 year:

5 Health Care Provider Relief Fund ..... \$2,870,000

6 (8) For making refunds to hospital providers pursuant  
7 to Section 5A-10.

8 Disbursements from the Fund, other than transfers  
9 authorized under paragraphs (5) and (6) of this subsection,  
10 shall be by warrants drawn by the State Comptroller upon  
11 receipt of vouchers duly executed and certified by the Illinois  
12 Department.

13 (c) The Fund shall consist of the following:

14 (1) All moneys collected or received by the Illinois  
15 Department from the hospital provider assessment imposed  
16 by this Article.

17 (2) All federal matching funds received by the Illinois  
18 Department as a result of expenditures made by the Illinois  
19 Department that are attributable to moneys deposited in the  
20 Fund.

21 (3) Any interest or penalty levied in conjunction with  
22 the administration of this Article.

23 (4) Moneys transferred from another fund in the State  
24 treasury.

25 (5) All other moneys received for the Fund from any  
26 other source, including interest earned thereon.

1 (d) (Blank).

2 (Source: P.A. 97-688, eff. 6-14-12; 97-689, eff. 6-14-12;  
3 98-104, eff. 7-22-13; 98-463, eff. 8-16-13; revised 10-21-13.)

4 (305 ILCS 5/5A-12.4)

5 (Section scheduled to be repealed on January 1, 2015)

6 Sec. 5A-12.4. Hospital access improvement payments on or  
7 after June 10, 2012.

8 (a) Hospital access improvement payments. To preserve and  
9 improve access to hospital services, for hospital and physician  
10 services rendered on or after June 10, 2012, the Illinois  
11 Department shall, except for hospitals described in subsection  
12 (b) of Section 5A-3, make payments to hospitals as set forth in  
13 this Section. These payments shall be paid in 12 equal  
14 installments on or before the 7th State business day of each  
15 month, except that no payment shall be due within 100 days  
16 after the later of the date of notification of federal approval  
17 of the payment methodologies required under this Section or any  
18 waiver required under 42 CFR 433.68, at which time the sum of  
19 amounts required under this Section prior to the date of  
20 notification is due and payable. Payments under this Section  
21 are not due and payable, however, until (i) the methodologies  
22 described in this Section are approved by the federal  
23 government in an appropriate State Plan amendment and (ii) the  
24 assessment imposed under subsection (b-5) of Section 5A-2 of  
25 this Article is determined to be a permissible tax under Title

1 XIX of the Social Security Act. The Illinois Department shall  
2 take all actions necessary to implement the payments under this  
3 Section effective June 10, 2012, including but not limited to  
4 providing public notice pursuant to federal requirements, the  
5 filing of a State Plan amendment, and the adoption of  
6 administrative rules. For State fiscal year 2013, payments  
7 under this Section shall be increased by 21/365ths. The funding  
8 source for these additional payments shall be from the  
9 increased assessment under subsection (b-5) of Section 5A-2  
10 that was received from hospital providers under Section 5A-4  
11 for the portion of State fiscal year 2012 beginning June 10,  
12 2012 through June 30, 2012.

13 (a-5) Accelerated schedule. The Illinois Department may,  
14 when practicable, accelerate the schedule upon which payments  
15 authorized under this Section are made.

16 (b) Magnet and perinatal hospital adjustment. In addition  
17 to rates paid for inpatient hospital services, the Department  
18 shall pay to each Illinois general acute care hospital that, as  
19 of August 25, 2011, was recognized as a Magnet hospital by the  
20 American Nurses Credentialing Center and that, as of September  
21 14, 2011, was designated as a level III perinatal center  
22 amounts as follows:

23 (1) For hospitals with a case mix index equal to or  
24 greater than the 80th percentile of case mix indices for  
25 all Illinois hospitals, \$470 for each Medicaid general  
26 acute care inpatient day of care provided by the hospital



1 during State fiscal year 2009.

2 (2) For all other hospitals, \$170 for each Medicaid  
3 general acute care inpatient day of care provided by the  
4 hospital during State fiscal year 2009.

5 (c) Trauma level II adjustment. In addition to rates paid  
6 for inpatient hospital services, the Department shall pay to  
7 each Illinois general acute care hospital that, as of July 1,  
8 2011, was designated as a level II trauma center amounts as  
9 follows:

10 (1) For hospitals with a case mix index equal to or  
11 greater than the 50th percentile of case mix indices for  
12 all Illinois hospitals, \$470 for each Medicaid general  
13 acute care inpatient day of care provided by the hospital  
14 during State fiscal year 2009.

15 (2) For all other hospitals, \$170 for each Medicaid  
16 general acute care inpatient day of care provided by the  
17 hospital during State fiscal year 2009.

18 (3) For the purposes of this adjustment, hospitals  
19 located in the same city that alternate their trauma center  
20 designation as defined in 89 Ill. Adm. Code 148.295(a)(2)  
21 shall have the adjustment provided under this Section  
22 divided between the 2 hospitals.

23 (d) Dual-eligible adjustment. In addition to rates paid for  
24 inpatient services, the Department shall pay each Illinois  
25 general acute care hospital that had a ratio of crossover days  
26 to total inpatient days for programs under Title XIX of the

1 Social Security Act administered by the Department (utilizing  
2 information from 2009 paid claims) greater than 50%, and a case  
3 mix index equal to or greater than the 75th percentile of case  
4 mix indices for all Illinois hospitals, a rate of \$400 for each  
5 Medicaid inpatient day during State fiscal year 2009 including  
6 crossover days.

7 (e) Medicaid volume adjustment. In addition to rates paid  
8 for inpatient hospital services, the Department shall pay to  
9 each Illinois general acute care hospital that provided more  
10 than 10,000 Medicaid inpatient days of care in State fiscal  
11 year 2009, has a Medicaid inpatient utilization rate of at  
12 least 29.05% as calculated by the Department for the Rate Year  
13 2011 Disproportionate Share determination, and is not eligible  
14 for Medicaid Percentage Adjustment payments in rate year 2011  
15 an amount equal to \$135 for each Medicaid inpatient day of care  
16 provided during State fiscal year 2009.

17 (f) Outpatient service adjustment. In addition to the rates  
18 paid for outpatient hospital services, the Department shall pay  
19 each Illinois hospital an amount at least equal to \$100  
20 multiplied by the hospital's outpatient ambulatory procedure  
21 listing services (excluding categories 3B and 3C) and by the  
22 hospital's end stage renal disease treatment services provided  
23 for State fiscal year 2009.

24 (g) Ambulatory service adjustment.

25 (1) In addition to the rates paid for outpatient  
26 hospital services provided in the emergency department,

1 the Department shall pay each Illinois hospital an amount  
2 equal to \$105 multiplied by the hospital's outpatient  
3 ambulatory procedure listing services for categories 3A,  
4 3B, and 3C for State fiscal year 2009.

5 (2) In addition to the rates paid for outpatient  
6 hospital services, the Department shall pay each Illinois  
7 freestanding psychiatric hospital an amount equal to \$200  
8 multiplied by the hospital's ambulatory procedure listing  
9 services for category 5A for State fiscal year 2009.

10 (h) Specialty hospital adjustment. In addition to the rates  
11 paid for outpatient hospital services, the Department shall pay  
12 each Illinois long term acute care hospital and each Illinois  
13 hospital devoted exclusively to the treatment of cancer, an  
14 amount equal to \$700 multiplied by the hospital's outpatient  
15 ambulatory procedure listing services and by the hospital's end  
16 stage renal disease treatment services (including services  
17 provided to individuals eligible for both Medicaid and  
18 Medicare) provided for State fiscal year 2009.

19 (h-1) ER Safety Net Payments. In addition to rates paid for  
20 outpatient services, the Department shall pay to each Illinois  
21 general acute care hospital with an emergency room ratio equal  
22 to or greater than 55%, that is not eligible for Medicaid  
23 percentage adjustments payments in rate year 2011, with a case  
24 mix index equal to or greater than the 20th percentile, and  
25 that is not designated as a trauma center by the Illinois  
26 Department of Public Health on July 1, 2011, as follows:

1           (1) Each hospital with an emergency room ratio equal to  
2           or greater than 74% shall receive a rate of \$225 for each  
3           outpatient ambulatory procedure listing and end-stage  
4           renal disease treatment service provided for State fiscal  
5           year 2009.

6           (2) For all other hospitals, \$65 shall be paid for each  
7           outpatient ambulatory procedure listing and end-stage  
8           renal disease treatment service provided for State fiscal  
9           year 2009.

10          (i) Physician supplemental adjustment. In addition to the  
11          rates paid for physician services, the Department shall make an  
12          adjustment payment for services provided by physicians as  
13          follows:

14               (1) Physician services eligible for the adjustment  
15               payment are those provided by physicians employed by or who  
16               have a contract to provide services to patients of the  
17               following hospitals: (i) Illinois general acute care  
18               hospitals that provided at least 17,000 Medicaid inpatient  
19               days of care in State fiscal year 2009 and are eligible for  
20               Medicaid Percentage Adjustment Payments in rate year 2011;  
21               and (ii) Illinois freestanding children's hospitals, as  
22               defined in 89 Ill. Adm. Code 149.50(c)(3)(A).

23               (2) The amount of the adjustment for each eligible  
24               hospital under this subsection (i) shall be determined by  
25               rule by the Department to spend a total pool of at least  
26               \$6,960,000 annually. This pool shall be allocated among the

1 eligible hospitals based on the difference between the  
2 upper payment limit for what could have been paid under  
3 Medicaid for physician services provided during State  
4 fiscal year 2009 by physicians employed by or who had a  
5 contract with the hospital and the amount that was paid  
6 under Medicaid for such services, provided however, that in  
7 no event shall physicians at any individual hospital  
8 collectively receive an annual, aggregate adjustment in  
9 excess of \$435,000, except that any amount that is not  
10 distributed to a hospital because of the upper payment  
11 limit shall be reallocated among the remaining eligible  
12 hospitals that are below the upper payment limitation, on a  
13 proportionate basis.

14 (i-5) For any children's hospital which did not charge for  
15 its services during the base period, the Department shall use  
16 data supplied by the hospital to determine payments using  
17 similar methodologies for freestanding children's hospitals  
18 under this Section or Section 5A-12.2.

19 (j) For purposes of this Section, a hospital that is  
20 enrolled to provide Medicaid services during State fiscal year  
21 2009 shall have its utilization and associated reimbursements  
22 annualized prior to the payment calculations being performed  
23 under this Section.

24 (k) For purposes of this Section, the terms "Medicaid  
25 days", "ambulatory procedure listing services", and  
26 "ambulatory procedure listing payments" do not include any

1 days, charges, or services for which Medicare or a managed care  
2 organization reimbursed on a capitated basis was liable for  
3 payment, except where explicitly stated otherwise in this  
4 Section.

5 (1) Definitions. Unless the context requires otherwise or  
6 unless provided otherwise in this Section, the terms used in  
7 this Section for qualifying criteria and payment calculations  
8 shall have the same meanings as those terms have been given in  
9 the Illinois Department's administrative rules as in effect on  
10 October 1, 2011. Other terms shall be defined by the Illinois  
11 Department by rule.

12 As used in this Section, unless the context requires  
13 otherwise:

14 "Case mix index" means, for a given hospital, the sum of  
15 the per admission (DRG) relative weighting factors in effect on  
16 January 1, 2005, for all general acute care admissions for  
17 State fiscal year 2009, excluding Medicare crossover  
18 admissions and transplant admissions reimbursed under 89 Ill.  
19 Adm. Code 148.82, divided by the total number of general acute  
20 care admissions for State fiscal year 2009, excluding Medicare  
21 crossover admissions and transplant admissions reimbursed  
22 under 89 Ill. Adm. Code 148.82.

23 "Emergency room ratio" means, for a given hospital, a  
24 fraction, the denominator of which is the number of the  
25 hospital's outpatient ambulatory procedure listing and  
26 end-stage renal disease treatment services provided for State

1 fiscal year 2009 and the numerator of which is the hospital's  
2 outpatient ambulatory procedure listing services for  
3 categories 3A, 3B, and 3C for State fiscal year 2009.

4 "Medicaid inpatient day" means, for a given hospital, the  
5 sum of days of inpatient hospital days provided to recipients  
6 of medical assistance under Title XIX of the federal Social  
7 Security Act, excluding days for individuals eligible for  
8 Medicare under Title XVIII of that Act (Medicaid/Medicare  
9 crossover days), as tabulated from the Department's paid claims  
10 data for admissions occurring during State fiscal year 2009  
11 that was adjudicated by the Department through June 30, 2010.

12 "Outpatient ambulatory procedure listing services" means,  
13 for a given hospital, ambulatory procedure listing services, as  
14 described in 89 Ill. Adm. Code 148.140(b), provided to  
15 recipients of medical assistance under Title XIX of the federal  
16 Social Security Act, excluding services for individuals  
17 eligible for Medicare under Title XVIII of the Act  
18 (Medicaid/Medicare crossover days), as tabulated from the  
19 Department's paid claims data for services occurring in State  
20 fiscal year 2009 that were adjudicated by the Department  
21 through September 2, 2010.

22 "Outpatient end-stage renal disease treatment services"  
23 means, for a given hospital, the services, as described in 89  
24 Ill. Adm. Code 148.140(c), provided to recipients of medical  
25 assistance under Title XIX of the federal Social Security Act,  
26 excluding payments for individuals eligible for Medicare under

1 Title XVIII of the Act (Medicaid/Medicare crossover days), as  
2 tabulated from the Department's paid claims data for services  
3 occurring in State fiscal year 2009 that were adjudicated by  
4 the Department through September 2, 2010.

5 (m) The Department may adjust payments made under this  
6 Section 5A-12.4 to comply with federal law or regulations  
7 regarding hospital-specific payment limitations on  
8 government-owned or government-operated hospitals.

9 (n) Notwithstanding any of the other provisions of this  
10 Section, the Department is authorized to adopt rules that  
11 change the hospital access improvement payments specified in  
12 this Section, but only to the extent necessary to conform to  
13 any federally approved amendment to the Title XIX State plan.  
14 Any such rules shall be adopted by the Department as authorized  
15 by Section 5-50 of the Illinois Administrative Procedure Act.  
16 Notwithstanding any other provision of law, any changes  
17 implemented as a result of this subsection (n) shall be given  
18 retroactive effect so that they shall be deemed to have taken  
19 effect as of the effective date of this Section.

20 (o) The Department of Healthcare and Family Services must  
21 submit a State Medicaid Plan Amendment to the Centers for  
22 Medicare and Medicaid Services to implement the payments under  
23 this Section ~~June 14, 2012 (Public Act 97-688)~~.

24 (Source: P.A. 97-688, eff. 6-14-12; 98-104, eff. 7-22-13;  
25 98-463, eff. 8-16-13; revised 10-21-13.)



1 (305 ILCS 5/11-5.2)

2 Sec. 11-5.2. Income, Residency, and Identity Verification  
3 System.

4 (a) The Department shall ensure that its proposed  
5 integrated eligibility system shall include the computerized  
6 functions of income, residency, and identity eligibility  
7 verification to verify eligibility, eliminate duplication of  
8 medical assistance, and deter fraud. Until the integrated  
9 eligibility system is operational, the Department may enter  
10 into a contract with the vendor selected pursuant to Section  
11 11-5.3 as necessary to obtain the electronic data matching  
12 described in this Section. This contract shall be exempt from  
13 the Illinois Procurement Code pursuant to subsection (h) of  
14 Section 1-10 of that Code.

15 (b) Prior to awarding medical assistance at application  
16 under Article V of this Code, the Department shall, to the  
17 extent such databases are available to the Department, conduct  
18 data matches using the name, date of birth, address, and Social  
19 Security Number of each applicant or recipient or responsible  
20 relative of an applicant or recipient against the following:

21 (1) Income tax information.

22 (2) Employer reports of income and unemployment  
23 insurance payment information maintained by the Department  
24 of Employment Security.

25 (3) Earned and unearned income, citizenship and death,  
26 and other relevant information maintained by the Social

1 Security Administration.

2 (4) Immigration status information maintained by the  
3 United States Citizenship and Immigration Services.

4 (5) Wage reporting and similar information maintained  
5 by states contiguous to this State.

6 (6) Employment information maintained by the  
7 Department of Employment Security in its New Hire Directory  
8 database.

9 (7) Employment information maintained by the United  
10 States Department of Health and Human Services in its  
11 National Directory of New Hires database.

12 (8) Veterans' benefits information maintained by the  
13 United States Department of Health and Human Services, in  
14 coordination with the Department of Health and Human  
15 Services and the Department of Veterans' Affairs, in the  
16 federal Public Assistance Reporting Information System  
17 (PARIS) database.

18 (9) Residency information maintained by the Illinois  
19 Secretary of State.

20 (10) A database which is substantially similar to or a  
21 successor of a database described in this Section that  
22 contains information relevant for verifying eligibility  
23 for medical assistance.

24 (c) (Blank).

25 (d) If a discrepancy results between information provided  
26 by an applicant, recipient, or responsible relative and

1 information contained in one or more of the databases or  
2 information tools listed under subsection (b) ~~or (e)~~ of this  
3 Section or subsection (c) of Section 11-5.3 and that  
4 discrepancy calls into question the accuracy of information  
5 relevant to a condition of eligibility provided by the  
6 applicant, recipient, or responsible relative, the Department  
7 or its contractor shall review the applicant's or recipient's  
8 case using the following procedures:

9 (1) If the information discovered under subsection (b)  
10 ~~(e)~~ of this Section or subsection (c) of Section 11-5.3  
11 does not result in the Department finding the applicant or  
12 recipient ineligible for assistance under Article V of this  
13 Code, the Department shall finalize the determination or  
14 redetermination of eligibility.

15 (2) If the information discovered results in the  
16 Department finding the applicant or recipient ineligible  
17 for assistance, the Department shall provide notice as set  
18 forth in Section 11-7 of this Article.

19 (3) If the information discovered is insufficient to  
20 determine that the applicant or recipient is eligible or  
21 ineligible, the Department shall provide written notice to  
22 the applicant or recipient which shall describe in  
23 sufficient detail the circumstances of the discrepancy,  
24 the information or documentation required, the manner in  
25 which the applicant or recipient may respond, and the  
26 consequences of failing to take action. The applicant or

1 recipient shall have 10 business days to respond.

2 (4) If the applicant or recipient does not respond to  
3 the notice, the Department shall deny assistance for  
4 failure to cooperate, in which case the Department shall  
5 provide notice as set forth in Section 11-7. Eligibility  
6 for assistance shall not be established until the  
7 discrepancy has been resolved.

8 (5) If an applicant or recipient responds to the  
9 notice, the Department shall determine the effect of the  
10 information or documentation provided on the applicant's  
11 or recipient's case and shall take appropriate action.  
12 Written notice of the Department's action shall be provided  
13 as set forth in Section 11-7 of this Article.

14 (6) Suspected cases of fraud shall be referred to the  
15 Department's Inspector General.

16 (e) The Department shall adopt any rules necessary to  
17 implement this Section.

18 (Source: P.A. 97-689, eff. 6-14-12; revised 11-12-13.)

19 (305 ILCS 5/12-4.25) (from Ch. 23, par. 12-4.25)

20 Sec. 12-4.25. Medical assistance program; vendor  
21 participation.

22 (A) The Illinois Department may deny, suspend, or terminate  
23 the eligibility of any person, firm, corporation, association,  
24 agency, institution or other legal entity to participate as a  
25 vendor of goods or services to recipients under the medical

1 assistance program under Article V, or may exclude any such  
2 person or entity from participation as such a vendor, and may  
3 deny, suspend, or recover payments, if after reasonable notice  
4 and opportunity for a hearing the Illinois Department finds:

5 (a) Such vendor is not complying with the Department's  
6 policy or rules and regulations, or with the terms and  
7 conditions prescribed by the Illinois Department in its  
8 vendor agreement, which document shall be developed by the  
9 Department as a result of negotiations with each vendor  
10 category, including physicians, hospitals, long term care  
11 facilities, pharmacists, optometrists, podiatric  
12 physicians, and dentists setting forth the terms and  
13 conditions applicable to the participation of each vendor  
14 group in the program; or

15 (b) Such vendor has failed to keep or make available  
16 for inspection, audit or copying, after receiving a written  
17 request from the Illinois Department, such records  
18 regarding payments claimed for providing services. This  
19 section does not require vendors to make available patient  
20 records of patients for whom services are not reimbursed  
21 under this Code; or

22 (c) Such vendor has failed to furnish any information  
23 requested by the Department regarding payments for  
24 providing goods or services; or

25 (d) Such vendor has knowingly made, or caused to be  
26 made, any false statement or representation of a material

1 fact in connection with the administration of the medical  
2 assistance program; or

3 (e) Such vendor has furnished goods or services to a  
4 recipient which are (1) in excess of need, (2) harmful, or  
5 (3) of grossly inferior quality, all of such determinations  
6 to be based upon competent medical judgment and  
7 evaluations; or

8 (f) The vendor; a person with management  
9 responsibility for a vendor; an officer or person owning,  
10 either directly or indirectly, 5% or more of the shares of  
11 stock or other evidences of ownership in a corporate  
12 vendor; an owner of a sole proprietorship which is a  
13 vendor; or a partner in a partnership which is a vendor,  
14 either:

15 (1) was previously terminated, suspended, or  
16 excluded from participation in the Illinois medical  
17 assistance program, or was terminated, suspended, or  
18 excluded from participation in another state or  
19 federal medical assistance or health care program; or

20 (2) was a person with management responsibility  
21 for a vendor previously terminated, suspended, or  
22 excluded from participation in the Illinois medical  
23 assistance program, or terminated, suspended, or  
24 excluded from participation in another state or  
25 federal medical assistance or health care program  
26 during the time of conduct which was the basis for that

1 vendor's termination, suspension, or exclusion; or

2 (3) was an officer, or person owning, either  
3 directly or indirectly, 5% or more of the shares of  
4 stock or other evidences of ownership in a corporate or  
5 limited liability company vendor previously  
6 terminated, suspended, or excluded from participation  
7 in the Illinois medical assistance program, or  
8 terminated, suspended, or excluded from participation  
9 in a state or federal medical assistance or health care  
10 program during the time of conduct which was the basis  
11 for that vendor's termination, suspension, or  
12 exclusion; or

13 (4) was an owner of a sole proprietorship or  
14 partner of a partnership previously terminated,  
15 suspended, or excluded from participation in the  
16 Illinois medical assistance program, or terminated,  
17 suspended, or excluded from participation in a state or  
18 federal medical assistance or health care program  
19 during the time of conduct which was the basis for that  
20 vendor's termination, suspension, or exclusion; or

21 (f-1) Such vendor has a delinquent debt owed to the  
22 Illinois Department; or

23 (g) The vendor; a person with management  
24 responsibility for a vendor; an officer or person owning,  
25 either directly or indirectly, 5% or more of the shares of  
26 stock or other evidences of ownership in a corporate or

1 limited liability company vendor; an owner of a sole  
2 proprietorship which is a vendor; or a partner in a  
3 partnership which is a vendor, either:

4 (1) has engaged in practices prohibited by  
5 applicable federal or State law or regulation; or

6 (2) was a person with management responsibility  
7 for a vendor at the time that such vendor engaged in  
8 practices prohibited by applicable federal or State  
9 law or regulation; or

10 (3) was an officer, or person owning, either  
11 directly or indirectly, 5% or more of the shares of  
12 stock or other evidences of ownership in a vendor at  
13 the time such vendor engaged in practices prohibited by  
14 applicable federal or State law or regulation; or

15 (4) was an owner of a sole proprietorship or  
16 partner of a partnership which was a vendor at the time  
17 such vendor engaged in practices prohibited by  
18 applicable federal or State law or regulation; or

19 (h) The direct or indirect ownership of the vendor  
20 (including the ownership of a vendor that is a sole  
21 proprietorship, a partner's interest in a vendor that is a  
22 partnership, or ownership of 5% or more of the shares of  
23 stock or other evidences of ownership in a corporate  
24 vendor) has been transferred by an individual who is  
25 terminated, suspended, or excluded or barred from  
26 participating as a vendor to the individual's spouse,



1 child, brother, sister, parent, grandparent, grandchild,  
2 uncle, aunt, niece, nephew, cousin, or relative by  
3 marriage.

4 (A-5) The Illinois Department may deny, suspend, or  
5 terminate the eligibility of any person, firm, corporation,  
6 association, agency, institution, or other legal entity to  
7 participate as a vendor of goods or services to recipients  
8 under the medical assistance program under Article V, or may  
9 exclude any such person or entity from participation as such a  
10 vendor, if, after reasonable notice and opportunity for a  
11 hearing, the Illinois Department finds that the vendor; a  
12 person with management responsibility for a vendor; an officer  
13 or person owning, either directly or indirectly, 5% or more of  
14 the shares of stock or other evidences of ownership in a  
15 corporate vendor; an owner of a sole proprietorship that is a  
16 vendor; or a partner in a partnership that is a vendor has been  
17 convicted of an offense based on fraud or willful  
18 misrepresentation related to any of the following:

19 (1) The medical assistance program under Article V of  
20 this Code.

21 (2) A medical assistance or health care program in  
22 another state.

23 (3) The Medicare program under Title XVIII of the  
24 Social Security Act.

25 (4) The provision of health care services.

26 (5) A violation of this Code, as provided in Article

1 VIII A, or another state or federal medical assistance  
2 program or health care program.

3 (A-10) The Illinois Department may deny, suspend, or  
4 terminate the eligibility of any person, firm, corporation,  
5 association, agency, institution, or other legal entity to  
6 participate as a vendor of goods or services to recipients  
7 under the medical assistance program under Article V, or may  
8 exclude any such person or entity from participation as such a  
9 vendor, if, after reasonable notice and opportunity for a  
10 hearing, the Illinois Department finds that (i) the vendor,  
11 (ii) a person with management responsibility for a vendor,  
12 (iii) an officer or person owning, either directly or  
13 indirectly, 5% or more of the shares of stock or other  
14 evidences of ownership in a corporate vendor, (iv) an owner of  
15 a sole proprietorship that is a vendor, or (v) a partner in a  
16 partnership that is a vendor has been convicted of an offense  
17 related to any of the following:

18 (1) Murder.

19 (2) A Class X felony under the Criminal Code of 1961 or  
20 the Criminal Code of 2012.

21 (3) Sexual misconduct that may subject recipients to an  
22 undue risk of harm.

23 (4) A criminal offense that may subject recipients to  
24 an undue risk of harm.

25 (5) A crime of fraud or dishonesty.

26 (6) A crime involving a controlled substance.

1           (7) A misdemeanor relating to fraud, theft,  
2           embezzlement, breach of fiduciary responsibility, or other  
3           financial misconduct related to a health care program.

4           (A-15) The Illinois Department may deny the eligibility of  
5           any person, firm, corporation, association, agency,  
6           institution, or other legal entity to participate as a vendor  
7           of goods or services to recipients under the medical assistance  
8           program under Article V if, after reasonable notice and  
9           opportunity for a hearing, the Illinois Department finds:

10           (1) The applicant or any person with management  
11           responsibility for the applicant; an officer or member of  
12           the board of directors of an applicant; an entity owning  
13           (directly or indirectly) 5% or more of the shares of stock  
14           or other evidences of ownership in a corporate vendor  
15           applicant; an owner of a sole proprietorship applicant; a  
16           partner in a partnership applicant; or a technical or other  
17           advisor to an applicant has a debt owed to the Illinois  
18           Department, and no payment arrangements acceptable to the  
19           Illinois Department have been made by the applicant.

20           (2) The applicant or any person with management  
21           responsibility for the applicant; an officer or member of  
22           the board of directors of an applicant; an entity owning  
23           (directly or indirectly) 5% or more of the shares of stock  
24           or other evidences of ownership in a corporate vendor  
25           applicant; an owner of a sole proprietorship applicant; a  
26           partner in a partnership vendor applicant; or a technical

1 or other advisor to an applicant was (i) a person with  
2 management responsibility, (ii) an officer or member of the  
3 board of directors of an applicant, (iii) an entity owning  
4 (directly or indirectly) 5% or more of the shares of stock  
5 or other evidences of ownership in a corporate vendor, (iv)  
6 an owner of a sole proprietorship, (v) a partner in a  
7 partnership vendor, (vi) a technical or other advisor to a  
8 vendor, during a period of time where the conduct of that  
9 vendor resulted in a debt owed to the Illinois Department,  
10 and no payment arrangements acceptable to the Illinois  
11 Department have been made by that vendor.

12 (3) There is a credible allegation of the use,  
13 transfer, or lease of assets of any kind to an applicant  
14 from a current or prior vendor who has a debt owed to the  
15 Illinois Department, no payment arrangements acceptable to  
16 the Illinois Department have been made by that vendor or  
17 the vendor's alternate payee, and the applicant knows or  
18 should have known of such debt.

19 (4) There is a credible allegation of a transfer of  
20 management responsibilities, or direct or indirect  
21 ownership, to an applicant from a current or prior vendor  
22 who has a debt owed to the Illinois Department, and no  
23 payment arrangements acceptable to the Illinois Department  
24 have been made by that vendor or the vendor's alternate  
25 payee, and the applicant knows or should have known of such  
26 debt.

1           (5) There is a credible allegation of the use,  
2 transfer, or lease of assets of any kind to an applicant  
3 who is a spouse, child, brother, sister, parent,  
4 grandparent, grandchild, uncle, aunt, niece, relative by  
5 marriage, nephew, cousin, or relative of a current or prior  
6 vendor who has a debt owed to the Illinois Department and  
7 no payment arrangements acceptable to the Illinois  
8 Department have been made.

9           (6) There is a credible allegation that the applicant's  
10 previous affiliations with a provider of medical services  
11 that has an uncollected debt, a provider that has been or  
12 is subject to a payment suspension under a federal health  
13 care program, or a provider that has been previously  
14 excluded from participation in the medical assistance  
15 program, poses a risk of fraud, waste, or abuse to the  
16 Illinois Department.

17           As used in this subsection, "credible allegation" is  
18 defined to include an allegation from any source, including,  
19 but not limited to, fraud hotline complaints, claims data  
20 mining, patterns identified through provider audits, civil  
21 actions filed under the Illinois False Claims Act, and law  
22 enforcement investigations. An allegation is considered to be  
23 credible when it has indicia of reliability.

24           (B) The Illinois Department shall deny, suspend or  
25 terminate the eligibility of any person, firm, corporation,  
26 association, agency, institution or other legal entity to

1 participate as a vendor of goods or services to recipients  
2 under the medical assistance program under Article V, or may  
3 exclude any such person or entity from participation as such a  
4 vendor:

5 (1) immediately, if such vendor is not properly  
6 licensed, certified, or authorized;

7 (2) within 30 days of the date when such vendor's  
8 professional license, certification or other authorization  
9 has been refused renewal, restricted, revoked, suspended,  
10 or otherwise terminated; or

11 (3) if such vendor has been convicted of a violation of  
12 this Code, as provided in Article VIII A.

13 (C) Upon termination, suspension, or exclusion of a vendor  
14 of goods or services from participation in the medical  
15 assistance program authorized by this Article, a person with  
16 management responsibility for such vendor during the time of  
17 any conduct which served as the basis for that vendor's  
18 termination, suspension, or exclusion is barred from  
19 participation in the medical assistance program.

20 Upon termination, suspension, or exclusion of a corporate  
21 vendor, the officers and persons owning, directly or  
22 indirectly, 5% or more of the shares of stock or other  
23 evidences of ownership in the vendor during the time of any  
24 conduct which served as the basis for that vendor's  
25 termination, suspension, or exclusion are barred from  
26 participation in the medical assistance program. A person who

1 owns, directly or indirectly, 5% or more of the shares of stock  
2 or other evidences of ownership in a terminated, suspended, or  
3 excluded vendor may not transfer his or her ownership interest  
4 in that vendor to his or her spouse, child, brother, sister,  
5 parent, grandparent, grandchild, uncle, aunt, niece, nephew,  
6 cousin, or relative by marriage.

7       Upon termination, suspension, or exclusion of a sole  
8 proprietorship or partnership, the owner or partners during the  
9 time of any conduct which served as the basis for that vendor's  
10 termination, suspension, or exclusion are barred from  
11 participation in the medical assistance program. The owner of a  
12 terminated, suspended, or excluded vendor that is a sole  
13 proprietorship, and a partner in a terminated, suspended, or  
14 excluded vendor that is a partnership, may not transfer his or  
15 her ownership or partnership interest in that vendor to his or  
16 her spouse, child, brother, sister, parent, grandparent,  
17 grandchild, uncle, aunt, niece, nephew, cousin, or relative by  
18 marriage.

19       A person who owns, directly or indirectly, 5% or more of  
20 the shares of stock or other evidences of ownership in a  
21 corporate or limited liability company vendor who owes a debt  
22 to the Department, if that vendor has not made payment  
23 arrangements acceptable to the Department, shall not transfer  
24 his or her ownership interest in that vendor, or vendor assets  
25 of any kind, to his or her spouse, child, brother, sister,  
26 parent, grandparent, grandchild, uncle, aunt, niece, nephew,

1 cousin, or relative by marriage.

2 Rules adopted by the Illinois Department to implement these  
3 provisions shall specifically include a definition of the term  
4 "management responsibility" as used in this Section. Such  
5 definition shall include, but not be limited to, typical job  
6 titles, and duties and descriptions which will be considered as  
7 within the definition of individuals with management  
8 responsibility for a provider.

9 A vendor or a prior vendor who has been terminated,  
10 excluded, or suspended from the medical assistance program, or  
11 from another state or federal medical assistance or health care  
12 program, and any individual currently or previously barred from  
13 the medical assistance program, or from another state or  
14 federal medical assistance or health care program, as a result  
15 of being an officer or a person owning, directly or indirectly,  
16 5% or more of the shares of stock or other evidences of  
17 ownership in a corporate or limited liability company vendor  
18 during the time of any conduct which served as the basis for  
19 that vendor's termination, suspension, or exclusion, may be  
20 required to post a surety bond as part of a condition of  
21 enrollment or participation in the medical assistance program.  
22 The Illinois Department shall establish, by rule, the criteria  
23 and requirements for determining when a surety bond must be  
24 posted and the value of the bond.

25 A vendor or a prior vendor who has a debt owed to the  
26 Illinois Department and any individual currently or previously



1 barred from the medical assistance program, or from another  
2 state or federal medical assistance or health care program, as  
3 a result of being an officer or a person owning, directly or  
4 indirectly, 5% or more of the shares of stock or other  
5 evidences of ownership in that corporate or limited liability  
6 company vendor during the time of any conduct which served as  
7 the basis for the debt, may be required to post a surety bond  
8 as part of a condition of enrollment or participation in the  
9 medical assistance program. The Illinois Department shall  
10 establish, by rule, the criteria and requirements for  
11 determining when a surety bond must be posted and the value of  
12 the bond.

13 (D) If a vendor has been suspended from the medical  
14 assistance program under Article V of the Code, the Director  
15 may require that such vendor correct any deficiencies which  
16 served as the basis for the suspension. The Director shall  
17 specify in the suspension order a specific period of time,  
18 which shall not exceed one year from the date of the order,  
19 during which a suspended vendor shall not be eligible to  
20 participate. At the conclusion of the period of suspension the  
21 Director shall reinstate such vendor, unless he finds that such  
22 vendor has not corrected deficiencies upon which the suspension  
23 was based.

24 If a vendor has been terminated, suspended, or excluded  
25 from the medical assistance program under Article V, such  
26 vendor shall be barred from participation for at least one

1 year, except that if a vendor has been terminated, suspended,  
2 or excluded based on a conviction of a violation of Article  
3 VIIIA or a conviction of a felony based on fraud or a willful  
4 misrepresentation related to (i) the medical assistance  
5 program under Article V, (ii) a federal or another state's  
6 medical assistance or health care program, or (iii) the  
7 provision of health care services, then the vendor shall be  
8 barred from participation for 5 years or for the length of the  
9 vendor's sentence for that conviction, whichever is longer. At  
10 the end of one year a vendor who has been terminated,  
11 suspended, or excluded may apply for reinstatement to the  
12 program. Upon proper application to be reinstated such vendor  
13 may be deemed eligible by the Director providing that such  
14 vendor meets the requirements for eligibility under this Code.  
15 If such vendor is deemed not eligible for reinstatement, he  
16 shall be barred from again applying for reinstatement for one  
17 year from the date his application for reinstatement is denied.

18 A vendor whose termination, suspension, or exclusion from  
19 participation in the Illinois medical assistance program under  
20 Article V was based solely on an action by a governmental  
21 entity other than the Illinois Department may, upon  
22 reinstatement by that governmental entity or upon reversal of  
23 the termination, suspension, or exclusion, apply for  
24 rescission of the termination, suspension, or exclusion from  
25 participation in the Illinois medical assistance program. Upon  
26 proper application for rescission, the vendor may be deemed

1 eligible by the Director if the vendor meets the requirements  
2 for eligibility under this Code.

3 If a vendor has been terminated, suspended, or excluded and  
4 reinstated to the medical assistance program under Article V  
5 and the vendor is terminated, suspended, or excluded a second  
6 or subsequent time from the medical assistance program, the  
7 vendor shall be barred from participation for at least 2 years,  
8 except that if a vendor has been terminated, suspended, or  
9 excluded a second time based on a conviction of a violation of  
10 Article VIII A or a conviction of a felony based on fraud or a  
11 willful misrepresentation related to (i) the medical  
12 assistance program under Article V, (ii) a federal or another  
13 state's medical assistance or health care program, or (iii) the  
14 provision of health care services, then the vendor shall be  
15 barred from participation for life. At the end of 2 years, a  
16 vendor who has been terminated, suspended, or excluded may  
17 apply for reinstatement to the program. Upon application to be  
18 reinstated, the vendor may be deemed eligible if the vendor  
19 meets the requirements for eligibility under this Code. If the  
20 vendor is deemed not eligible for reinstatement, the vendor  
21 shall be barred from again applying for reinstatement for 2  
22 years from the date the vendor's application for reinstatement  
23 is denied.

24 (E) The Illinois Department may recover money improperly or  
25 erroneously paid, or overpayments, either by setoff, crediting  
26 against future billings or by requiring direct repayment to the

1 Illinois Department. The Illinois Department may suspend or  
2 deny payment, in whole or in part, if such payment would be  
3 improper or erroneous or would otherwise result in overpayment.

4 (1) Payments may be suspended, denied, or recovered  
5 from a vendor or alternate payee: (i) for services rendered  
6 in violation of the Illinois Department's provider  
7 notices, statutes, rules, and regulations; (ii) for  
8 services rendered in violation of the terms and conditions  
9 prescribed by the Illinois Department in its vendor  
10 agreement; (iii) for any vendor who fails to grant the  
11 Office of Inspector General timely access to full and  
12 complete records, including, but not limited to, records  
13 relating to recipients under the medical assistance  
14 program for the most recent 6 years, in accordance with  
15 Section 140.28 of Title 89 of the Illinois Administrative  
16 Code, and other information for the purpose of audits,  
17 investigations, or other program integrity functions,  
18 after reasonable written request by the Inspector General;  
19 this subsection (E) does not require vendors to make  
20 available the medical records of patients for whom services  
21 are not reimbursed under this Code or to provide access to  
22 medical records more than 6 years old; (iv) when the vendor  
23 has knowingly made, or caused to be made, any false  
24 statement or representation of a material fact in  
25 connection with the administration of the medical  
26 assistance program; or (v) when the vendor previously

1 rendered services while terminated, suspended, or excluded  
2 from participation in the medical assistance program or  
3 while terminated or excluded from participation in another  
4 state or federal medical assistance or health care program.

5 (2) Notwithstanding any other provision of law, if a  
6 vendor has the same taxpayer identification number  
7 (assigned under Section 6109 of the Internal Revenue Code  
8 of 1986) as is assigned to a vendor with past-due financial  
9 obligations to the Illinois Department, the Illinois  
10 Department may make any necessary adjustments to payments  
11 to that vendor in order to satisfy any past-due  
12 obligations, regardless of whether the vendor is assigned a  
13 different billing number under the medical assistance  
14 program.

15 (E-5) Civil monetary penalties.

16 (1) As used in this subsection (E-5):

17 (a) "Knowingly" means that a person, with respect  
18 to information: (i) has actual knowledge of the  
19 information; (ii) acts in deliberate ignorance of the  
20 truth or falsity of the information; or (iii) acts in  
21 reckless disregard of the truth or falsity of the  
22 information. No proof of specific intent to defraud is  
23 required.

24 (b) "Overpayment" means any funds that a person  
25 receives or retains from the medical assistance  
26 program to which the person, after applicable

1 reconciliation, is not entitled under this Code.

2 (c) "Remuneration" means the offer or transfer of  
3 items or services for free or for other than fair  
4 market value by a person; however, remuneration does  
5 not include items or services of a nominal value of no  
6 more than \$10 per item or service, or \$50 in the  
7 aggregate on an annual basis, or any other offer or  
8 transfer of items or services as determined by the  
9 Department.

10 (d) "Should know" means that a person, with respect  
11 to information: (i) acts in deliberate ignorance of the  
12 truth or falsity of the information; or (ii) acts in  
13 reckless disregard of the truth or falsity of the  
14 information. No proof of specific intent to defraud is  
15 required.

16 (2) Any person (including a vendor, provider,  
17 organization, agency, or other entity, or an alternate  
18 payee thereof, but excluding a recipient) who:

19 (a) knowingly presents or causes to be presented to  
20 an officer, employee, or agent of the State, a claim  
21 that the Department determines:

22 (i) is for a medical or other item or service  
23 that the person knows or should know was not  
24 provided as claimed, including any person who  
25 engages in a pattern or practice of presenting or  
26 causing to be presented a claim for an item or

1 service that is based on a code that the person  
2 knows or should know will result in a greater  
3 payment to the person than the code the person  
4 knows or should know is applicable to the item or  
5 service actually provided;

6 (ii) is for a medical or other item or service  
7 and the person knows or should know that the claim  
8 is false or fraudulent;

9 (iii) is presented for a vendor physician's  
10 service, or an item or service incident to a vendor  
11 physician's service, by a person who knows or  
12 should know that the individual who furnished, or  
13 supervised the furnishing of, the service:

14 (AA) was not licensed as a physician;

15 (BB) was licensed as a physician but such  
16 license had been obtained through a  
17 misrepresentation of material fact (including  
18 cheating on an examination required for  
19 licensing); or

20 (CC) represented to the patient at the  
21 time the service was furnished that the  
22 physician was certified in a medical specialty  
23 by a medical specialty board, when the  
24 individual was not so certified;

25 (iv) is for a medical or other item or service  
26 furnished during a period in which the person was

1 excluded from the medical assistance program or a  
2 federal or state health care program under which  
3 the claim was made pursuant to applicable law; or

4 (v) is for a pattern of medical or other items  
5 or services that a person knows or should know are  
6 not medically necessary;

7 (b) knowingly presents or causes to be presented to  
8 any person a request for payment which is in violation  
9 of the conditions for receipt of vendor payments under  
10 the medical assistance program under Section 11-13 of  
11 this Code;

12 (c) knowingly gives or causes to be given to any  
13 person, with respect to medical assistance program  
14 coverage of inpatient hospital services, information  
15 that he or she knows or should know is false or  
16 misleading, and that could reasonably be expected to  
17 influence the decision when to discharge such person or  
18 other individual from the hospital;

19 (d) in the case of a person who is not an  
20 organization, agency, or other entity, is excluded  
21 from participating in the medical assistance program  
22 or a federal or state health care program and who, at  
23 the time of a violation of this subsection (E-5):

24 (i) retains a direct or indirect ownership or  
25 control interest in an entity that is  
26 participating in the medical assistance program or



1 a federal or state health care program, and who  
2 knows or should know of the action constituting the  
3 basis for the exclusion; or

4 (ii) is an officer or managing employee of such  
5 an entity;

6 (e) offers or transfers remuneration to any  
7 individual eligible for benefits under the medical  
8 assistance program that such person knows or should  
9 know is likely to influence such individual to order or  
10 receive from a particular vendor, provider,  
11 practitioner, or supplier any item or service for which  
12 payment may be made, in whole or in part, under the  
13 medical assistance program;

14 (f) arranges or contracts (by employment or  
15 otherwise) with an individual or entity that the person  
16 knows or should know is excluded from participation in  
17 the medical assistance program or a federal or state  
18 health care program, for the provision of items or  
19 services for which payment may be made under such a  
20 program;

21 (g) commits an act described in subsection (b) or  
22 (c) of Section 8A-3;

23 (h) knowingly makes, uses, or causes to be made or  
24 used, a false record or statement material to a false  
25 or fraudulent claim for payment for items and services  
26 furnished under the medical assistance program;

1           (i) fails to grant timely access, upon reasonable  
2           request (as defined by the Department by rule), to the  
3           Inspector General, for the purpose of audits,  
4           investigations, evaluations, or other statutory  
5           functions of the Inspector General of the Department;

6           (j) orders or prescribes a medical or other item or  
7           service during a period in which the person was  
8           excluded from the medical assistance program or a  
9           federal or state health care program, in the case where  
10          the person knows or should know that a claim for such  
11          medical or other item or service will be made under  
12          such a program;

13          (k) knowingly makes or causes to be made any false  
14          statement, omission, or misrepresentation of a  
15          material fact in any application, bid, or contract to  
16          participate or enroll as a vendor or provider of  
17          services or a supplier under the medical assistance  
18          program;

19          (l) knows of an overpayment and does not report and  
20          return the overpayment to the Department in accordance  
21          with paragraph (6);

22          shall be subject, in addition to any other penalties that  
23          may be prescribed by law, to a civil money penalty of not  
24          more than \$10,000 for each item or service (or, in cases  
25          under subparagraph (c), \$15,000 for each individual with  
26          respect to whom false or misleading information was given;

1 in cases under subparagraph (d), \$10,000 for each day the  
2 prohibited relationship occurs; in cases under  
3 subparagraph (g), \$50,000 for each such act; in cases under  
4 subparagraph (h), \$50,000 for each false record or  
5 statement; in cases under subparagraph (i), \$15,000 for  
6 each day of the failure described in such subparagraph; or  
7 in cases under subparagraph (k), \$50,000 for each false  
8 statement, omission, or misrepresentation of a material  
9 fact). In addition, such a person shall be subject to an  
10 assessment of not more than 3 times the amount claimed for  
11 each such item or service in lieu of damages sustained by  
12 the State because of such claim (or, in cases under  
13 subparagraph (g), damages of not more than 3 times the  
14 total amount of remuneration offered, paid, solicited, or  
15 received, without regard to whether a portion of such  
16 remuneration was offered, paid, solicited, or received for  
17 a lawful purpose; or in cases under subparagraph (k), an  
18 assessment of not more than 3 times the total amount  
19 claimed for each item or service for which payment was made  
20 based upon the application, bid, or contract containing the  
21 false statement, omission, or misrepresentation of a  
22 material fact).

23 (3) In addition, the Director or his or her designee  
24 may make a determination in the same proceeding to exclude,  
25 terminate, suspend, or bar the person from participation in  
26 the medical assistance program.

1           (4) The Illinois Department may seek the civil monetary  
2 penalties and exclusion, termination, suspension, or  
3 barment identified in this subsection (E-5). Prior to the  
4 imposition of any penalties or sanctions, the affected  
5 person shall be afforded an opportunity for a hearing after  
6 reasonable notice. The Department shall establish hearing  
7 procedures by rule.

8           (5) Any final order, decision, or other determination  
9 made, issued, or executed by the Director under the  
10 provisions of this subsection (E-5), whereby a person is  
11 aggrieved, shall be subject to review in accordance with  
12 the provisions of the Administrative Review Law, and the  
13 rules adopted pursuant thereto, which shall apply to and  
14 govern all proceedings for the judicial review of final  
15 administrative decisions of the Director.

16           (6) (a) If a person has received an overpayment, the  
17 person shall:

18                   (i) report and return the overpayment to the  
19 Department at the correct address; and

20                   (ii) notify the Department in writing of the reason  
21 for the overpayment.

22           (b) An overpayment must be reported and returned under  
23 subparagraph (a) by the later of:

24                   (i) the date which is 60 days after the date on  
25 which the overpayment was identified; or

26                   (ii) the date any corresponding cost report is due,

1           if applicable.

2           (E-10) A vendor who disputes an overpayment identified as  
3 part of a Department audit shall utilize the Department's  
4 self-referral disclosure protocol as set forth under this Code  
5 to identify, investigate, and return to the Department any  
6 undisputed audit overpayment amount. Unless the disputed  
7 overpayment amount is subject to a fraud payment suspension, or  
8 involves a termination sanction, the Department shall defer the  
9 recovery of the disputed overpayment amount up to one year  
10 after the date of the Department's final audit determination,  
11 or earlier, or as required by State or federal law. If the  
12 administrative hearing extends beyond one year, and such delay  
13 was not caused by the request of the vendor, then the  
14 Department shall not recover the disputed overpayment amount  
15 until the date of the final administrative decision. If a final  
16 administrative decision establishes that the disputed  
17 overpayment amount is owed to the Department, then the amount  
18 shall be immediately due to the Department. The Department  
19 shall be entitled to recover interest from the vendor on the  
20 overpayment amount from the date of the overpayment through the  
21 date the vendor returns the overpayment to the Department at a  
22 rate not to exceed the Wall Street Journal Prime Rate, as  
23 published from time to time, but not to exceed 5%. Any interest  
24 billed by the Department shall be due immediately upon receipt  
25 of the Department's billing statement.

26           (F) The Illinois Department may withhold payments to any

1 vendor or alternate payee prior to or during the pendency of  
2 any audit or proceeding under this Section, and through the  
3 pendency of any administrative appeal or administrative review  
4 by any court proceeding. The Illinois Department shall state by  
5 rule with as much specificity as practicable the conditions  
6 under which payments will not be withheld under this Section.  
7 Payments may be denied for bills submitted with service dates  
8 occurring during the pendency of a proceeding, after a final  
9 decision has been rendered, or after the conclusion of any  
10 administrative appeal, where the final administrative decision  
11 is to terminate, exclude, or suspend eligibility to participate  
12 in the medical assistance program. The Illinois Department  
13 shall state by rule with as much specificity as practicable the  
14 conditions under which payments will not be denied for such  
15 bills. The Illinois Department shall state by rule a process  
16 and criteria by which a vendor or alternate payee may request  
17 full or partial release of payments withheld under this  
18 subsection. The Department must complete a proceeding under  
19 this Section in a timely manner.

20 Notwithstanding recovery allowed under subsection (E) or  
21 this subsection (F), the Illinois Department may withhold  
22 payments to any vendor or alternate payee who is not properly  
23 licensed, certified, or in compliance with State or federal  
24 agency regulations. Payments may be denied for bills submitted  
25 with service dates occurring during the period of time that a  
26 vendor is not properly licensed, certified, or in compliance

1 with State or federal regulations. Facilities licensed under  
2 the Nursing Home Care Act shall have payments denied or  
3 withheld pursuant to subsection (I) of this Section.

4 (F-5) The Illinois Department may temporarily withhold  
5 payments to a vendor or alternate payee if any of the following  
6 individuals have been indicted or otherwise charged under a law  
7 of the United States or this or any other state with an offense  
8 that is based on alleged fraud or willful misrepresentation on  
9 the part of the individual related to (i) the medical  
10 assistance program under Article V of this Code, (ii) a federal  
11 or another state's medical assistance or health care program,  
12 or (iii) the provision of health care services:

13 (1) If the vendor or alternate payee is a corporation:  
14 an officer of the corporation or an individual who owns,  
15 either directly or indirectly, 5% or more of the shares of  
16 stock or other evidence of ownership of the corporation.

17 (2) If the vendor is a sole proprietorship: the owner  
18 of the sole proprietorship.

19 (3) If the vendor or alternate payee is a partnership:  
20 a partner in the partnership.

21 (4) If the vendor or alternate payee is any other  
22 business entity authorized by law to transact business in  
23 this State: an officer of the entity or an individual who  
24 owns, either directly or indirectly, 5% or more of the  
25 evidences of ownership of the entity.

26 If the Illinois Department withholds payments to a vendor

1 or alternate payee under this subsection, the Department shall  
2 not release those payments to the vendor or alternate payee  
3 while any criminal proceeding related to the indictment or  
4 charge is pending unless the Department determines that there  
5 is good cause to release the payments before completion of the  
6 proceeding. If the indictment or charge results in the  
7 individual's conviction, the Illinois Department shall retain  
8 all withheld payments, which shall be considered forfeited to  
9 the Department. If the indictment or charge does not result in  
10 the individual's conviction, the Illinois Department shall  
11 release to the vendor or alternate payee all withheld payments.

12 (F-10) If the Illinois Department establishes that the  
13 vendor or alternate payee owes a debt to the Illinois  
14 Department, and the vendor or alternate payee subsequently  
15 fails to pay or make satisfactory payment arrangements with the  
16 Illinois Department for the debt owed, the Illinois Department  
17 may seek all remedies available under the law of this State to  
18 recover the debt, including, but not limited to, wage  
19 garnishment or the filing of claims or liens against the vendor  
20 or alternate payee.

21 (F-15) Enforcement of judgment.

22 (1) Any fine, recovery amount, other sanction, or costs  
23 imposed, or part of any fine, recovery amount, other  
24 sanction, or cost imposed, remaining unpaid after the  
25 exhaustion of or the failure to exhaust judicial review  
26 procedures under the Illinois Administrative Review Law is



1 a debt due and owing the State and may be collected using  
2 all remedies available under the law.

3 (2) After expiration of the period in which judicial  
4 review under the Illinois Administrative Review Law may be  
5 sought for a final administrative decision, unless stayed  
6 by a court of competent jurisdiction, the findings,  
7 decision, and order of the Director may be enforced in the  
8 same manner as a judgment entered by a court of competent  
9 jurisdiction.

10 (3) In any case in which any person or entity has  
11 failed to comply with a judgment ordering or imposing any  
12 fine or other sanction, any expenses incurred by the  
13 Illinois Department to enforce the judgment, including,  
14 but not limited to, attorney's fees, court costs, and costs  
15 related to property demolition or foreclosure, after they  
16 are fixed by a court of competent jurisdiction or the  
17 Director, shall be a debt due and owing the State and may  
18 be collected in accordance with applicable law. Prior to  
19 any expenses being fixed by a final administrative decision  
20 pursuant to this subsection (F-15), the Illinois  
21 Department shall provide notice to the individual or entity  
22 that states that the individual or entity shall appear at a  
23 hearing before the administrative hearing officer to  
24 determine whether the individual or entity has failed to  
25 comply with the judgment. The notice shall set the date for  
26 such a hearing, which shall not be less than 7 days from

1 the date that notice is served. If notice is served by  
2 mail, the 7-day period shall begin to run on the date that  
3 the notice was deposited in the mail.

4 (4) Upon being recorded in the manner required by  
5 Article XII of the Code of Civil Procedure or by the  
6 Uniform Commercial Code, a lien shall be imposed on the  
7 real estate or personal estate, or both, of the individual  
8 or entity in the amount of any debt due and owing the State  
9 under this Section. The lien may be enforced in the same  
10 manner as a judgment of a court of competent jurisdiction.  
11 A lien shall attach to all property and assets of such  
12 person, firm, corporation, association, agency,  
13 institution, or other legal entity until the judgment is  
14 satisfied.

15 (5) The Director may set aside any judgment entered by  
16 default and set a new hearing date upon a petition filed at  
17 any time (i) if the petitioner's failure to appear at the  
18 hearing was for good cause, or (ii) if the petitioner  
19 established that the Department did not provide proper  
20 service of process. If any judgment is set aside pursuant  
21 to this paragraph (5), the hearing officer shall have  
22 authority to enter an order extinguishing any lien which  
23 has been recorded for any debt due and owing the Illinois  
24 Department as a result of the vacated default judgment.

25 (G) The provisions of the Administrative Review Law, as now  
26 or hereafter amended, and the rules adopted pursuant thereto,

1 shall apply to and govern all proceedings for the judicial  
2 review of final administrative decisions of the Illinois  
3 Department under this Section. The term "administrative  
4 decision" is defined as in Section 3-101 of the Code of Civil  
5 Procedure.

6 (G-5) Vendors who pose a risk of fraud, waste, abuse, or  
7 harm.

8 (1) Notwithstanding any other provision in this  
9 Section, the Department may terminate, suspend, or exclude  
10 vendors who pose a risk of fraud, waste, abuse, or harm  
11 from participation in the medical assistance program prior  
12 to an evidentiary hearing but after reasonable notice and  
13 opportunity to respond as established by the Department by  
14 rule.

15 (2) Vendors who pose a risk of fraud, waste, abuse, or  
16 harm shall submit to a fingerprint-based criminal  
17 background check on current and future information  
18 available in the State system and current information  
19 available through the Federal Bureau of Investigation's  
20 system by submitting all necessary fees and information in  
21 the form and manner prescribed by the Department of State  
22 Police. The following individuals shall be subject to the  
23 check:

24 (A) In the case of a vendor that is a corporation,  
25 every shareholder who owns, directly or indirectly, 5%  
26 or more of the outstanding shares of the corporation.

1 (B) In the case of a vendor that is a partnership,  
2 every partner.

3 (C) In the case of a vendor that is a sole  
4 proprietorship, the sole proprietor.

5 (D) Each officer or manager of the vendor.

6 Each such vendor shall be responsible for payment of  
7 the cost of the criminal background check.

8 (3) Vendors who pose a risk of fraud, waste, abuse, or  
9 harm may be required to post a surety bond. The Department  
10 shall establish, by rule, the criteria and requirements for  
11 determining when a surety bond must be posted and the value  
12 of the bond.

13 (4) The Department, or its agents, may refuse to accept  
14 requests for authorization from specific vendors who pose a  
15 risk of fraud, waste, abuse, or harm, including  
16 prior-approval and post-approval requests, if:

17 (A) the Department has initiated a notice of  
18 termination, suspension, or exclusion of the vendor  
19 from participation in the medical assistance program;  
20 or

21 (B) the Department has issued notification of its  
22 withholding of payments pursuant to subsection (F-5)  
23 of this Section; or

24 (C) the Department has issued a notification of its  
25 withholding of payments due to reliable evidence of  
26 fraud or willful misrepresentation pending

1 investigation.

2 (5) As used in this subsection, the following terms are  
3 defined as follows:

4 (A) "Fraud" means an intentional deception or  
5 misrepresentation made by a person with the knowledge  
6 that the deception could result in some unauthorized  
7 benefit to himself or herself or some other person. It  
8 includes any act that constitutes fraud under  
9 applicable federal or State law.

10 (B) "Abuse" means provider practices that are  
11 inconsistent with sound fiscal, business, or medical  
12 practices and that result in an unnecessary cost to the  
13 medical assistance program or in reimbursement for  
14 services that are not medically necessary or that fail  
15 to meet professionally recognized standards for health  
16 care. It also includes recipient practices that result  
17 in unnecessary cost to the medical assistance program.  
18 Abuse does not include diagnostic or therapeutic  
19 measures conducted primarily as a safeguard against  
20 possible vendor liability.

21 (C) "Waste" means the unintentional misuse of  
22 medical assistance resources, resulting in unnecessary  
23 cost to the medical assistance program. Waste does not  
24 include diagnostic or therapeutic measures conducted  
25 primarily as a safeguard against possible vendor  
26 liability.

1           (D) "Harm" means physical, mental, or monetary  
2           damage to recipients or to the medical assistance  
3           program.

4           (G-6) The Illinois Department, upon making a determination  
5           based upon information in the possession of the Illinois  
6           Department that continuation of participation in the medical  
7           assistance program by a vendor would constitute an immediate  
8           danger to the public, may immediately suspend such vendor's  
9           participation in the medical assistance program without a  
10          hearing. In instances in which the Illinois Department  
11          immediately suspends the medical assistance program  
12          participation of a vendor under this Section, a hearing upon  
13          the vendor's participation must be convened by the Illinois  
14          Department within 15 days after such suspension and completed  
15          without appreciable delay. Such hearing shall be held to  
16          determine whether to recommend to the Director that the  
17          vendor's medical assistance program participation be denied,  
18          terminated, suspended, placed on provisional status, or  
19          reinstated. In the hearing, any evidence relevant to the vendor  
20          constituting an immediate danger to the public may be  
21          introduced against such vendor; provided, however, that the  
22          vendor, or his or her counsel, shall have the opportunity to  
23          discredit, impeach, and submit evidence rebutting such  
24          evidence.

25          (H) Nothing contained in this Code shall in any way limit  
26          or otherwise impair the authority or power of any State agency

1 responsible for licensing of vendors.

2 (I) Based on a finding of noncompliance on the part of a  
3 nursing home with any requirement for certification under Title  
4 XVIII or XIX of the Social Security Act (42 U.S.C. Sec. 1395 et  
5 seq. or 42 U.S.C. Sec. 1396 et seq.), the Illinois Department  
6 may impose one or more of the following remedies after notice  
7 to the facility:

8 (1) Termination of the provider agreement.

9 (2) Temporary management.

10 (3) Denial of payment for new admissions.

11 (4) Civil money penalties.

12 (5) Closure of the facility in emergency situations or  
13 transfer of residents, or both.

14 (6) State monitoring.

15 (7) Denial of all payments when the U.S. Department of  
16 Health and Human Services has imposed this sanction.

17 The Illinois Department shall by rule establish criteria  
18 governing continued payments to a nursing facility subsequent  
19 to termination of the facility's provider agreement if, in the  
20 sole discretion of the Illinois Department, circumstances  
21 affecting the health, safety, and welfare of the facility's  
22 residents require those continued payments. The Illinois  
23 Department may condition those continued payments on the  
24 appointment of temporary management, sale of the facility to  
25 new owners or operators, or other arrangements that the  
26 Illinois Department determines best serve the needs of the

1 facility's residents.

2 Except in the case of a facility that has a right to a  
3 hearing on the finding of noncompliance before an agency of the  
4 federal government, a facility may request a hearing before a  
5 State agency on any finding of noncompliance within 60 days  
6 after the notice of the intent to impose a remedy. Except in  
7 the case of civil money penalties, a request for a hearing  
8 shall not delay imposition of the penalty. The choice of  
9 remedies is not appealable at a hearing. The level of  
10 noncompliance may be challenged only in the case of a civil  
11 money penalty. The Illinois Department shall provide by rule  
12 for the State agency that will conduct the evidentiary  
13 hearings.

14 The Illinois Department may collect interest on unpaid  
15 civil money penalties.

16 The Illinois Department may adopt all rules necessary to  
17 implement this subsection (I).

18 (J) The Illinois Department, by rule, may permit individual  
19 practitioners to designate that Department payments that may be  
20 due the practitioner be made to an alternate payee or alternate  
21 payees.

22 (a) Such alternate payee or alternate payees shall be  
23 required to register as an alternate payee in the Medical  
24 Assistance Program with the Illinois Department.

25 (b) If a practitioner designates an alternate payee,  
26 the alternate payee and practitioner shall be jointly and



1 severally liable to the Department for payments made to the  
2 alternate payee. Pursuant to subsection (E) of this  
3 Section, any Department action to suspend or deny payment  
4 or recover money or overpayments from an alternate payee  
5 shall be subject to an administrative hearing.

6 (c) Registration as an alternate payee or alternate  
7 payees in the Illinois Medical Assistance Program shall be  
8 conditional. At any time, the Illinois Department may deny  
9 or cancel any alternate payee's registration in the  
10 Illinois Medical Assistance Program without cause. Any  
11 such denial or cancellation is not subject to an  
12 administrative hearing.

13 (d) The Illinois Department may seek a revocation of  
14 any alternate payee, and all owners, officers, and  
15 individuals with management responsibility for such  
16 alternate payee shall be permanently prohibited from  
17 participating as an owner, an officer, or an individual  
18 with management responsibility with an alternate payee in  
19 the Illinois Medical Assistance Program, if after  
20 reasonable notice and opportunity for a hearing the  
21 Illinois Department finds that:

22 (1) the alternate payee is not complying with the  
23 Department's policy or rules and regulations, or with  
24 the terms and conditions prescribed by the Illinois  
25 Department in its alternate payee registration  
26 agreement; or

1           (2) the alternate payee has failed to keep or make  
2 available for inspection, audit, or copying, after  
3 receiving a written request from the Illinois  
4 Department, such records regarding payments claimed as  
5 an alternate payee; or

6           (3) the alternate payee has failed to furnish any  
7 information requested by the Illinois Department  
8 regarding payments claimed as an alternate payee; or

9           (4) the alternate payee has knowingly made, or  
10 caused to be made, any false statement or  
11 representation of a material fact in connection with  
12 the administration of the Illinois Medical Assistance  
13 Program; or

14           (5) the alternate payee, a person with management  
15 responsibility for an alternate payee, an officer or  
16 person owning, either directly or indirectly, 5% or  
17 more of the shares of stock or other evidences of  
18 ownership in a corporate alternate payee, or a partner  
19 in a partnership which is an alternate payee:

20           (a) was previously terminated, suspended, or  
21 excluded from participation as a vendor in the  
22 Illinois Medical Assistance Program, or was  
23 previously revoked as an alternate payee in the  
24 Illinois Medical Assistance Program, or was  
25 terminated, suspended, or excluded from  
26 participation as a vendor in a medical assistance

1 program in another state that is of the same kind  
2 as the program of medical assistance provided  
3 under Article V of this Code; or

4 (b) was a person with management  
5 responsibility for a vendor previously terminated,  
6 suspended, or excluded from participation as a  
7 vendor in the Illinois Medical Assistance Program,  
8 or was previously revoked as an alternate payee in  
9 the Illinois Medical Assistance Program, or was  
10 terminated, suspended, or excluded from  
11 participation as a vendor in a medical assistance  
12 program in another state that is of the same kind  
13 as the program of medical assistance provided  
14 under Article V of this Code, during the time of  
15 conduct which was the basis for that vendor's  
16 termination, suspension, or exclusion or alternate  
17 payee's revocation; or

18 (c) was an officer, or person owning, either  
19 directly or indirectly, 5% or more of the shares of  
20 stock or other evidences of ownership in a  
21 corporate vendor previously terminated, suspended,  
22 or excluded from participation as a vendor in the  
23 Illinois Medical Assistance Program, or was  
24 previously revoked as an alternate payee in the  
25 Illinois Medical Assistance Program, or was  
26 terminated, suspended, or excluded from

1 participation as a vendor in a medical assistance  
2 program in another state that is of the same kind  
3 as the program of medical assistance provided  
4 under Article V of this Code, during the time of  
5 conduct which was the basis for that vendor's  
6 termination, suspension, or exclusion; or

7 (d) was an owner of a sole proprietorship or  
8 partner in a partnership previously terminated,  
9 suspended, or excluded from participation as a  
10 vendor in the Illinois Medical Assistance Program,  
11 or was previously revoked as an alternate payee in  
12 the Illinois Medical Assistance Program, or was  
13 terminated, suspended, or excluded from  
14 participation as a vendor in a medical assistance  
15 program in another state that is of the same kind  
16 as the program of medical assistance provided  
17 under Article V of this Code, during the time of  
18 conduct which was the basis for that vendor's  
19 termination, suspension, or exclusion or alternate  
20 payee's revocation; or

21 (6) the alternate payee, a person with management  
22 responsibility for an alternate payee, an officer or  
23 person owning, either directly or indirectly, 5% or  
24 more of the shares of stock or other evidences of  
25 ownership in a corporate alternate payee, or a partner  
26 in a partnership which is an alternate payee:

1           (a) has engaged in conduct prohibited by  
2           applicable federal or State law or regulation  
3           relating to the Illinois Medical Assistance  
4           Program; or

5           (b) was a person with management  
6           responsibility for a vendor or alternate payee at  
7           the time that the vendor or alternate payee engaged  
8           in practices prohibited by applicable federal or  
9           State law or regulation relating to the Illinois  
10          Medical Assistance Program; or

11          (c) was an officer, or person owning, either  
12          directly or indirectly, 5% or more of the shares of  
13          stock or other evidences of ownership in a vendor  
14          or alternate payee at the time such vendor or  
15          alternate payee engaged in practices prohibited by  
16          applicable federal or State law or regulation  
17          relating to the Illinois Medical Assistance  
18          Program; or

19          (d) was an owner of a sole proprietorship or  
20          partner in a partnership which was a vendor or  
21          alternate payee at the time such vendor or  
22          alternate payee engaged in practices prohibited by  
23          applicable federal or State law or regulation  
24          relating to the Illinois Medical Assistance  
25          Program; or

26          (7) the direct or indirect ownership of the vendor

1 or alternate payee (including the ownership of a vendor  
2 or alternate payee that is a partner's interest in a  
3 vendor or alternate payee, or ownership of 5% or more  
4 of the shares of stock or other evidences of ownership  
5 in a corporate vendor or alternate payee) has been  
6 transferred by an individual who is terminated,  
7 suspended, or excluded or barred from participating as  
8 a vendor or is prohibited or revoked as an alternate  
9 payee to the individual's spouse, child, brother,  
10 sister, parent, grandparent, grandchild, uncle, aunt,  
11 niece, nephew, cousin, or relative by marriage.

12 (K) The Illinois Department of Healthcare and Family  
13 Services may withhold payments, in whole or in part, to a  
14 provider or alternate payee where there is credible evidence,  
15 received from State or federal law enforcement or federal  
16 oversight agencies or from the results of a preliminary  
17 Department audit, that the circumstances giving rise to the  
18 need for a withholding of payments may involve fraud or willful  
19 misrepresentation under the Illinois Medical Assistance  
20 program. The Department shall by rule define what constitutes  
21 "credible" evidence for purposes of this subsection. The  
22 Department may withhold payments without first notifying the  
23 provider or alternate payee of its intention to withhold such  
24 payments. A provider or alternate payee may request a  
25 reconsideration of payment withholding, and the Department  
26 must grant such a request. The Department shall state by rule a

1 process and criteria by which a provider or alternate payee may  
2 request full or partial release of payments withheld under this  
3 subsection. This request may be made at any time after the  
4 Department first withholds such payments.

5 (a) The Illinois Department must send notice of its  
6 withholding of program payments within 5 days of taking  
7 such action. The notice must set forth the general  
8 allegations as to the nature of the withholding action, but  
9 need not disclose any specific information concerning its  
10 ongoing investigation. The notice must do all of the  
11 following:

12 (1) State that payments are being withheld in  
13 accordance with this subsection.

14 (2) State that the withholding is for a temporary  
15 period, as stated in paragraph (b) of this subsection,  
16 and cite the circumstances under which withholding  
17 will be terminated.

18 (3) Specify, when appropriate, which type or types  
19 of Medicaid claims withholding is effective.

20 (4) Inform the provider or alternate payee of the  
21 right to submit written evidence for reconsideration  
22 of the withholding by the Illinois Department.

23 (5) Inform the provider or alternate payee that a  
24 written request may be made to the Illinois Department  
25 for full or partial release of withheld payments and  
26 that such requests may be made at any time after the

1 Department first withholds such payments.

2 (b) All withholding-of-payment actions under this  
3 subsection shall be temporary and shall not continue after  
4 any of the following:

5 (1) The Illinois Department or the prosecuting  
6 authorities determine that there is insufficient  
7 evidence of fraud or willful misrepresentation by the  
8 provider or alternate payee.

9 (2) Legal proceedings related to the provider's or  
10 alternate payee's alleged fraud, willful  
11 misrepresentation, violations of this Act, or  
12 violations of the Illinois Department's administrative  
13 rules are completed.

14 (3) The withholding of payments for a period of 3  
15 years.

16 (c) The Illinois Department may adopt all rules  
17 necessary to implement this subsection (K).

18 (K-5) The Illinois Department may withhold payments, in  
19 whole or in part, to a provider or alternate payee upon  
20 initiation of an audit, quality of care review, investigation  
21 when there is a credible allegation of fraud, or the provider  
22 or alternate payee demonstrating a clear failure to cooperate  
23 with the Illinois Department such that the circumstances give  
24 rise to the need for a withholding of payments. As used in this  
25 subsection, "credible allegation" is defined to include an  
26 allegation from any source, including, but not limited to,



1 fraud hotline complaints, claims data mining, patterns  
2 identified through provider audits, civil actions filed under  
3 the Illinois False Claims Act, and law enforcement  
4 investigations. An allegation is considered to be credible when  
5 it has indicia of reliability. The Illinois Department may  
6 withhold payments without first notifying the provider or  
7 alternate payee of its intention to withhold such payments. A  
8 provider or alternate payee may request a hearing or a  
9 reconsideration of payment withholding, and the Illinois  
10 Department must grant such a request. The Illinois Department  
11 shall state by rule a process and criteria by which a provider  
12 or alternate payee may request a hearing or a reconsideration  
13 for the full or partial release of payments withheld under this  
14 subsection. This request may be made at any time after the  
15 Illinois Department first withholds such payments.

16 (a) The Illinois Department must send notice of its  
17 withholding of program payments within 5 days of taking  
18 such action. The notice must set forth the general  
19 allegations as to the nature of the withholding action but  
20 need not disclose any specific information concerning its  
21 ongoing investigation. The notice must do all of the  
22 following:

23 (1) State that payments are being withheld in  
24 accordance with this subsection.

25 (2) State that the withholding is for a temporary  
26 period, as stated in paragraph (b) of this subsection,

1 and cite the circumstances under which withholding  
2 will be terminated.

3 (3) Specify, when appropriate, which type or types  
4 of claims are withheld.

5 (4) Inform the provider or alternate payee of the  
6 right to request a hearing or a reconsideration of the  
7 withholding by the Illinois Department, including the  
8 ability to submit written evidence.

9 (5) Inform the provider or alternate payee that a  
10 written request may be made to the Illinois Department  
11 for a hearing or a reconsideration for the full or  
12 partial release of withheld payments and that such  
13 requests may be made at any time after the Illinois  
14 Department first withholds such payments.

15 (b) All withholding of payment actions under this  
16 subsection shall be temporary and shall not continue after  
17 any of the following:

18 (1) The Illinois Department determines that there  
19 is insufficient evidence of fraud, or the provider or  
20 alternate payee demonstrates clear cooperation with  
21 the Illinois Department, as determined by the Illinois  
22 Department, such that the circumstances do not give  
23 rise to the need for withholding of payments; or

24 (2) The withholding of payments has lasted for a  
25 period in excess of 3 years.

26 (c) The Illinois Department may adopt all rules

1           necessary to implement this subsection (K-5).

2           (L) The Illinois Department shall establish a protocol to  
3           enable health care providers to disclose an actual or potential  
4           violation of this Section pursuant to a self-referral  
5           disclosure protocol, referred to in this subsection as "the  
6           protocol". The protocol shall include direction for health care  
7           providers on a specific person, official, or office to whom  
8           such disclosures shall be made. The Illinois Department shall  
9           post information on the protocol on the Illinois Department's  
10          public website. The Illinois Department may adopt rules  
11          necessary to implement this subsection (L). In addition to  
12          other factors that the Illinois Department finds appropriate,  
13          the Illinois Department may consider a health care provider's  
14          timely use or failure to use the protocol in considering the  
15          provider's failure to comply with this Code.

16          (M) Notwithstanding any other provision of this Code, the  
17          Illinois Department, at its discretion, may exempt an entity  
18          licensed under the Nursing Home Care Act and the ID/DD  
19          Community Care Act from the provisions of subsections (A-15),  
20          (B), and (C) of this Section if the licensed entity is in  
21          receivership.

22          (Source: P.A. 97-689, eff. 6-14-12; 97-1150, eff. 1-25-13;  
23          98-214, eff. 8-9-13; 98-550, eff. 8-27-13; revised 9-19-13.)

24                   (305 ILCS 5/12-4.45)

25                   Sec. 12-4.45. Third party liability.

1           (a) To the extent authorized under federal law, the  
2 Department of Healthcare and Family Services shall identify  
3 individuals receiving services under medical assistance  
4 programs funded or partially funded by the State who may be or  
5 may have been covered by a third party health insurer, the  
6 period of coverage for such individuals, and the nature of  
7 coverage. A company, as defined in Section 5.5 of the Illinois  
8 Insurance Code and Section 2 of the Comprehensive Health  
9 Insurance Plan Act, must provide the Department eligibility  
10 information in a federally recommended or mutually agreed-upon  
11 format that includes at a minimum:

12           (1) The names, addresses, dates, and sex of primary  
13 covered persons.

14           (2) The policy group numbers of the covered persons.

15           (3) The names, dates of birth, and sex of covered  
16 dependents, and the relationship of dependents to the  
17 primary covered person.

18           (4) The effective dates of coverage for each covered  
19 person.

20           (5) The generally defined covered services  
21 information, such as drugs, medical, or any other similar  
22 description of services covered.

23           (b) The Department may impose an administrative penalty on  
24 a company that does not comply with the request for information  
25 made under Section 5.5 of the Illinois Insurance Code and  
26 paragraph (3) of subsection (a) of Section 20 of the Covering

1 ALL KIDS Health Insurance Act. The amount of the penalty shall  
2 not exceed \$10,000 per day for each day of noncompliance that  
3 occurs after the 180th day after the date of the request. The  
4 first day of the 180-day period commences on the business day  
5 following the date of the correspondence requesting the  
6 information sent by the Department to the company. The amount  
7 shall be based on:

8 (1) The seriousness of the violation, including the  
9 nature, circumstances, extent, and gravity of the  
10 violation.

11 (2) The economic harm caused by the violation.

12 (3) The history of previous violations.

13 (4) The amount necessary to deter a future violation.

14 (5) Efforts to correct the violation.

15 (6) Any other matter that justice may require.

16 (c) The enforcement of the penalty may be stayed during the  
17 time the order is under administrative review if the company  
18 files an appeal.

19 (d) The Attorney General may bring suit on behalf of the  
20 Department to collect the penalty.

21 (e) Recoveries made by the Department in connection with  
22 the imposition of an administrative penalty as provided under  
23 this Section shall be deposited into the Public Aid Recoveries  
24 Trust Fund created under Section 12-9.

25 (Source: P.A. 98-130, eff. 8-2-13.)

1 (305 ILCS 5/12-4.46)

2 Sec. 12-4.46 ~~12-4.45~~. Change in legal guardianship;  
3 notification. Whenever there is a change in legal guardianship  
4 of a minor child who receives benefits under this Code, the  
5 appropriate State agency shall immediately inform the  
6 Department of Human Services of the change in legal  
7 guardianship to ensure such benefits are sent directly to the  
8 minor child's legal guardian.

9 For purposes of this Section, "legal guardian" means a  
10 person appointed guardian, or given custody, of a minor by a  
11 circuit court of the State, but does not include a person  
12 appointed guardian, or given custody, of a minor under the  
13 Juvenile Court Act or the Juvenile Court Act of 1987.

14 (Source: P.A. 98-256, eff. 8-9-13; revised 10-31-13.)

15 Section 545. The Adult Protective Services Act is amended  
16 by changing Sections 2 and 7.5 as follows:

17 (320 ILCS 20/2) (from Ch. 23, par. 6602)

18 Sec. 2. Definitions. As used in this Act, unless the  
19 context requires otherwise:

20 (a) "Abuse" means causing any physical, mental or sexual  
21 injury to an eligible adult, including exploitation of such  
22 adult's financial resources.

23 Nothing in this Act shall be construed to mean that an  
24 eligible adult is a victim of abuse, neglect, or self-neglect

1 for the sole reason that he or she is being furnished with or  
2 relies upon treatment by spiritual means through prayer alone,  
3 in accordance with the tenets and practices of a recognized  
4 church or religious denomination.

5 Nothing in this Act shall be construed to mean that an  
6 eligible adult is a victim of abuse because of health care  
7 services provided or not provided by licensed health care  
8 professionals.

9 (a-5) "Abuser" means a person who abuses, neglects, or  
10 financially exploits an eligible adult.

11 (a-6) "Adult with disabilities" means a person aged 18  
12 through 59 who resides in a domestic living situation and whose  
13 disability impairs his or her ability to seek or obtain  
14 protection from abuse, neglect, or exploitation.

15 (a-7) "Caregiver" means a person who either as a result of  
16 a family relationship, voluntarily, or in exchange for  
17 compensation has assumed responsibility for all or a portion of  
18 the care of an eligible adult who needs assistance with  
19 activities of daily living.

20 (b) "Department" means the Department on Aging of the State  
21 of Illinois.

22 (c) "Director" means the Director of the Department.

23 (c-5) "Disability" means a physical or mental disability,  
24 including, but not limited to, a developmental disability, an  
25 intellectual disability, a mental illness as defined under the  
26 Mental Health and Developmental Disabilities Code, or dementia

1 as defined under the Alzheimer's Disease Assistance Act.

2 (d) "Domestic living situation" means a residence where the  
3 eligible adult at the time of the report lives alone or with  
4 his or her family or a caregiver, or others, or other  
5 community-based unlicensed facility, but is not:

6 (1) A licensed facility as defined in Section 1-113 of  
7 the Nursing Home Care Act;

8 (1.5) A facility licensed under the ID/DD Community  
9 Care Act;

10 (1.7) A facility licensed under the Specialized Mental  
11 Health Rehabilitation Act of 2013;

12 (2) A "life care facility" as defined in the Life Care  
13 Facilities Act;

14 (3) A home, institution, or other place operated by the  
15 federal government or agency thereof or by the State of  
16 Illinois;

17 (4) A hospital, sanitarium, or other institution, the  
18 principal activity or business of which is the diagnosis,  
19 care, and treatment of human illness through the  
20 maintenance and operation of organized facilities  
21 therefor, which is required to be licensed under the  
22 Hospital Licensing Act;

23 (5) A "community living facility" as defined in the  
24 Community Living Facilities Licensing Act;

25 (6) (Blank);

26 (7) A "community-integrated living arrangement" as



1 defined in the Community-Integrated Living Arrangements  
2 Licensure and Certification Act or a "community  
3 residential alternative" as licensed under that Act;

4 (8) An assisted living or shared housing establishment  
5 as defined in the Assisted Living and Shared Housing Act;  
6 or

7 (9) A supportive living facility as described in  
8 Section 5-5.01a of the Illinois Public Aid Code.

9 (e) "Eligible adult" means either an adult with  
10 disabilities aged 18 through 59 or a person aged 60 or older  
11 who resides in a domestic living situation and is, or is  
12 alleged to be, abused, neglected, or financially exploited by  
13 another individual or who neglects himself or herself.

14 (f) "Emergency" means a situation in which an eligible  
15 adult is living in conditions presenting a risk of death or  
16 physical, mental or sexual injury and the provider agency has  
17 reason to believe the eligible adult is unable to consent to  
18 services which would alleviate that risk.

19 (f-1) "Financial exploitation" means the use of an eligible  
20 adult's resources by another to the disadvantage of that adult  
21 or the profit or advantage of a person other than that adult.

22 (f-5) "Mandated reporter" means any of the following  
23 persons while engaged in carrying out their professional  
24 duties:

25 (1) a professional or professional's delegate while  
26 engaged in: (i) social services, (ii) law enforcement,

1 (iii) education, (iv) the care of an eligible adult or  
2 eligible adults, or (v) any of the occupations required to  
3 be licensed under the Clinical Psychologist Licensing Act,  
4 the Clinical Social Work and Social Work Practice Act, the  
5 Illinois Dental Practice Act, the Dietitian Nutritionist  
6 Practice Act, the Marriage and Family Therapy Licensing  
7 Act, the Medical Practice Act of 1987, the Naprapathic  
8 Practice Act, the Nurse Practice Act, the Nursing Home  
9 Administrators Licensing and Disciplinary Act, the  
10 Illinois Occupational Therapy Practice Act, the Illinois  
11 Optometric Practice Act of 1987, the Pharmacy Practice Act,  
12 the Illinois Physical Therapy Act, the Physician Assistant  
13 Practice Act of 1987, the Podiatric Medical Practice Act of  
14 1987, the Respiratory Care Practice Act, the Professional  
15 Counselor and Clinical Professional Counselor Licensing  
16 and Practice Act, the Illinois Speech-Language Pathology  
17 and Audiology Practice Act, the Veterinary Medicine and  
18 Surgery Practice Act of 2004, and the Illinois Public  
19 Accounting Act;

20 (1.5) an employee of an entity providing developmental  
21 disabilities services or service coordination funded by  
22 the Department of Human Services;

23 (2) an employee of a vocational rehabilitation  
24 facility prescribed or supervised by the Department of  
25 Human Services;

26 (3) an administrator, employee, or person providing

1 services in or through an unlicensed community based  
2 facility;

3 (4) any religious practitioner who provides treatment  
4 by prayer or spiritual means alone in accordance with the  
5 tenets and practices of a recognized church or religious  
6 denomination, except as to information received in any  
7 confession or sacred communication enjoined by the  
8 discipline of the religious denomination to be held  
9 confidential;

10 (5) field personnel of the Department of Healthcare and  
11 Family Services, Department of Public Health, and  
12 Department of Human Services, and any county or municipal  
13 health department;

14 (6) personnel of the Department of Human Services, the  
15 Guardianship and Advocacy Commission, the State Fire  
16 Marshal, local fire departments, the Department on Aging  
17 and its subsidiary Area Agencies on Aging and provider  
18 agencies, and the Office of State Long Term Care Ombudsman;

19 (7) any employee of the State of Illinois not otherwise  
20 specified herein who is involved in providing services to  
21 eligible adults, including professionals providing medical  
22 or rehabilitation services and all other persons having  
23 direct contact with eligible adults;

24 (8) a person who performs the duties of a coroner or  
25 medical examiner; or

26 (9) a person who performs the duties of a paramedic or

1 an emergency medical technician.

2 (g) "Neglect" means another individual's failure to  
3 provide an eligible adult with or willful withholding from an  
4 eligible adult the necessities of life including, but not  
5 limited to, food, clothing, shelter or health care. This  
6 subsection does not create any new affirmative duty to provide  
7 support to eligible adults. Nothing in this Act shall be  
8 construed to mean that an eligible adult is a victim of neglect  
9 because of health care services provided or not provided by  
10 licensed health care professionals.

11 (h) "Provider agency" means any public or nonprofit agency  
12 in a planning and service area appointed by the regional  
13 administrative agency with prior approval by the Department on  
14 Aging to receive and assess reports of alleged or suspected  
15 abuse, neglect, or financial exploitation. A provider agency is  
16 also referenced as a "designated agency" in this Act.

17 (i) "Regional administrative agency" means any public or  
18 nonprofit agency in a planning and service area so designated  
19 by the Department, provided that the designated Area Agency on  
20 Aging shall be designated the regional administrative agency if  
21 it so requests. The Department shall assume the functions of  
22 the regional administrative agency for any planning and service  
23 area where another agency is not so designated.

24 (i-5) "Self-neglect" means a condition that is the result  
25 of an eligible adult's inability, due to physical or mental  
26 impairments, or both, or a diminished capacity, to perform

1 essential self-care tasks that substantially threaten his or  
2 her own health, including: providing essential food, clothing,  
3 shelter, and health care; and obtaining goods and services  
4 necessary to maintain physical health, mental health,  
5 emotional well-being, and general safety. The term includes  
6 compulsive hoarding, which is characterized by the acquisition  
7 and retention of large quantities of items and materials that  
8 produce an extensively cluttered living space, which  
9 significantly impairs the performance of essential self-care  
10 tasks or otherwise substantially threatens life or safety.

11 (j) "Substantiated case" means a reported case of alleged  
12 or suspected abuse, neglect, financial exploitation, or  
13 self-neglect in which a provider agency, after assessment,  
14 determines that there is reason to believe abuse, neglect, or  
15 financial exploitation has occurred.

16 (Source: P.A. 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; 97-300,  
17 eff. 8-11-11; 97-706, eff. 6-25-12; 97-813, eff. 7-13-12;  
18 97-1141, eff. 12-28-12; 98-49, eff. 7-1-13; 98-104, eff.  
19 7-22-13; revised 9-19-13.)

20 (320 ILCS 20/7.5)

21 Sec. 7.5. Health Care Worker Registry.

22 (a) Reporting to the Registry. The Department on Aging  
23 shall report to the Department of Public Health's Health Care  
24 Worker Registry the identity and administrative finding of a  
25 verified and substantiated decision of abuse, neglect, or

1 financial exploitation of an eligible adult under this Act that  
2 is made against any caregiver, including consultants and  
3 volunteers, employed by a provider licensed, certified, or  
4 regulated by, or paid with public funds from, the Department of  
5 Public Health, Healthcare and Family Services, or Human  
6 Services, or the Department on Aging. For uncompensated or  
7 privately paid caregivers, the Department on Aging shall report  
8 only a verified and substantiated decision of significant  
9 abuse, neglect, or financial exploitation of an eligible adult  
10 under this Act. An administrative finding placed in the  
11 Registry shall preclude any caregiver from providing direct  
12 access or other services, including consulting and  
13 volunteering, in a position with a provider that is licensed,  
14 certified, or regulated by, or paid with public funds from or  
15 on behalf of, the State of Illinois or any Department thereof,  
16 that permits the caregiver direct access to an adult aged 60 or  
17 older or an adult, over 18, with a disability or to that  
18 individual's living quarters or personal, financial, or  
19 medical records.

20 (b) Definitions. As used in this Section:

21 "Direct care" includes, but is not limited to, direct  
22 access to an individual, his or her living quarters, or his or  
23 her personal, financial, or medical records for the purpose of  
24 providing nursing care or assistance with feeding, dressing,  
25 movement, bathing, toileting, other personal needs and  
26 activities of daily living, or assistance with financial

1 transactions.

2 "Privately paid caregiver" means any caregiver who has been  
3 paid with resources other than public funds, regardless of  
4 licensure, certification, or regulation by the State of  
5 Illinois and any Department thereof. A privately paid caregiver  
6 does not include any caregiver that has been licensed,  
7 certified, or regulated by a State agency, or paid with public  
8 funds.

9 "Significant" means a finding of abuse, neglect, or  
10 financial exploitation as determined by the Department that (i)  
11 represents a meaningful failure to adequately provide for, or a  
12 material indifference to, the financial, health, safety, or  
13 medical needs of an eligible adult or (ii) results in an  
14 eligible adult's death or other serious deterioration of an  
15 eligible adult's financial resources, physical condition, or  
16 mental condition.

17 "Uncompensated caregiver" means a caregiver who, in an  
18 informal capacity, assists an eligible adult with activities of  
19 daily living, financial transactions, or chore housekeeping  
20 type duties. "Uncompensated caregiver" does not refer to an  
21 individual serving in a formal capacity as a volunteer with a  
22 provider licensed, certified, or regulated by a State agency.

23 (c) Access to and use of the Registry. Access to the  
24 Registry shall be limited to licensed, certified, or regulated  
25 providers by the Department of Public Health, Healthcare and  
26 Family Service, or Human Services, or the Department on Aging.

1 The State of Illinois, any Department thereof, or a provider  
2 licensed, certified, or regulated, or paid with public funds  
3 by, from, or on behalf of the Department of Public Health,  
4 Healthcare and Family Services, or Human Services, or the  
5 Department on Aging, shall not hire or compensate any person  
6 seeking employment, retain any contractors, or accept any  
7 volunteers to provide direct care without first conducting an  
8 online check of the person through the Department of Public  
9 Health's Health Care Worker Registry. The provider shall  
10 maintain a copy of the results of the online check to  
11 demonstrate compliance with this requirement. The provider is  
12 prohibited from hiring, compensating, or accepting a person,  
13 including as a consultant or volunteer, for whom the online  
14 check reveals a verified and substantiated claim of abuse,  
15 neglect, or financial exploitation, to provide direct access to  
16 any adult aged 60 or older or any adult, over 18, with a  
17 disability. Additionally, a provider is prohibited from  
18 retaining a person for whom they gain knowledge of a verified  
19 and substantiated claim of abuse, neglect, or financial  
20 exploitation in a position that permits the caregiver direct  
21 access to provide direct care to any adult aged 60 or older or  
22 any adult, over 18, with a disability or direct access to that  
23 individual's living quarters or personal, financial, or  
24 medical records. Failure to comply with this requirement may  
25 subject such a provider to corrective action by the appropriate  
26 regulatory agency or other lawful remedies provided under the



1 applicable licensure, certification, or regulatory laws and  
2 rules.

3 (d) Notice to caregiver. The Department on Aging shall  
4 establish rules concerning notice to the caregiver in cases of  
5 abuse, neglect, or financial exploitation.

6 (e) Notification to eligible adults, guardians, or agents.  
7 As part of its investigation, the Department on Aging shall  
8 notify an eligible adult, or an eligible adult's guardian or  
9 agent, that a caregiver's name may be placed on the Registry  
10 based on a finding as described in subsection (a) ~~(a-1)~~ of this  
11 Section.

12 (f) Notification to employer. A provider licensed,  
13 certified, or regulated by the Department of Public Health,  
14 Healthcare and Family Services, or Human Services, or the  
15 Department on Aging shall be notified of an administrative  
16 finding against any caregiver who is an employee, consultant,  
17 or volunteer of a verified and substantiated decision of abuse,  
18 neglect, or financial exploitation of an eligible adult under  
19 this Act. If there is an imminent risk of danger to the  
20 eligible adult or an imminent risk of misuse of personal,  
21 medical, or financial information, the caregiver shall  
22 immediately be barred from direct access to the eligible adult,  
23 his or her living quarters, or his or her personal, financial,  
24 or medical records, pending the outcome of any challenge,  
25 criminal prosecution, or other type of collateral action.

26 (g) Caregiver challenges. The Department on Aging shall

1 establish, by rule, procedures concerning caregiver  
2 challenges.

3 (h) Caregiver's rights to collateral action. The  
4 Department on Aging shall not make any report to the Registry  
5 if a caregiver notifies the Department in writing, including  
6 any supporting documentation, that he or she is formally  
7 challenging an adverse employment action resulting from a  
8 verified and substantiated finding of abuse, neglect, or  
9 financial exploitation by complaint filed with the Illinois  
10 Civil Service Commission, or by another means which seeks to  
11 enforce the caregiver's rights pursuant to any applicable  
12 collective bargaining agreement. If an action taken by an  
13 employer against a caregiver as a result of a finding of abuse,  
14 neglect, or financial exploitation is overturned through an  
15 action filed with the Illinois Civil Service Commission or  
16 under any applicable collective bargaining agreement after  
17 that caregiver's name has already been sent to the Registry,  
18 the caregiver's name shall be removed from the Registry.

19 (i) Removal from Registry. At any time after a report to  
20 the Registry, but no more than once in each successive 3-year  
21 period thereafter, for a maximum of 3 such requests, a  
22 caregiver may write to the Director of the Department on Aging  
23 to request removal of his or her name from the Registry in  
24 relationship to a single incident. The caregiver shall bear the  
25 burden of showing cause that establishes, by a preponderance of  
26 the evidence, that removal of his or her name from the Registry

1 is in the public interest. Upon receiving such a request, the  
2 Department on Aging shall conduct an investigation and consider  
3 any evidentiary material provided. The Department shall issue a  
4 decision either granting or denying removal within 60 calendar  
5 days, and shall issue such decision to the caregiver and the  
6 Registry. The waiver process at the Department of Public Health  
7 does not apply to Registry reports from the Department on  
8 Aging. The Department on Aging shall establish standards for  
9 the removal of a name from the Registry by rule.

10 (j) Referral of Registry reports to health care facilities.  
11 In the event an eligible adult receiving services from a  
12 provider agency changes his or her residence from a domestic  
13 living situation to that of a health care facility, the  
14 provider agency shall use reasonable efforts to promptly inform  
15 the health care facility and the appropriate Regional Long Term  
16 Care Ombudsman about any Registry reports relating to the  
17 eligible adult. For purposes of this Section, a health care  
18 facility includes, but is not limited to, any residential  
19 facility licensed, certified, or regulated by the Department of  
20 Public Health, Healthcare and Family Services, or Human  
21 Services.

22 (Source: P.A. 98-49, eff. 1-1-14; revised 11-12-13.)

23 Section 550. The Abused and Neglected Child Reporting Act  
24 is amended by changing Sections 4 and 7.16 as follows:

1 (325 ILCS 5/4)

2 (Text of Section before amendment by P.A. 98-408)

3 Sec. 4. Persons required to report; privileged  
4 communications; transmitting false report. Any physician,  
5 resident, intern, hospital, hospital administrator and  
6 personnel engaged in examination, care and treatment of  
7 persons, surgeon, dentist, dentist hygienist, osteopath,  
8 chiropractor, podiatric physician, physician assistant,  
9 substance abuse treatment personnel, funeral home director or  
10 employee, coroner, medical examiner, emergency medical  
11 technician, acupuncturist, crisis line or hotline personnel,  
12 school personnel (including administrators and both certified  
13 and non-certified school employees), personnel of institutions  
14 of higher education, educational advocate assigned to a child  
15 pursuant to the School Code, member of a school board or the  
16 Chicago Board of Education or the governing body of a private  
17 school (but only to the extent required in accordance with  
18 other provisions of this Section expressly concerning the duty  
19 of school board members to report suspected child abuse),  
20 truant officers, social worker, social services administrator,  
21 domestic violence program personnel, registered nurse,  
22 licensed practical nurse, genetic counselor, respiratory care  
23 practitioner, advanced practice nurse, home health aide,  
24 director or staff assistant of a nursery school or a child day  
25 care center, recreational or athletic program or facility  
26 personnel, early intervention provider as defined in the Early

1 Intervention Services System Act, law enforcement officer,  
2 licensed professional counselor, licensed clinical  
3 professional counselor, registered psychologist and assistants  
4 working under the direct supervision of a psychologist,  
5 psychiatrist, or field personnel of the Department of  
6 Healthcare and Family Services, Juvenile Justice, Public  
7 Health, Human Services (acting as successor to the Department  
8 of Mental Health and Developmental Disabilities,  
9 Rehabilitation Services, or Public Aid), Corrections, Human  
10 Rights, or Children and Family Services, supervisor and  
11 administrator of general assistance under the Illinois Public  
12 Aid Code, probation officer, animal control officer or Illinois  
13 Department of Agriculture Bureau of Animal Health and Welfare  
14 field investigator, or any other foster parent, homemaker or  
15 child care worker having reasonable cause to believe a child  
16 known to them in their professional or official capacity may be  
17 an abused child or a neglected child shall immediately report  
18 or cause a report to be made to the Department.

19 Any member of the clergy having reasonable cause to believe  
20 that a child known to that member of the clergy in his or her  
21 professional capacity may be an abused child as defined in item  
22 (c) of the definition of "abused child" in Section 3 of this  
23 Act shall immediately report or cause a report to be made to  
24 the Department.

25 Any physician, physician's assistant, registered nurse,  
26 licensed practical nurse, medical technician, certified

1 nursing assistant, social worker, or licensed professional  
2 counselor of any office, clinic, or any other physical location  
3 that provides abortions, abortion referrals, or contraceptives  
4 having reasonable cause to believe a child known to him or her  
5 in his or her professional or official capacity may be an  
6 abused child or a neglected child shall immediately report or  
7 cause a report to be made to the Department.

8 If an allegation is raised to a school board member during  
9 the course of an open or closed school board meeting that a  
10 child who is enrolled in the school district of which he or she  
11 is a board member is an abused child as defined in Section 3 of  
12 this Act, the member shall direct or cause the school board to  
13 direct the superintendent of the school district or other  
14 equivalent school administrator to comply with the  
15 requirements of this Act concerning the reporting of child  
16 abuse. For purposes of this paragraph, a school board member is  
17 granted the authority in his or her individual capacity to  
18 direct the superintendent of the school district or other  
19 equivalent school administrator to comply with the  
20 requirements of this Act concerning the reporting of child  
21 abuse.

22 Notwithstanding any other provision of this Act, if an  
23 employee of a school district has made a report or caused a  
24 report to be made to the Department under this Act involving  
25 the conduct of a current or former employee of the school  
26 district and a request is made by another school district for

1 the provision of information concerning the job performance or  
2 qualifications of the current or former employee because he or  
3 she is an applicant for employment with the requesting school  
4 district, the general superintendent of the school district to  
5 which the request is being made must disclose to the requesting  
6 school district the fact that an employee of the school  
7 district has made a report involving the conduct of the  
8 applicant or caused a report to be made to the Department, as  
9 required under this Act. Only the fact that an employee of the  
10 school district has made a report involving the conduct of the  
11 applicant or caused a report to be made to the Department may  
12 be disclosed by the general superintendent of the school  
13 district to which the request for information concerning the  
14 applicant is made, and this fact may be disclosed only in cases  
15 where the employee and the general superintendent have not been  
16 informed by the Department that the allegations were unfounded.  
17 An employee of a school district who is or has been the subject  
18 of a report made pursuant to this Act during his or her  
19 employment with the school district must be informed by that  
20 school district that if he or she applies for employment with  
21 another school district, the general superintendent of the  
22 former school district, upon the request of the school district  
23 to which the employee applies, shall notify that requesting  
24 school district that the employee is or was the subject of such  
25 a report.

26 Whenever such person is required to report under this Act

1 in his capacity as a member of the staff of a medical or other  
2 public or private institution, school, facility or agency, or  
3 as a member of the clergy, he shall make report immediately to  
4 the Department in accordance with the provisions of this Act  
5 and may also notify the person in charge of such institution,  
6 school, facility or agency, or church, synagogue, temple,  
7 mosque, or other religious institution, or his designated agent  
8 that such report has been made. Under no circumstances shall  
9 any person in charge of such institution, school, facility or  
10 agency, or church, synagogue, temple, mosque, or other  
11 religious institution, or his designated agent to whom such  
12 notification has been made, exercise any control, restraint,  
13 modification or other change in the report or the forwarding of  
14 such report to the Department.

15 The privileged quality of communication between any  
16 professional person required to report and his patient or  
17 client shall not apply to situations involving abused or  
18 neglected children and shall not constitute grounds for failure  
19 to report as required by this Act or constitute grounds for  
20 failure to share information or documents with the Department  
21 during the course of a child abuse or neglect investigation. If  
22 requested by the professional, the Department shall confirm in  
23 writing that the information or documents disclosed by the  
24 professional were gathered in the course of a child abuse or  
25 neglect investigation.

26 The reporting requirements of this Act shall not apply to



1 the contents of a privileged communication between an attorney  
2 and his or her client or to confidential information within the  
3 meaning of Rule 1.6 of the Illinois Rules of Professional  
4 Conduct relating to the legal representation of an individual  
5 client.

6 A member of the clergy may claim the privilege under  
7 Section 8-803 of the Code of Civil Procedure.

8 Any office, clinic, or any other physical location that  
9 provides abortions, abortion referrals, or contraceptives  
10 shall provide to all office personnel copies of written  
11 information and training materials about abuse and neglect and  
12 the requirements of this Act that are provided to employees of  
13 the office, clinic, or physical location who are required to  
14 make reports to the Department under this Act, and instruct  
15 such office personnel to bring to the attention of an employee  
16 of the office, clinic, or physical location who is required to  
17 make reports to the Department under this Act any reasonable  
18 suspicion that a child known to him or her in his or her  
19 professional or official capacity may be an abused child or a  
20 neglected child. In addition to the above persons required to  
21 report suspected cases of abused or neglected children, any  
22 other person may make a report if such person has reasonable  
23 cause to believe a child may be an abused child or a neglected  
24 child.

25 Any person who enters into employment on and after July 1,  
26 1986 and is mandated by virtue of that employment to report

1 under this Act, shall sign a statement on a form prescribed by  
2 the Department, to the effect that the employee has knowledge  
3 and understanding of the reporting requirements of this Act.  
4 The statement shall be signed prior to commencement of the  
5 employment. The signed statement shall be retained by the  
6 employer. The cost of printing, distribution, and filing of the  
7 statement shall be borne by the employer.

8 The Department shall provide copies of this Act, upon  
9 request, to all employers employing persons who shall be  
10 required under the provisions of this Section to report under  
11 this Act.

12 Any person who knowingly transmits a false report to the  
13 Department commits the offense of disorderly conduct under  
14 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.  
15 A violation of this provision is a Class 4 felony.

16 Any person who knowingly and willfully violates any  
17 provision of this Section other than a second or subsequent  
18 violation of transmitting a false report as described in the  
19 preceding paragraph, is guilty of a Class A misdemeanor for a  
20 first violation and a Class 4 felony for a second or subsequent  
21 violation; except that if the person acted as part of a plan or  
22 scheme having as its object the prevention of discovery of an  
23 abused or neglected child by lawful authorities for the purpose  
24 of protecting or insulating any person or entity from arrest or  
25 prosecution, the person is guilty of a Class 4 felony for a  
26 first offense and a Class 3 felony for a second or subsequent

1 offense (regardless of whether the second or subsequent offense  
2 involves any of the same facts or persons as the first or other  
3 prior offense).

4 A child whose parent, guardian or custodian in good faith  
5 selects and depends upon spiritual means through prayer alone  
6 for the treatment or cure of disease or remedial care may be  
7 considered neglected or abused, but not for the sole reason  
8 that his parent, guardian or custodian accepts and practices  
9 such beliefs.

10 A child shall not be considered neglected or abused solely  
11 because the child is not attending school in accordance with  
12 the requirements of Article 26 of the School Code, as amended.

13 Nothing in this Act prohibits a mandated reporter who  
14 reasonably believes that an animal is being abused or neglected  
15 in violation of the Humane Care for Animals Act from reporting  
16 animal abuse or neglect to the Department of Agriculture's  
17 Bureau of Animal Health and Welfare.

18 A home rule unit may not regulate the reporting of child  
19 abuse or neglect in a manner inconsistent with the provisions  
20 of this Section. This Section is a limitation under subsection  
21 (i) of Section 6 of Article VII of the Illinois Constitution on  
22 the concurrent exercise by home rule units of powers and  
23 functions exercised by the State.

24 For purposes of this Section "child abuse or neglect"  
25 includes abuse or neglect of an adult resident as defined in  
26 this Act.

1 (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;  
2 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.  
3 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,  
4 eff. 8-9-13; revised 9-19-13.)

5 (Text of Section after amendment by P.A. 98-408)

6 Sec. 4. Persons required to report; privileged  
7 communications; transmitting false report. Any physician,  
8 resident, intern, hospital, hospital administrator and  
9 personnel engaged in examination, care and treatment of  
10 persons, surgeon, dentist, dentist hygienist, osteopath,  
11 chiropractor, podiatric physician, physician assistant,  
12 substance abuse treatment personnel, funeral home director or  
13 employee, coroner, medical examiner, emergency medical  
14 technician, acupuncturist, crisis line or hotline personnel,  
15 school personnel (including administrators and both certified  
16 and non-certified school employees), personnel of institutions  
17 of higher education, educational advocate assigned to a child  
18 pursuant to the School Code, member of a school board or the  
19 Chicago Board of Education or the governing body of a private  
20 school (but only to the extent required in accordance with  
21 other provisions of this Section expressly concerning the duty  
22 of school board members to report suspected child abuse),  
23 truant officers, social worker, social services administrator,  
24 domestic violence program personnel, registered nurse,  
25 licensed practical nurse, genetic counselor, respiratory care

1 practitioner, advanced practice nurse, home health aide,  
2 director or staff assistant of a nursery school or a child day  
3 care center, recreational or athletic program or facility  
4 personnel, early intervention provider as defined in the Early  
5 Intervention Services System Act, law enforcement officer,  
6 licensed professional counselor, licensed clinical  
7 professional counselor, registered psychologist and assistants  
8 working under the direct supervision of a psychologist,  
9 psychiatrist, or field personnel of the Department of  
10 Healthcare and Family Services, Juvenile Justice, Public  
11 Health, Human Services (acting as successor to the Department  
12 of Mental Health and Developmental Disabilities,  
13 Rehabilitation Services, or Public Aid), Corrections, Human  
14 Rights, or Children and Family Services, supervisor and  
15 administrator of general assistance under the Illinois Public  
16 Aid Code, probation officer, animal control officer or Illinois  
17 Department of Agriculture Bureau of Animal Health and Welfare  
18 field investigator, or any other foster parent, homemaker or  
19 child care worker having reasonable cause to believe a child  
20 known to them in their professional or official capacity may be  
21 an abused child or a neglected child shall immediately report  
22 or cause a report to be made to the Department.

23 Any member of the clergy having reasonable cause to believe  
24 that a child known to that member of the clergy in his or her  
25 professional capacity may be an abused child as defined in item  
26 (c) of the definition of "abused child" in Section 3 of this

1 Act shall immediately report or cause a report to be made to  
2 the Department.

3 Any physician, physician's assistant, registered nurse,  
4 licensed practical nurse, medical technician, certified  
5 nursing assistant, social worker, or licensed professional  
6 counselor of any office, clinic, or any other physical location  
7 that provides abortions, abortion referrals, or contraceptives  
8 having reasonable cause to believe a child known to him or her  
9 in his or her professional or official capacity may be an  
10 abused child or a neglected child shall immediately report or  
11 cause a report to be made to the Department.

12 If an allegation is raised to a school board member during  
13 the course of an open or closed school board meeting that a  
14 child who is enrolled in the school district of which he or she  
15 is a board member is an abused child as defined in Section 3 of  
16 this Act, the member shall direct or cause the school board to  
17 direct the superintendent of the school district or other  
18 equivalent school administrator to comply with the  
19 requirements of this Act concerning the reporting of child  
20 abuse. For purposes of this paragraph, a school board member is  
21 granted the authority in his or her individual capacity to  
22 direct the superintendent of the school district or other  
23 equivalent school administrator to comply with the  
24 requirements of this Act concerning the reporting of child  
25 abuse.

26 Notwithstanding any other provision of this Act, if an

1 employee of a school district has made a report or caused a  
2 report to be made to the Department under this Act involving  
3 the conduct of a current or former employee of the school  
4 district and a request is made by another school district for  
5 the provision of information concerning the job performance or  
6 qualifications of the current or former employee because he or  
7 she is an applicant for employment with the requesting school  
8 district, the general superintendent of the school district to  
9 which the request is being made must disclose to the requesting  
10 school district the fact that an employee of the school  
11 district has made a report involving the conduct of the  
12 applicant or caused a report to be made to the Department, as  
13 required under this Act. Only the fact that an employee of the  
14 school district has made a report involving the conduct of the  
15 applicant or caused a report to be made to the Department may  
16 be disclosed by the general superintendent of the school  
17 district to which the request for information concerning the  
18 applicant is made, and this fact may be disclosed only in cases  
19 where the employee and the general superintendent have not been  
20 informed by the Department that the allegations were unfounded.  
21 An employee of a school district who is or has been the subject  
22 of a report made pursuant to this Act during his or her  
23 employment with the school district must be informed by that  
24 school district that if he or she applies for employment with  
25 another school district, the general superintendent of the  
26 former school district, upon the request of the school district

1 to which the employee applies, shall notify that requesting  
2 school district that the employee is or was the subject of such  
3 a report.

4 Whenever such person is required to report under this Act  
5 in his capacity as a member of the staff of a medical or other  
6 public or private institution, school, facility or agency, or  
7 as a member of the clergy, he shall make report immediately to  
8 the Department in accordance with the provisions of this Act  
9 and may also notify the person in charge of such institution,  
10 school, facility or agency, or church, synagogue, temple,  
11 mosque, or other religious institution, or his designated agent  
12 that such report has been made. Under no circumstances shall  
13 any person in charge of such institution, school, facility or  
14 agency, or church, synagogue, temple, mosque, or other  
15 religious institution, or his designated agent to whom such  
16 notification has been made, exercise any control, restraint,  
17 modification or other change in the report or the forwarding of  
18 such report to the Department.

19 The privileged quality of communication between any  
20 professional person required to report and his patient or  
21 client shall not apply to situations involving abused or  
22 neglected children and shall not constitute grounds for failure  
23 to report as required by this Act or constitute grounds for  
24 failure to share information or documents with the Department  
25 during the course of a child abuse or neglect investigation. If  
26 requested by the professional, the Department shall confirm in



1 writing that the information or documents disclosed by the  
2 professional were gathered in the course of a child abuse or  
3 neglect investigation.

4 The reporting requirements of this Act shall not apply to  
5 the contents of a privileged communication between an attorney  
6 and his or her client or to confidential information within the  
7 meaning of Rule 1.6 of the Illinois Rules of Professional  
8 Conduct relating to the legal representation of an individual  
9 client.

10 A member of the clergy may claim the privilege under  
11 Section 8-803 of the Code of Civil Procedure.

12 Any office, clinic, or any other physical location that  
13 provides abortions, abortion referrals, or contraceptives  
14 shall provide to all office personnel copies of written  
15 information and training materials about abuse and neglect and  
16 the requirements of this Act that are provided to employees of  
17 the office, clinic, or physical location who are required to  
18 make reports to the Department under this Act, and instruct  
19 such office personnel to bring to the attention of an employee  
20 of the office, clinic, or physical location who is required to  
21 make reports to the Department under this Act any reasonable  
22 suspicion that a child known to him or her in his or her  
23 professional or official capacity may be an abused child or a  
24 neglected child. In addition to the above persons required to  
25 report suspected cases of abused or neglected children, any  
26 other person may make a report if such person has reasonable

1 cause to believe a child may be an abused child or a neglected  
2 child.

3 Any person who enters into employment on and after July 1,  
4 1986 and is mandated by virtue of that employment to report  
5 under this Act, shall sign a statement on a form prescribed by  
6 the Department, to the effect that the employee has knowledge  
7 and understanding of the reporting requirements of this Act.  
8 The statement shall be signed prior to commencement of the  
9 employment. The signed statement shall be retained by the  
10 employer. The cost of printing, distribution, and filing of the  
11 statement shall be borne by the employer.

12 Within one year of initial employment and at least every 5  
13 years thereafter, school personnel required to report child  
14 abuse as provided under this Section must complete mandated  
15 reporter training by a provider or agency with expertise in  
16 recognizing and reporting child abuse.

17 The Department shall provide copies of this Act, upon  
18 request, to all employers employing persons who shall be  
19 required under the provisions of this Section to report under  
20 this Act.

21 Any person who knowingly transmits a false report to the  
22 Department commits the offense of disorderly conduct under  
23 subsection (a) (7) of Section 26-1 of the Criminal Code of 2012.  
24 A violation of this provision is a Class 4 felony.

25 Any person who knowingly and willfully violates any  
26 provision of this Section other than a second or subsequent

1 violation of transmitting a false report as described in the  
2 preceding paragraph, is guilty of a Class A misdemeanor for a  
3 first violation and a Class 4 felony for a second or subsequent  
4 violation; except that if the person acted as part of a plan or  
5 scheme having as its object the prevention of discovery of an  
6 abused or neglected child by lawful authorities for the purpose  
7 of protecting or insulating any person or entity from arrest or  
8 prosecution, the person is guilty of a Class 4 felony for a  
9 first offense and a Class 3 felony for a second or subsequent  
10 offense (regardless of whether the second or subsequent offense  
11 involves any of the same facts or persons as the first or other  
12 prior offense).

13 A child whose parent, guardian or custodian in good faith  
14 selects and depends upon spiritual means through prayer alone  
15 for the treatment or cure of disease or remedial care may be  
16 considered neglected or abused, but not for the sole reason  
17 that his parent, guardian or custodian accepts and practices  
18 such beliefs.

19 A child shall not be considered neglected or abused solely  
20 because the child is not attending school in accordance with  
21 the requirements of Article 26 of the School Code, as amended.

22 Nothing in this Act prohibits a mandated reporter who  
23 reasonably believes that an animal is being abused or neglected  
24 in violation of the Humane Care for Animals Act from reporting  
25 animal abuse or neglect to the Department of Agriculture's  
26 Bureau of Animal Health and Welfare.

1           A home rule unit may not regulate the reporting of child  
2 abuse or neglect in a manner inconsistent with the provisions  
3 of this Section. This Section is a limitation under subsection  
4 (i) of Section 6 of Article VII of the Illinois Constitution on  
5 the concurrent exercise by home rule units of powers and  
6 functions exercised by the State.

7           For purposes of this Section "child abuse or neglect"  
8 includes abuse or neglect of an adult resident as defined in  
9 this Act.

10          (Source: P.A. 97-189, eff. 7-22-11; 97-254, eff. 1-1-12;  
11 97-387, eff. 8-15-11; 97-711, eff. 6-27-12; 97-813, eff.  
12 7-13-12; 97-1150, eff. 1-25-13; 98-67, eff. 7-15-13; 98-214,  
13 eff. 8-9-13; 98-408, eff. 7-1-14; revised 9-19-13.)

14          (325 ILCS 5/7.16) (from Ch. 23, par. 2057.16)

15          Sec. 7.16. For any investigation or appeal initiated on or  
16 after, or pending on July 1, 1998, the following time frames  
17 shall apply. Within 60 days after the notification of the  
18 completion of the Child Protective Service Unit investigation,  
19 determined by the date of the notification sent by the  
20 Department, the perpetrator named in the notification may  
21 request the Department to amend the record or remove the record  
22 of the report from the register, except that the 60-day  
23 deadline for filing a request to amend the record or remove the  
24 record of the report from the State Central Register shall be  
25 tolled until after the conclusion of any criminal court action

1 in the circuit court or after adjudication in any juvenile  
2 court action concerning the circumstances that give rise to an  
3 indicated report. Such request shall be in writing and directed  
4 to such person as the Department designates in the notification  
5 letter notifying the perpetrator of the indicated finding. The  
6 perpetrator shall have the right to a timely hearing within the  
7 Department to determine whether the record of the report should  
8 be amended or removed on the grounds that it is inaccurate or  
9 it is being maintained in a manner inconsistent with this Act,  
10 except that there shall be no such right to a hearing on the  
11 ground of the report's inaccuracy if there has been a court  
12 finding of child abuse or neglect or a criminal finding of  
13 guilt as to the perpetrator. Such hearing shall be held within  
14 a reasonable time after the perpetrator's request and at a  
15 reasonable place and hour. The appropriate Child Protective  
16 Service Unit shall be given notice of the hearing. If the  
17 minor, who is the victim named in the report sought to be  
18 amended or removed from the State Central Register, is the  
19 subject of a pending action under Article II of the Juvenile  
20 Court Act of 1987, and the report was made while a guardian ad  
21 litem was appointed for the minor under Section 2-17 of the  
22 Juvenile Court Act of 1987, then the minor shall, through the  
23 minor's attorney or guardian ad litem appointed under Section  
24 2-17 of the Juvenile Court Act of 1987, have the right to  
25 participate and be heard in such hearing as defined under the  
26 Department's rules. In such hearings, the burden of proving the

1 accuracy and consistency of the record shall be on the  
2 Department and the appropriate Child Protective Service Unit.  
3 The hearing shall be conducted by the Director or his designee,  
4 who is hereby authorized and empowered to order the amendment  
5 or removal of the record to make it accurate and consistent  
6 with this Act. The decision shall be made, in writing, at the  
7 close of the hearing, or within 60 days thereof, and shall  
8 state the reasons upon which it is based. Decisions of the  
9 Department under this Section are administrative decisions  
10 subject to judicial review under the Administrative Review Law.

11 Should the Department grant the request of the perpetrator  
12 pursuant to this Section either on administrative review or  
13 after an administrative hearing to amend an indicated report to  
14 an unfounded report, the report shall be released and expunged  
15 in accordance with the standards set forth in Section 7.14 of  
16 this Act.

17 (Source: P.A. 98-453, eff. 8-16-13; 98-487, eff. 1-1-14;  
18 revised 10-1-13.)

19 Section 555. The Early Intervention Services System Act is  
20 amended by changing Section 5 as follows:

21 (325 ILCS 20/5) (from Ch. 23, par. 4155)

22 Sec. 5. Lead Agency. The Department of Human Services is  
23 designated the lead agency and shall provide leadership in  
24 establishing and implementing the coordinated, comprehensive,

1 interagency and interdisciplinary system of early intervention  
2 services. The lead agency shall not have the sole  
3 responsibility for providing these services. Each  
4 participating State agency shall continue to coordinate those  
5 early intervention services relating to health, social service  
6 and education provided under this authority.

7 The lead agency is responsible for carrying out the  
8 following:

9 (a) The general administration, supervision, and  
10 monitoring of programs and activities receiving assistance  
11 under Section 673 of the Individuals with Disabilities  
12 Education Act (20 United States Code 1473).

13 (b) The identification and coordination of all  
14 available resources within the State from federal, State,  
15 local and private sources.

16 (c) The development of procedures to ensure that  
17 services are provided to eligible infants and toddlers and  
18 their families in a timely manner pending the resolution of  
19 any disputes among public agencies or service providers.

20 (d) The resolution of intra-agency and interagency  
21 regulatory and procedural disputes.

22 (e) The development and implementation of formal  
23 interagency agreements, and the entry into such  
24 agreements, between the lead agency and (i) the Department  
25 of Healthcare and Family Services, (ii) the University of  
26 Illinois Division of Specialized Care for Children, and

1 (iii) other relevant State agencies that:

2 (1) define the financial responsibility of each  
3 agency for paying for early intervention services  
4 (consistent with existing State and federal law and  
5 rules, including the requirement that early  
6 intervention funds be used as the payor of last  
7 resort), a hierarchical order of payment as among the  
8 agencies for early intervention services that are  
9 covered under or may be paid by programs in other  
10 agencies, and procedures for direct billing,  
11 collecting reimbursements for payments made, and  
12 resolving service and payment disputes; and

13 (2) include all additional components necessary to  
14 ensure meaningful cooperation and coordination.

15 Interagency agreements under this paragraph (e) must  
16 be reviewed and revised to implement the purposes of this  
17 amendatory Act of the 92nd General Assembly no later than  
18 60 days after the effective date of this amendatory Act of  
19 the 92nd General Assembly.

20 (f) The maintenance of an early intervention website.  
21 Within 30 days after the effective date of this amendatory  
22 Act of the 92nd General Assembly, the lead agency shall  
23 post and keep posted on this website the following: (i) the  
24 current annual report required under subdivision (b) (5) of  
25 Section 4 of this Act, and the annual reports of the prior  
26 3 years, (ii) the most recent Illinois application for



1 funds prepared under Section 637 of the Individuals with  
2 Disabilities Education Act filed with the United States  
3 Department of Education, (iii) proposed modifications of  
4 the application prepared for public comment, (iv) notice of  
5 Council meetings, Council agendas, and minutes of its  
6 proceedings for at least the previous year, (v) proposed  
7 and final early intervention rules, (vi) requests for  
8 proposals, and (vii) all reports created for dissemination  
9 to the public that are related to the early intervention  
10 program, including reports prepared at the request of the  
11 Council, and the General Assembly. Each such document shall  
12 be posted on the website within 3 working days after the  
13 document's completion.

14 (g) Before adopting any new policy or procedure  
15 (including any revisions to an existing policy or  
16 procedure) needed to comply with Part C of the Individuals  
17 with Disabilities Education Act, the lead agency must hold  
18 public hearings on the new policy or procedure, provide  
19 notice of the hearings at least 30 days before the hearings  
20 are conducted to enable public participation, and provide  
21 an opportunity for the general public, including  
22 individuals with disabilities and parents of infants and  
23 toddlers with disabilities, early intervention providers,  
24 and members of the Council to comment for at least 30 days  
25 on the new policy or procedure needed to comply with Part C  
26 of the Individuals with Disabilities Education Act and with

1 34 CFR Part 300 and Part 303.

2 (Source: P.A. 98-41, eff. 6-28-13; revised 11-12-13.)

3 Section 560. The Mental Health and Developmental  
4 Disabilities Code is amended by changing Section 2-107.1 as  
5 follows:

6 (405 ILCS 5/2-107.1) (from Ch. 91 1/2, par. 2-107.1)

7 Sec. 2-107.1. Administration of psychotropic medication  
8 and electroconvulsive therapy upon application to a court.

9 (a) (Blank).

10 (a-5) Notwithstanding the provisions of Section 2-107 of  
11 this Code, psychotropic medication and electroconvulsive  
12 therapy may be administered to an adult recipient of services  
13 on an inpatient or outpatient basis without the informed  
14 consent of the recipient under the following standards:

15 (1) Any person 18 years of age or older, including any  
16 guardian, may petition the circuit court for an order  
17 authorizing the administration of psychotropic medication  
18 and electroconvulsive therapy to a recipient of services.  
19 The petition shall state that the petitioner has made a  
20 good faith attempt to determine whether the recipient has  
21 executed a power of attorney for health care under the  
22 Powers of Attorney for Health Care Law or a declaration for  
23 mental health treatment under the Mental Health Treatment  
24 Preference Declaration Act and to obtain copies of these

1 instruments if they exist. If either of the above-named  
2 instruments is available to the petitioner, the instrument  
3 or a copy of the instrument shall be attached to the  
4 petition as an exhibit. The petitioner shall deliver a copy  
5 of the petition, and notice of the time and place of the  
6 hearing, to the respondent, his or her attorney, any known  
7 agent or attorney-in-fact, if any, and the guardian, if  
8 any, no later than 3 days prior to the date of the hearing.  
9 Service of the petition and notice of the time and place of  
10 the hearing may be made by transmitting them via facsimile  
11 machine to the respondent or other party. Upon receipt of  
12 the petition and notice, the party served, or the person  
13 delivering the petition and notice to the party served,  
14 shall acknowledge service. If the party sending the  
15 petition and notice does not receive acknowledgement of  
16 service within 24 hours, service must be made by personal  
17 service.

18 The petition may include a request that the court  
19 authorize such testing and procedures as may be essential  
20 for the safe and effective administration of the  
21 psychotropic medication or electroconvulsive therapy  
22 sought to be administered, but only where the petition sets  
23 forth the specific testing and procedures sought to be  
24 administered.

25 If a hearing is requested to be held immediately  
26 following the hearing on a petition for involuntary

1 admission, then the notice requirement shall be the same as  
2 that for the hearing on the petition for involuntary  
3 admission, and the petition filed pursuant to this Section  
4 shall be filed with the petition for involuntary admission.

5 (2) The court shall hold a hearing within 7 days of the  
6 filing of the petition. The People, the petitioner, or the  
7 respondent shall be entitled to a continuance of up to 7  
8 days as of right. An additional continuance of not more  
9 than 7 days may be granted to any party (i) upon a showing  
10 that the continuance is needed in order to adequately  
11 prepare for or present evidence in a hearing under this  
12 Section or (ii) under exceptional circumstances. The court  
13 may grant an additional continuance not to exceed 21 days  
14 when, in its discretion, the court determines that such a  
15 continuance is necessary in order to provide the recipient  
16 with an examination pursuant to Section 3-803 or 3-804 of  
17 this Act, to provide the recipient with a trial by jury as  
18 provided in Section 3-802 of this Act, or to arrange for  
19 the substitution of counsel as provided for by the Illinois  
20 Supreme Court Rules. The hearing shall be separate from a  
21 judicial proceeding held to determine whether a person is  
22 subject to involuntary admission but may be heard  
23 immediately preceding or following such a judicial  
24 proceeding and may be heard by the same trier of fact or  
25 law as in that judicial proceeding.

26 (3) Unless otherwise provided herein, the procedures

1 set forth in Article VIII of Chapter III ~~3~~ of this Act,  
2 including the provisions regarding appointment of counsel,  
3 shall govern hearings held under this subsection (a-5).

4 (4) Psychotropic medication and electroconvulsive  
5 therapy may be administered to the recipient if and only if  
6 it has been determined by clear and convincing evidence  
7 that all of the following factors are present. In  
8 determining whether a person meets the criteria specified  
9 in the following paragraphs (A) through (G), the court may  
10 consider evidence of the person's history of serious  
11 violence, repeated past pattern of specific behavior,  
12 actions related to the person's illness, or past outcomes  
13 of various treatment options.

14 (A) That the recipient has a serious mental illness  
15 or developmental disability.

16 (B) That because of said mental illness or  
17 developmental disability, the recipient currently  
18 exhibits any one of the following: (i) deterioration of  
19 his or her ability to function, as compared to the  
20 recipient's ability to function prior to the current  
21 onset of symptoms of the mental illness or disability  
22 for which treatment is presently sought, (ii)  
23 suffering, or (iii) threatening behavior.

24 (C) That the illness or disability has existed for  
25 a period marked by the continuing presence of the  
26 symptoms set forth in item (B) of this subdivision (4)

1 or the repeated episodic occurrence of these symptoms.

2 (D) That the benefits of the treatment outweigh the  
3 harm.

4 (E) That the recipient lacks the capacity to make a  
5 reasoned decision about the treatment.

6 (F) That other less restrictive services have been  
7 explored and found inappropriate.

8 (G) If the petition seeks authorization for  
9 testing and other procedures, that such testing and  
10 procedures are essential for the safe and effective  
11 administration of the treatment.

12 (5) In no event shall an order issued under this  
13 Section be effective for more than 90 days. A second 90-day  
14 period of involuntary treatment may be authorized pursuant  
15 to a hearing that complies with the standards and  
16 procedures of this subsection (a-5). Thereafter,  
17 additional 180-day periods of involuntary treatment may be  
18 authorized pursuant to the standards and procedures of this  
19 Section without limit. If a new petition to authorize the  
20 administration of psychotropic medication or  
21 electroconvulsive therapy is filed at least 15 days prior  
22 to the expiration of the prior order, and if any  
23 continuance of the hearing is agreed to by the recipient,  
24 the administration of the treatment may continue in  
25 accordance with the prior order pending the completion of a  
26 hearing under this Section.

1           (6) An order issued under this subsection (a-5) shall  
2           designate the persons authorized to administer the  
3           treatment under the standards and procedures of this  
4           subsection (a-5). Those persons shall have complete  
5           discretion not to administer any treatment authorized  
6           under this Section. The order shall also specify the  
7           medications and the anticipated range of dosages that have  
8           been authorized and may include a list of any alternative  
9           medications and range of dosages deemed necessary.

10          (a-10) The court may, in its discretion, appoint a guardian  
11          ad litem for a recipient before the court or authorize an  
12          existing guardian of the person to monitor treatment and  
13          compliance with court orders under this Section.

14          (b) A guardian may be authorized to consent to the  
15          administration of psychotropic medication or electroconvulsive  
16          therapy to an objecting recipient only under the standards and  
17          procedures of subsection (a-5).

18          (c) Notwithstanding any other provision of this Section, a  
19          guardian may consent to the administration of psychotropic  
20          medication or electroconvulsive therapy to a non-objecting  
21          recipient under Article XIa of the Probate Act of 1975.

22          (d) Nothing in this Section shall prevent the  
23          administration of psychotropic medication or electroconvulsive  
24          therapy to recipients in an emergency under Section 2-107 of  
25          this Act.

26          (e) Notwithstanding any of the provisions of this Section,

1 psychotropic medication or electroconvulsive therapy may be  
2 administered pursuant to a power of attorney for health care  
3 under the Powers of Attorney for Health Care Law or a  
4 declaration for mental health treatment under the Mental Health  
5 Treatment Preference Declaration Act.

6 (f) The Department shall conduct annual trainings for  
7 physicians and registered nurses working in State-operated  
8 mental health facilities on the appropriate use of psychotropic  
9 medication and electroconvulsive therapy, standards for their  
10 use, and the preparation of court petitions under this Section.

11 (Source: P.A. 97-375, eff. 8-15-11; revised 9-11-13.)

12 Section 565. The Developmental Disability and Mental  
13 Disability Services Act is amended by changing Section 2-5 as  
14 follows:

15 (405 ILCS 80/2-5) (from Ch. 91 1/2, par. 1802-5)

16 Sec. 2-5. The Department shall establish eligibility  
17 standards for the Program, taking into consideration the  
18 disability levels and service needs of the target population.  
19 The Department shall create application forms which shall be  
20 used to determine the eligibility of mentally disabled adults  
21 to participate in the Program. The forms shall be made  
22 available by the Department and shall require at least the  
23 following items of information which constitute eligibility  
24 criteria for participation in the Program:



1           (a) A statement that the mentally disabled adult  
2 resides in the State of Illinois and is over the age of 18  
3 years.

4           (b) Verification that the mentally disabled adult has  
5 one of the following conditions: severe autism, severe  
6 mental illness, a severe or profound intellectual  
7 disability, or severe and multiple impairments.

8           (c) Verification that the mentally disabled adult has  
9 applied and is eligible for federal Supplemental Security  
10 Income or federal Social Security Disability Income  
11 benefits.

12           (d) Verification that the mentally disabled adult  
13 resides full-time in his or her own home or that, within 2  
14 months of receipt of services under this Article, he or she  
15 will reside full-time in his or her own home.

16           The Department may by rule adopt provisions establishing  
17 liability of responsible relatives of a recipient of services  
18 under this Article for the payment of sums representing charges  
19 for services to such recipient. Such rules shall be  
20 substantially similar to the provisions for such liability  
21 contained in Chapter V ~~5~~ of the Mental Health and Developmental  
22 Disabilities Code, as now or hereafter amended, and rules  
23 adopted pursuant thereto.

24           (Source: P.A. 97-227, eff. 1-1-12; revised 9-11-13.)

25           Section 570. The Illinois Mental Health First Aid Training

1 Act is amended by changing Section 30 as follows:

2 (405 ILCS 105/30)

3 Sec. 30. Distribution of training grants. When awarding  
4 training grants under this Act, the Department or other  
5 appropriate State agency shall distribute training grants  
6 equitably among the geographical regions of the State, paying  
7 particular attention to the training needs of rural areas and  
8 areas with underserved populations or professional shortages.

9 (Source: P.A. 98-195, eff. 8-7-13; revised 11-12-13.)

10 Section 575. The Mercury-added Product Prohibition Act is  
11 amended by changing Section 25 as follows:

12 (410 ILCS 46/25)

13 Sec. 25. Sale, distribution, or promotional gifts of  
14 mercury-added novelty products prohibited. On and after July  
15 1, 2004, no mercury-added novelty products may be offered for  
16 sale or distributed for promotional purposes in Illinois if the  
17 offeror ~~offerer~~ or distributor knows or has reason to know that  
18 the product contains mercury, unless the mercury is solely  
19 within a button-cell battery or a fluorescent light bulb.

20 (Source: P.A. 93-165, eff. 1-1-04; revised 9-11-13.)

21 Section 580. The Newborn Metabolic Screening Act is amended  
22 by changing Section 2 as follows:

1 (410 ILCS 240/2) (from Ch. 111 1/2, par. 4904)

2 Sec. 2. General provisions. The Department of Public Health  
3 shall administer the provisions of this Act and shall:

4 (a) Institute and carry on an intensive educational program  
5 among physicians, hospitals, public health nurses and the  
6 public concerning disorders included in newborn screening.  
7 This educational program shall include information about the  
8 nature of the diseases and examinations for the detection of  
9 the diseases in early infancy in order that measures may be  
10 taken to prevent the disabilities resulting from the diseases.

11 (a-5) Require that all newborns be screened for the  
12 presence of certain genetic, metabolic, and congenital  
13 anomalies as determined by the Department, by rule.

14 (a-5.1) Require that all blood and biological specimens  
15 collected pursuant to this Act or the rules adopted under this  
16 Act be submitted for testing to the nearest Department  
17 laboratory designated to perform such tests. The following  
18 provisions shall apply concerning testing:

19 (1) The Department may develop a reasonable fee  
20 structure and may levy fees according to such structure to  
21 cover the cost of providing this testing service and for  
22 the follow-up of infants with an abnormal screening test.  
23 Fees collected from the provision of this testing service  
24 shall be placed in the Metabolic Screening and Treatment  
25 Fund. Other State and federal funds for expenses related to

1 metabolic screening, follow-up, and treatment programs may  
2 also be placed in the Fund.

3 (2) Moneys shall be appropriated from the Fund to the  
4 Department solely for the purposes of providing newborn  
5 screening, follow-up, and treatment programs. Nothing in  
6 this Act shall be construed to prohibit any licensed  
7 medical facility from collecting additional specimens for  
8 testing for metabolic or neonatal diseases or any other  
9 diseases or conditions, as it deems fit. Any person  
10 violating the provisions of this subsection (a-5.1) is  
11 guilty of a petty offense.

12 (3) If the Department is unable to provide the  
13 screening using the State Laboratory, it shall temporarily  
14 provide such screening through an accredited laboratory  
15 selected by the Department until the Department has the  
16 capacity to provide screening through the State  
17 Laboratory. If screening is provided on a temporary basis  
18 through an accredited laboratory, the Department shall  
19 substitute the fee charged by the accredited laboratory,  
20 plus a 5% surcharge for documentation and handling, for the  
21 fee authorized in this subsection (a-5.1).

22 (a-5.2) Maintain a registry of cases, including  
23 information of importance for the purpose of follow-up services  
24 to assess long-term outcomes.

25 (a-5.3) Supply the necessary metabolic treatment formulas  
26 where practicable for diagnosed cases of amino acid metabolism

1 disorders, including phenylketonuria, organic acid disorders,  
2 and fatty acid oxidation disorders for as long as medically  
3 indicated, when the product is not available through other  
4 State agencies.

5 (a-5.4) Arrange for or provide public health nursing,  
6 nutrition, and social services and clinical consultation as  
7 indicated.

8 (a-5.5) Utilize ~~The Department shall utilize~~ the Genetic  
9 and Metabolic Diseases Advisory Committee established under  
10 the Genetic and Metabolic Diseases Advisory Committee Act to  
11 provide guidance and recommendations to the Department's  
12 newborn screening program. The Genetic and Metabolic Diseases  
13 Advisory Committee shall review the feasibility and  
14 advisability of including additional metabolic, genetic, and  
15 congenital disorders in the newborn screening panel, according  
16 to a review protocol applied to each suggested addition to the  
17 screening panel. The Department shall consider the  
18 recommendations of the Genetic and Metabolic Diseases Advisory  
19 Committee in determining whether to include an additional  
20 disorder in the screening panel prior to proposing an  
21 administrative rule concerning inclusion of an additional  
22 disorder in the newborn screening panel. Notwithstanding any  
23 other provision of law, no new screening may begin prior to the  
24 occurrence of all the following:

25 (1) the establishment and verification of relevant and  
26 appropriate performance specifications as defined under

1 the federal Clinical Laboratory Improvement Amendments and  
2 regulations thereunder for U.S. Food and Drug  
3 Administration-cleared or in-house developed methods,  
4 performed under an institutional review board-approved  
5 protocol, if required;

6 (2) the availability of quality assurance testing  
7 methodology for the processes set forth in item (1) of this  
8 subsection (a-5.5);

9 (3) the acquisition and installment by the Department  
10 of the equipment necessary to implement the screening  
11 tests;

12 (4) the establishment of precise threshold values  
13 ensuring defined disorder identification for each  
14 screening test;

15 (5) the authentication of pilot testing achieving each  
16 milestone described in items (1) through (4) of this  
17 subsection (a-5.5) for each disorder screening test; and

18 (6) the authentication of achieving the potential of  
19 high throughput standards for statewide volume of each  
20 disorder screening test concomitant with each milestone  
21 described in items (1) through (4) of this subsection  
22 (a-5.5).

23 (a-6) (Blank).

24 (a-7) (Blank).

25 (a-8) (Blank).

26 (b) (Blank).

1 (c) (Blank).

2 (d) (Blank).

3 (e) (Blank).

4 (Source: P.A. 97-227, eff. 1-1-12; 97-532, eff. 8-23-11;  
5 97-813, eff. 7-13-12; 98-440, eff. 8-16-13; revised 11-15-13.)

6 Section 585. The Illinois Sexually Transmissible Disease  
7 Control Act is amended by changing Section 5.5 as follows:

8 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

9 Sec. 5.5. Risk assessment.

10 (a) Whenever the Department receives a report of HIV  
11 infection or AIDS pursuant to this Act and the Department  
12 determines that the subject of the report may present or may  
13 have presented a possible risk of HIV transmission, the  
14 Department shall, when medically appropriate, investigate the  
15 subject of the report and that person's contacts as defined in  
16 subsection (c), to assess the potential risks of transmission.  
17 Any investigation and action shall be conducted in a timely  
18 fashion. All contacts other than those defined in subsection  
19 (c) shall be investigated in accordance with Section 5 of this  
20 Act.

21 (b) If the Department determines that there is or may have  
22 been potential risks of HIV transmission from the subject of  
23 the report to other persons, the Department shall afford the  
24 subject the opportunity to submit any information and comment

1 on proposed actions the Department intends to take with respect  
2 to the subject's contacts who are at potential risk of  
3 transmission of HIV prior to notification of the subject's  
4 contacts. The Department shall also afford the subject of the  
5 report the opportunity to notify the subject's contacts in a  
6 timely fashion who are at potential risk of transmission of HIV  
7 prior to the Department taking any steps to notify such  
8 contacts. If the subject declines to notify such contacts or if  
9 the Department determines the notices to be inadequate or  
10 incomplete, the Department shall endeavor to notify such other  
11 persons of the potential risk, and offer testing and counseling  
12 services to these individuals. When the contacts are notified,  
13 they shall be informed of the disclosure provisions of the AIDS  
14 Confidentiality Act and the penalties therein and this Section.

15 (c) Contacts investigated under this Section shall in the  
16 case of HIV infection include (i) individuals who have  
17 undergone invasive procedures performed by an HIV infected  
18 health care provider and (ii) health care providers who have  
19 performed invasive procedures for persons infected with HIV,  
20 provided the Department has determined that there is or may  
21 have been potential risk of HIV transmission from the health  
22 care provider to those individuals or from infected persons to  
23 health care providers. The Department shall have access to the  
24 subject's records to review for the identity of contacts. The  
25 subject's records shall not be copied or seized by the  
26 Department.



1 For purposes of this subsection, the term "invasive  
2 procedures" means those procedures termed invasive by the  
3 Centers for Disease Control in current guidelines or  
4 recommendations for the prevention of HIV transmission in  
5 health care settings, and the term "health care provider" means  
6 any physician, dentist, podiatric physician, advanced practice  
7 nurse, physician assistant, nurse, or other person providing  
8 health care services of any kind.

9 (d) All information and records held by the Department and  
10 local health authorities pertaining to activities conducted  
11 pursuant to this Section shall be strictly confidential and  
12 exempt from copying and inspection under the Freedom of  
13 Information Act. Such information and records shall not be  
14 released or made public by the Department or local health  
15 authorities, and shall not be admissible as evidence, nor  
16 discoverable in any action of any kind in any court or before  
17 any tribunal, board, agency or person and shall be treated in  
18 the same manner as the information and those records subject to  
19 the provisions of Part 21 of the Code of Civil Procedure except  
20 under the following circumstances:

21 (1) When made with the written consent of all persons  
22 to whom this information pertains;

23 (2) When authorized under Section 8 to be released  
24 under court order or subpoena pursuant to Section 12-5.01  
25 or 12-16.2 of the Criminal Code of 1961 or the Criminal  
26 Code of 2012; or

1           (3) When made by the Department for the purpose of  
2 seeking a warrant authorized by Sections 6 and 7 of this  
3 Act. Such disclosure shall conform to the requirements of  
4 subsection (a) of Section 8 of this Act.

5           (e) Any person who knowingly or maliciously disseminates  
6 any information or report concerning the existence of any  
7 disease under this Section is guilty of a Class A misdemeanor.  
8 (Source: P.A. 97-1150, eff. 1-25-13; 98-214, eff. 8-9-13;  
9 revised 9-19-13.)

10           Section 590. The Environmental Protection Act is amended by  
11 changing Sections 3.330, 21, 22.2, and 58.16 as follows:

12           (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

13           Sec. 3.330. Pollution control facility.

14           (a) "Pollution control facility" is any waste storage site,  
15 sanitary landfill, waste disposal site, waste transfer  
16 station, waste treatment facility, or waste incinerator. This  
17 includes sewers, sewage treatment plants, and any other  
18 facilities owned or operated by sanitary districts organized  
19 under the Metropolitan Water Reclamation District Act.

20           The following are not pollution control facilities:

21           (1) (blank);

22           (2) waste storage sites regulated under 40 CFR, Part  
23 761.42;

24           (3) sites or facilities used by any person conducting a

1 waste storage, waste treatment, waste disposal, waste  
2 transfer or waste incineration operation, or a combination  
3 thereof, for wastes generated by such person's own  
4 activities, when such wastes are stored, treated, disposed  
5 of, transferred or incinerated within the site or facility  
6 owned, controlled or operated by such person, or when such  
7 wastes are transported within or between sites or  
8 facilities owned, controlled or operated by such person;

9 (4) sites or facilities at which the State is  
10 performing removal or remedial action pursuant to Section  
11 22.2 or 55.3;

12 (5) abandoned quarries used solely for the disposal of  
13 concrete, earth materials, gravel, or aggregate debris  
14 resulting from road construction activities conducted by a  
15 unit of government or construction activities due to the  
16 construction and installation of underground pipes, lines,  
17 conduit or wires off of the premises of a public utility  
18 company which are conducted by a public utility;

19 (6) sites or facilities used by any person to  
20 specifically conduct a landscape composting operation;

21 (7) regional facilities as defined in the Central  
22 Midwest Interstate Low-Level Radioactive Waste Compact;

23 (8) the portion of a site or facility where coal  
24 combustion wastes are stored or disposed of in accordance  
25 with subdivision (r) (2) or (r) (3) of Section 21;

26 (9) the portion of a site or facility used for the

1 collection, storage or processing of waste tires as defined  
2 in Title XIV;

3 (10) the portion of a site or facility used for  
4 treatment of petroleum contaminated materials by  
5 application onto or incorporation into the soil surface and  
6 any portion of that site or facility used for storage of  
7 petroleum contaminated materials before treatment. Only  
8 those categories of petroleum listed in Section 57.9(a) (3)  
9 are exempt under this subdivision (10);

10 (11) the portion of a site or facility where used oil  
11 is collected or stored prior to shipment to a recycling or  
12 energy recovery facility, provided that the used oil is  
13 generated by households or commercial establishments, and  
14 the site or facility is a recycling center or a business  
15 where oil or gasoline is sold at retail;

16 (11.5) processing sites or facilities that receive  
17 only on-specification used oil, as defined in 35 Ill.  
18 Admin. Code 739, originating from used oil collectors for  
19 processing that is managed under 35 Ill. Admin. Code 739 to  
20 produce products for sale to off-site petroleum  
21 facilities, if these processing sites or facilities are:  
22 (i) located within a home rule unit of local government  
23 with a population of at least 30,000 according to the 2000  
24 federal census, that home rule unit of local government has  
25 been designated as an Urban Round II Empowerment Zone by  
26 the United States Department of Housing and Urban

1 Development, and that home rule unit of local government  
2 has enacted an ordinance approving the location of the site  
3 or facility and provided funding for the site or facility;  
4 and (ii) in compliance with all applicable zoning  
5 requirements;

6 (12) the portion of a site or facility utilizing coal  
7 combustion waste for stabilization and treatment of only  
8 waste generated on that site or facility when used in  
9 connection with response actions pursuant to the federal  
10 Comprehensive Environmental Response, Compensation, and  
11 Liability Act of 1980, the federal Resource Conservation  
12 and Recovery Act of 1976, or the Illinois Environmental  
13 Protection Act or as authorized by the Agency;

14 (13) the portion of a site or facility that (i) accepts  
15 exclusively general construction or demolition debris,  
16 (ii) is located in a county with a population over  
17 3,000,000 as of January 1, 2000 or in a county that is  
18 contiguous to such a county, and (iii) is operated and  
19 located in accordance with Section 22.38 of this Act;

20 (14) the portion of a site or facility, located within  
21 a unit of local government that has enacted local zoning  
22 requirements, used to accept, separate, and process  
23 uncontaminated broken concrete, with or without protruding  
24 metal bars, provided that the uncontaminated broken  
25 concrete and metal bars are not speculatively accumulated,  
26 are at the site or facility no longer than one year after

1 their acceptance, and are returned to the economic  
2 mainstream in the form of raw materials or products;

3 (15) the portion of a site or facility located in a  
4 county with a population over 3,000,000 that has obtained  
5 local siting approval under Section 39.2 of this Act for a  
6 municipal waste incinerator on or before July 1, 2005 and  
7 that is used for a non-hazardous waste transfer station;

8 (16) a site or facility that temporarily holds in  
9 transit for 10 days or less, non-putrescible solid waste in  
10 original containers, no larger in capacity than 500  
11 gallons, provided that such waste is further transferred to  
12 a recycling, disposal, treatment, or storage facility on a  
13 non-contiguous site and provided such site or facility  
14 complies with the applicable 10-day transfer requirements  
15 of the federal Resource Conservation and Recovery Act of  
16 1976 and United States Department of Transportation  
17 hazardous material requirements. For purposes of this  
18 Section only, "non-putrescible solid waste" means waste  
19 other than municipal garbage that does not rot or become  
20 putrid, including, but not limited to, paints, solvent,  
21 filters, and absorbents;

22 (17) the portion of a site or facility located in a  
23 county with a population greater than 3,000,000 that has  
24 obtained local siting approval, under Section 39.2 of this  
25 Act, for a municipal waste incinerator on or before July 1,  
26 2005 and that is used for wood combustion facilities for

1 energy recovery that accept and burn only wood material, as  
2 included in a fuel specification approved by the Agency;

3 (18) a transfer station used exclusively for landscape  
4 waste, including a transfer station where landscape waste  
5 is ground to reduce its volume, where the landscape waste  
6 is held no longer than 24 hours from the time it was  
7 received;

8 (19) the portion of a site or facility that (i) is used  
9 for the composting of food scrap, livestock waste, crop  
10 residue, uncontaminated wood waste, or paper waste,  
11 including, but not limited to, corrugated paper or  
12 cardboard, and (ii) meets all of the following  
13 requirements:

14 (A) There must not be more than a total of 30,000  
15 cubic yards of livestock waste in raw form or in the  
16 process of being composted at the site or facility at  
17 any one time.

18 (B) All food scrap, livestock waste, crop residue,  
19 uncontaminated wood waste, and paper waste must, by the  
20 end of each operating day, be processed and placed into  
21 an enclosed vessel in which air flow and temperature  
22 are controlled, or all of the following additional  
23 requirements must be met:

24 (i) The portion of the site or facility used  
25 for the composting operation must include a  
26 setback of at least 200 feet from the nearest

1           potable water supply well.

2           (ii) The portion of the site or facility used  
3           for the composting operation must be located  
4           outside the boundary of the 10-year floodplain or  
5           floodproofed.

6           (iii) Except in municipalities with more than  
7           1,000,000 inhabitants, the portion of the site or  
8           facility used for the composting operation must be  
9           located at least one-eighth of a mile from the  
10          nearest residence, other than a residence located  
11          on the same property as the site or facility.

12          (iv) The portion of the site or facility used  
13          for the composting operation must be located at  
14          least one-eighth of a mile from the property line  
15          of all of the following areas:

16               (I) Facilities that primarily serve to  
17               house or treat people that are  
18               immunocompromised or immunosuppressed, such as  
19               cancer or AIDS patients; people with asthma,  
20               cystic fibrosis, or bioaerosol allergies; or  
21               children under the age of one year.

22               (II) Primary and secondary schools and  
23               adjacent areas that the schools use for  
24               recreation.

25               (III) Any facility for child care licensed  
26               under Section 3 of the Child Care Act of 1969;



1           preschools; and adjacent areas that the  
2           facilities or preschools use for recreation.

3           (v) By the end of each operating day, all food  
4           scrap, livestock waste, crop residue,  
5           uncontaminated wood waste, and paper waste must be  
6           (i) processed into windrows or other piles and (ii)  
7           covered in a manner that prevents scavenging by  
8           birds and animals and that prevents other  
9           nuisances.

10          (C) Food scrap, livestock waste, crop residue,  
11          uncontaminated wood waste, paper waste, and compost  
12          must not be placed within 5 feet of the water table.

13          (D) The site or facility must meet all of the  
14          requirements of the Wild and Scenic Rivers Act (16  
15          U.S.C. 1271 et seq.).

16          (E) The site or facility must not (i) restrict the  
17          flow of a 100-year flood, (ii) result in washout of  
18          food scrap, livestock waste, crop residue,  
19          uncontaminated wood waste, or paper waste from a  
20          100-year flood, or (iii) reduce the temporary water  
21          storage capacity of the 100-year floodplain, unless  
22          measures are undertaken to provide alternative storage  
23          capacity, such as by providing lagoons, holding tanks,  
24          or drainage around structures at the facility.

25          (F) The site or facility must not be located in any  
26          area where it may pose a threat of harm or destruction

1 to the features for which:

2 (i) an irreplaceable historic or  
3 archaeological site has been listed under the  
4 National Historic Preservation Act (16 U.S.C. 470  
5 et seq.) or the Illinois Historic Preservation  
6 Act;

7 (ii) a natural landmark has been designated by  
8 the National Park Service or the Illinois State  
9 Historic Preservation Office; or

10 (iii) a natural area has been designated as a  
11 Dedicated Illinois Nature Preserve under the  
12 Illinois Natural Areas Preservation Act.

13 (G) The site or facility must not be located in an  
14 area where it may jeopardize the continued existence of  
15 any designated endangered species, result in the  
16 destruction or adverse modification of the critical  
17 habitat for such species, or cause or contribute to the  
18 taking of any endangered or threatened species of  
19 plant, fish, or wildlife listed under the Endangered  
20 Species Act (16 U.S.C. 1531 et seq.) or the Illinois  
21 Endangered Species Protection Act;

22 (20) the portion of a site or facility that is located  
23 entirely within a home rule unit having a population of no  
24 less than 120,000 and no more than 135,000, according to  
25 the 2000 federal census, and that meets all of the  
26 following requirements:

1 (i) the portion of the site or facility is used  
2 exclusively to perform testing of a thermochemical  
3 conversion technology using only woody biomass,  
4 collected as landscape waste within the boundaries  
5 of the home rule unit, as the hydrocarbon feedstock  
6 for the production of synthetic gas in accordance  
7 with Section 39.9 of this Act;

8 (ii) the portion of the site or facility is in  
9 compliance with all applicable zoning  
10 requirements; and

11 (iii) a complete application for a  
12 demonstration permit at the portion of the site or  
13 facility has been submitted to the Agency in  
14 accordance with Section 39.9 of this Act within one  
15 year after July 27, 2010 (the effective date of  
16 Public Act 96-1314);

17 (21) the portion of a site or facility used to perform  
18 limited testing of a gasification conversion technology in  
19 accordance with Section 39.8 of this Act and for which a  
20 complete permit application has been submitted to the  
21 Agency prior to one year from April 9, 2010 (the effective  
22 date of Public Act 96-887);

23 (22) the portion of a site or facility that is used to  
24 incinerate only pharmaceuticals from residential sources  
25 that are collected and transported by law enforcement  
26 agencies under Section 17.9A of this Act; and

1 (23) until July 1, 2017, the portion of a site or  
2 facility:

3 (A) that is used exclusively for the transfer of  
4 commingled landscape waste and food scrap held at the  
5 site or facility for no longer than 24 hours after  
6 their receipt;

7 (B) that is located entirely within a home rule  
8 unit having a population of either (i) not less than  
9 100,000 and not more than 115,000 according to the 2010  
10 federal census or (ii) not less than 5,000 and not more  
11 than 10,000 according to the 2010 federal census;

12 (C) that is permitted, by the Agency, prior to  
13 January 1, 2002, for the transfer of landscape waste;  
14 and

15 (D) for which a permit application is submitted to  
16 the Agency within 6 months after January 1, 2014 (the  
17 effective date of Public Act 98-146) ~~this amendatory~~  
18 ~~Act of the 98th General Assembly~~ to modify an existing  
19 permit for the transfer of landscape waste to also  
20 include, on a demonstration basis not to exceed 18  
21 months, the transfer of commingled landscape waste and  
22 food scrap.

23 (b) A new pollution control facility is:

24 (1) a pollution control facility initially permitted  
25 for development or construction after July 1, 1981; or

26 (2) the area of expansion beyond the boundary of a

1 currently permitted pollution control facility; or

2 (3) a permitted pollution control facility requesting  
3 approval to store, dispose of, transfer or incinerate, for  
4 the first time, any special or hazardous waste.

5 (Source: P.A. 97-333, eff. 8-12-11; 97-545, eff. 1-1-12;  
6 98-146, eff. 1-1-14; 98-239, eff. 8-9-13; revised 9-19-13.)

7 (415 ILCS 5/21) (from Ch. 111 1/2, par. 1021)

8 Sec. 21. Prohibited acts. No person shall:

9 (a) Cause or allow the open dumping of any waste.

10 (b) Abandon, dump, or deposit any waste upon the public  
11 highways or other public property, except in a sanitary  
12 landfill approved by the Agency pursuant to regulations adopted  
13 by the Board.

14 (c) Abandon any vehicle in violation of the "Abandoned  
15 Vehicles Amendment to the Illinois Vehicle Code", as enacted by  
16 the 76th General Assembly.

17 (d) Conduct any waste-storage, waste-treatment, or  
18 waste-disposal operation:

19 (1) without a permit granted by the Agency or in  
20 violation of any conditions imposed by such permit,  
21 including periodic reports and full access to adequate  
22 records and the inspection of facilities, as may be  
23 necessary to assure compliance with this Act and with  
24 regulations and standards adopted thereunder; provided,  
25 however, that, except for municipal solid waste landfill

1 units that receive waste on or after October 9, 1993, no  
2 permit shall be required for (i) any person conducting a  
3 waste-storage, waste-treatment, or waste-disposal  
4 operation for wastes generated by such person's own  
5 activities which are stored, treated, or disposed within  
6 the site where such wastes are generated, or (ii) a  
7 facility located in a county with a population over 700,000  
8 as of January 1, 2000, operated and located in accordance  
9 with Section 22.38 of this Act, and used exclusively for  
10 the transfer, storage, or treatment of general  
11 construction or demolition debris, provided that the  
12 facility was receiving construction or demolition debris  
13 on the effective date of this amendatory Act of the 96th  
14 General Assembly;

15 (2) in violation of any regulations or standards  
16 adopted by the Board under this Act; or

17 (3) which receives waste after August 31, 1988, does  
18 not have a permit issued by the Agency, and is (i) a  
19 landfill used exclusively for the disposal of waste  
20 generated at the site, (ii) a surface impoundment receiving  
21 special waste not listed in an NPDES permit, (iii) a waste  
22 pile in which the total volume of waste is greater than 100  
23 cubic yards or the waste is stored for over one year, or  
24 (iv) a land treatment facility receiving special waste  
25 generated at the site; without giving notice of the  
26 operation to the Agency by January 1, 1989, or 30 days

1 after the date on which the operation commences, whichever  
2 is later, and every 3 years thereafter. The form for such  
3 notification shall be specified by the Agency, and shall be  
4 limited to information regarding: the name and address of  
5 the location of the operation; the type of operation; the  
6 types and amounts of waste stored, treated or disposed of  
7 on an annual basis; the remaining capacity of the  
8 operation; and the remaining expected life of the  
9 operation.

10 Item (3) of this subsection (d) shall not apply to any  
11 person engaged in agricultural activity who is disposing of a  
12 substance that constitutes solid waste, if the substance was  
13 acquired for use by that person on his own property, and the  
14 substance is disposed of on his own property in accordance with  
15 regulations or standards adopted by the Board.

16 This subsection (d) shall not apply to hazardous waste.

17 (e) Dispose, treat, store or abandon any waste, or  
18 transport any waste into this State for disposal, treatment,  
19 storage or abandonment, except at a site or facility which  
20 meets the requirements of this Act and of regulations and  
21 standards thereunder.

22 (f) Conduct any hazardous waste-storage, hazardous  
23 waste-treatment or hazardous waste-disposal operation:

24 (1) without a RCRA permit for the site issued by the  
25 Agency under subsection (d) of Section 39 of this Act, or  
26 in violation of any condition imposed by such permit,

1 including periodic reports and full access to adequate  
2 records and the inspection of facilities, as may be  
3 necessary to assure compliance with this Act and with  
4 regulations and standards adopted thereunder; or

5 (2) in violation of any regulations or standards  
6 adopted by the Board under this Act; or

7 (3) in violation of any RCRA permit filing requirement  
8 established under standards adopted by the Board under this  
9 Act; or

10 (4) in violation of any order adopted by the Board  
11 under this Act.

12 Notwithstanding the above, no RCRA permit shall be required  
13 under this subsection or subsection (d) of Section 39 of this  
14 Act for any person engaged in agricultural activity who is  
15 disposing of a substance which has been identified as a  
16 hazardous waste, and which has been designated by Board  
17 regulations as being subject to this exception, if the  
18 substance was acquired for use by that person on his own  
19 property and the substance is disposed of on his own property  
20 in accordance with regulations or standards adopted by the  
21 Board.

22 (g) Conduct any hazardous waste-transportation operation:

23 (1) without registering with and obtaining a special  
24 waste hauling permit from the Agency in accordance with the  
25 regulations adopted by the Board under this Act; or

26 (2) in violation of any regulations or standards



1           adopted by the Board under this Act.

2           (h) Conduct any hazardous waste-recycling or hazardous  
3 waste-reclamation or hazardous waste-reuse operation in  
4 violation of any regulations, standards or permit requirements  
5 adopted by the Board under this Act.

6           (i) Conduct any process or engage in any act which produces  
7 hazardous waste in violation of any regulations or standards  
8 adopted by the Board under subsections (a) and (c) of Section  
9 22.4 of this Act.

10          (j) Conduct any special waste transportation operation in  
11 violation of any regulations, standards or permit requirements  
12 adopted by the Board under this Act. However, sludge from a  
13 water or sewage treatment plant owned and operated by a unit of  
14 local government which (1) is subject to a sludge management  
15 plan approved by the Agency or a permit granted by the Agency,  
16 and (2) has been tested and determined not to be a hazardous  
17 waste as required by applicable State and federal laws and  
18 regulations, may be transported in this State without a special  
19 waste hauling permit, and the preparation and carrying of a  
20 manifest shall not be required for such sludge under the rules  
21 of the Pollution Control Board. The unit of local government  
22 which operates the treatment plant producing such sludge shall  
23 file a semiannual report with the Agency identifying the volume  
24 of such sludge transported during the reporting period, the  
25 hauler of the sludge, and the disposal sites to which it was  
26 transported. This subsection (j) shall not apply to hazardous

1 waste.

2 (k) Fail or refuse to pay any fee imposed under this Act.

3 (l) Locate a hazardous waste disposal site above an active  
4 or inactive shaft or tunneled mine or within 2 miles of an  
5 active fault in the earth's crust. In counties of population  
6 less than 225,000 no hazardous waste disposal site shall be  
7 located (1) within 1 1/2 miles of the corporate limits as  
8 defined on June 30, 1978, of any municipality without the  
9 approval of the governing body of the municipality in an  
10 official action; or (2) within 1000 feet of an existing private  
11 well or the existing source of a public water supply measured  
12 from the boundary of the actual active permitted site and  
13 excluding existing private wells on the property of the permit  
14 applicant. The provisions of this subsection do not apply to  
15 publicly-owned sewage works or the disposal or utilization of  
16 sludge from publicly-owned sewage works.

17 (m) Transfer interest in any land which has been used as a  
18 hazardous waste disposal site without written notification to  
19 the Agency of the transfer and to the transferee of the  
20 conditions imposed by the Agency upon its use under subsection  
21 (g) of Section 39.

22 (n) Use any land which has been used as a hazardous waste  
23 disposal site except in compliance with conditions imposed by  
24 the Agency under subsection (g) of Section 39.

25 (o) Conduct a sanitary landfill operation which is required  
26 to have a permit under subsection (d) of this Section, in a

1 manner which results in any of the following conditions:

2 (1) refuse in standing or flowing waters;

3 (2) leachate flows entering waters of the State;

4 (3) leachate flows exiting the landfill confines (as  
5 determined by the boundaries established for the landfill  
6 by a permit issued by the Agency);

7 (4) open burning of refuse in violation of Section 9 of  
8 this Act;

9 (5) uncovered refuse remaining from any previous  
10 operating day or at the conclusion of any operating day,  
11 unless authorized by permit;

12 (6) failure to provide final cover within time limits  
13 established by Board regulations;

14 (7) acceptance of wastes without necessary permits;

15 (8) scavenging as defined by Board regulations;

16 (9) deposition of refuse in any unpermitted portion of  
17 the landfill;

18 (10) acceptance of a special waste without a required  
19 manifest;

20 (11) failure to submit reports required by permits or  
21 Board regulations;

22 (12) failure to collect and contain litter from the  
23 site by the end of each operating day;

24 (13) failure to submit any cost estimate for the site  
25 or any performance bond or other security for the site as  
26 required by this Act or Board rules.

1           The prohibitions specified in this subsection (o) shall be  
2 enforceable by the Agency either by administrative citation  
3 under Section 31.1 of this Act or as otherwise provided by this  
4 Act. The specific prohibitions in this subsection do not limit  
5 the power of the Board to establish regulations or standards  
6 applicable to sanitary landfills.

7           (p) In violation of subdivision (a) of this Section, cause  
8 or allow the open dumping of any waste in a manner which  
9 results in any of the following occurrences at the dump site:

- 10           (1) litter;
- 11           (2) scavenging;
- 12           (3) open burning;
- 13           (4) deposition of waste in standing or flowing waters;
- 14           (5) proliferation of disease vectors;
- 15           (6) standing or flowing liquid discharge from the dump  
16 site;
- 17           (7) deposition of:
  - 18           (i) general construction or demolition debris as  
19 defined in Section 3.160(a) of this Act; or
  - 20           (ii) clean construction or demolition debris as  
21 defined in Section 3.160(b) of this Act.

22           The prohibitions specified in this subsection (p) shall be  
23 enforceable by the Agency either by administrative citation  
24 under Section 31.1 of this Act or as otherwise provided by this  
25 Act. The specific prohibitions in this subsection do not limit  
26 the power of the Board to establish regulations or standards

1 applicable to open dumping.

2 (q) Conduct a landscape waste composting operation without  
3 an Agency permit, provided, however, that no permit shall be  
4 required for any person:

5 (1) conducting a landscape waste composting operation  
6 for landscape wastes generated by such person's own  
7 activities which are stored, treated, or disposed of within  
8 the site where such wastes are generated; or

9 (1.5) conducting a landscape waste composting  
10 operation that (i) has no more than 25 cubic yards of  
11 landscape waste, composting additives, composting  
12 material, or end-product compost on-site at any one time  
13 and (ii) is not engaging in commercial activity; or

14 (2) applying landscape waste or composted landscape  
15 waste at agronomic rates; or

16 (2.5) operating a landscape waste composting facility  
17 at a site having 10 or more occupied non-farm residences  
18 within 1/2 mile of its boundaries, if the facility meets  
19 all of the following criteria:

20 (A) the composting facility is operated by the  
21 farmer on property on which the composting material is  
22 utilized, and the composting facility constitutes no  
23 more than 2% of the site's total acreage;

24 (A-5) any composting additives that the composting  
25 facility accepts and uses at the facility are necessary  
26 to provide proper conditions for composting and do not

1 exceed 10% of the total composting material at the  
2 facility at any one time;

3 (B) the property on which the composting facility  
4 is located, and any associated property on which the  
5 compost is used, is principally and diligently devoted  
6 to the production of agricultural crops and is not  
7 owned, leased, or otherwise controlled by any waste  
8 hauler or generator of nonagricultural compost  
9 materials, and the operator of the composting facility  
10 is not an employee, partner, shareholder, or in any way  
11 connected with or controlled by any such waste hauler  
12 or generator;

13 (C) all compost generated by the composting  
14 facility is applied at agronomic rates and used as  
15 mulch, fertilizer, or soil conditioner on land  
16 actually farmed by the person operating the composting  
17 facility, and the finished compost is not stored at the  
18 composting site for a period longer than 18 months  
19 prior to its application as mulch, fertilizer, or soil  
20 conditioner;

21 (D) no fee is charged for the acceptance of  
22 materials to be composted at the facility; and

23 (E) the owner or operator, by January 1, 2014 (or  
24 the January 1 following commencement of operation,  
25 whichever is later) and January 1 of each year  
26 thereafter, registers the site with the Agency, (ii)

1 reports to the Agency on the volume of composting  
2 material received and used at the site; (iii) certifies  
3 to the Agency that the site complies with the  
4 requirements set forth in subparagraphs (A), (A-5),  
5 (B), (C), and (D) of this paragraph (2.5); and (iv)  
6 certifies to the Agency that all composting material  
7 was placed more than 200 feet from the nearest potable  
8 water supply well, was placed outside the boundary of  
9 the 10-year floodplain or on a part of the site that is  
10 floodproofed, was placed at least 1/4 mile from the  
11 nearest residence (other than a residence located on  
12 the same property as the facility) or a lesser distance  
13 from the nearest residence (other than a residence  
14 located on the same property as the facility) if the  
15 municipality in which the facility is located has by  
16 ordinance approved a lesser distance than 1/4 mile, and  
17 was placed more than 5 feet above the water table; any  
18 ordinance approving a residential setback of less than  
19 1/4 mile that is used to meet the requirements of this  
20 subparagraph (E) of paragraph (2.5) of this subsection  
21 must specifically reference this paragraph; or

22 (3) operating a landscape waste composting facility on  
23 a farm, if the facility meets all of the following  
24 criteria:

25 (A) the composting facility is operated by the  
26 farmer on property on which the composting material is

1 utilized, and the composting facility constitutes no  
2 more than 2% of the property's total acreage, except  
3 that the Board may allow a higher percentage for  
4 individual sites where the owner or operator has  
5 demonstrated to the Board that the site's soil  
6 characteristics or crop needs require a higher rate;

7 (A-1) the composting facility accepts from other  
8 agricultural operations for composting with landscape  
9 waste no materials other than uncontaminated and  
10 source-separated (i) crop residue and other  
11 agricultural plant residue generated from the  
12 production and harvesting of crops and other customary  
13 farm practices, including, but not limited to, stalks,  
14 leaves, seed pods, husks, bagasse, and roots and (ii)  
15 plant-derived animal bedding, such as straw or  
16 sawdust, that is free of manure and was not made from  
17 painted or treated wood;

18 (A-2) any composting additives that the composting  
19 facility accepts and uses at the facility are necessary  
20 to provide proper conditions for composting and do not  
21 exceed 10% of the total composting material at the  
22 facility at any one time;

23 (B) the property on which the composting facility  
24 is located, and any associated property on which the  
25 compost is used, is principally and diligently devoted  
26 to the production of agricultural crops and is not



1 owned, leased or otherwise controlled by any waste  
2 hauler or generator of nonagricultural compost  
3 materials, and the operator of the composting facility  
4 is not an employee, partner, shareholder, or in any way  
5 connected with or controlled by any such waste hauler  
6 or generator;

7 (C) all compost generated by the composting  
8 facility is applied at agronomic rates and used as  
9 mulch, fertilizer or soil conditioner on land actually  
10 farmed by the person operating the composting  
11 facility, and the finished compost is not stored at the  
12 composting site for a period longer than 18 months  
13 prior to its application as mulch, fertilizer, or soil  
14 conditioner;

15 (D) the owner or operator, by January 1 of each  
16 year, (i) registers the site with the Agency, (ii)  
17 reports to the Agency on the volume of composting  
18 material received and used at the site, (iii) certifies  
19 to the Agency that the site complies with the  
20 requirements set forth in subparagraphs (A), (A-1),  
21 (A-2), (B), and (C) of this paragraph (q) (3), and (iv)  
22 certifies to the Agency that all composting material:

23 (I) was placed more than 200 feet from the  
24 nearest potable water supply well;

25 (II) was placed outside the boundary of the  
26 10-year floodplain or on a part of the site that is

1 floodproofed;

2 (III) was placed either (aa) at least 1/4 mile  
3 from the nearest residence (other than a residence  
4 located on the same property as the facility) and  
5 there are not more than 10 occupied non-farm  
6 residences within 1/2 mile of the boundaries of the  
7 site on the date of application or (bb) a lesser  
8 distance from the nearest residence (other than a  
9 residence located on the same property as the  
10 facility) provided that the municipality or county  
11 in which the facility is located has by ordinance  
12 approved a lesser distance than 1/4 mile and there  
13 are not more than 10 occupied non-farm residences  
14 within 1/2 mile of the boundaries of the site on  
15 the date of application; and

16 (IV) was placed more than 5 feet above the  
17 water table.

18 Any ordinance approving a residential setback of  
19 less than 1/4 mile that is used to meet the  
20 requirements of this subparagraph (D) must  
21 specifically reference this subparagraph.

22 For the purposes of this subsection (q), "agronomic rates"  
23 means the application of not more than 20 tons per acre per  
24 year, except that the Board may allow a higher rate for  
25 individual sites where the owner or operator has demonstrated  
26 to the Board that the site's soil characteristics or crop needs

1 require a higher rate.

2 (r) Cause or allow the storage or disposal of coal  
3 combustion waste unless:

4 (1) such waste is stored or disposed of at a site or  
5 facility for which a permit has been obtained or is not  
6 otherwise required under subsection (d) of this Section; or

7 (2) such waste is stored or disposed of as a part of  
8 the design and reclamation of a site or facility which is  
9 an abandoned mine site in accordance with the Abandoned  
10 Mined Lands and Water Reclamation Act; or

11 (3) such waste is stored or disposed of at a site or  
12 facility which is operating under NPDES and Subtitle D  
13 permits issued by the Agency pursuant to regulations  
14 adopted by the Board for mine-related water pollution and  
15 permits issued pursuant to the Federal Surface Mining  
16 Control and Reclamation Act of 1977 (P.L. 95-87) or the  
17 rules and regulations thereunder or any law or rule or  
18 regulation adopted by the State of Illinois pursuant  
19 thereto, and the owner or operator of the facility agrees  
20 to accept the waste; and either

21 (i) such waste is stored or disposed of in  
22 accordance with requirements applicable to refuse  
23 disposal under regulations adopted by the Board for  
24 mine-related water pollution and pursuant to NPDES and  
25 Subtitle D permits issued by the Agency under such  
26 regulations; or

1           (ii) the owner or operator of the facility  
2 demonstrates all of the following to the Agency, and  
3 the facility is operated in accordance with the  
4 demonstration as approved by the Agency: (1) the  
5 disposal area will be covered in a manner that will  
6 support continuous vegetation, (2) the facility will  
7 be adequately protected from wind and water erosion,  
8 (3) the pH will be maintained so as to prevent  
9 excessive leaching of metal ions, and (4) adequate  
10 containment or other measures will be provided to  
11 protect surface water and groundwater from  
12 contamination at levels prohibited by this Act, the  
13 Illinois Groundwater Protection Act, or regulations  
14 adopted pursuant thereto.

15           Notwithstanding any other provision of this Title, the  
16 disposal of coal combustion waste pursuant to item (2) or (3)  
17 of this subdivision (r) shall be exempt from the other  
18 provisions of this Title V, and notwithstanding the provisions  
19 of Title X of this Act, the Agency is authorized to grant  
20 experimental permits which include provision for the disposal  
21 of wastes from the combustion of coal and other materials  
22 pursuant to items (2) and (3) of this subdivision (r).

23           (s) After April 1, 1989, offer for transportation,  
24 transport, deliver, receive or accept special waste for which a  
25 manifest is required, unless the manifest indicates that the  
26 fee required under Section 22.8 of this Act has been paid.

1           (t) Cause or allow a lateral expansion of a municipal solid  
2 waste landfill unit on or after October 9, 1993, without a  
3 permit modification, granted by the Agency, that authorizes the  
4 lateral expansion.

5           (u) Conduct any vegetable by-product treatment, storage,  
6 disposal or transportation operation in violation of any  
7 regulation, standards or permit requirements adopted by the  
8 Board under this Act. However, no permit shall be required  
9 under this Title V for the land application of vegetable  
10 by-products conducted pursuant to Agency permit issued under  
11 Title III of this Act to the generator of the vegetable  
12 by-products. In addition, vegetable by-products may be  
13 transported in this State without a special waste hauling  
14 permit, and without the preparation and carrying of a manifest.

15           (v) (Blank).

16           (w) Conduct any generation, transportation, or recycling  
17 of construction or demolition debris, clean or general, or  
18 uncontaminated soil generated during construction, remodeling,  
19 repair, and demolition of utilities, structures, and roads that  
20 is not commingled with any waste, without the maintenance of  
21 documentation identifying the hauler, generator, place of  
22 origin of the debris or soil, the weight or volume of the  
23 debris or soil, and the location, owner, and operator of the  
24 facility where the debris or soil was transferred, disposed,  
25 recycled, or treated. This documentation must be maintained by  
26 the generator, transporter, or recycler for 3 years. This

1 subsection (w) shall not apply to (1) a permitted pollution  
2 control facility that transfers or accepts construction or  
3 demolition debris, clean or general, or uncontaminated soil for  
4 final disposal, recycling, or treatment, (2) a public utility  
5 (as that term is defined in the Public Utilities Act) or a  
6 municipal utility, (3) the Illinois Department of  
7 Transportation, or (4) a municipality or a county highway  
8 department, with the exception of any municipality or county  
9 highway department located within a county having a population  
10 of over 3,000,000 inhabitants or located in a county that is  
11 contiguous to a county having a population of over 3,000,000  
12 inhabitants; but it shall apply to an entity that contracts  
13 with a public utility, a municipal utility, the Illinois  
14 Department of Transportation, or a municipality or a county  
15 highway department. The terms "generation" and "recycling" as  
16 used in this subsection do not apply to clean construction or  
17 demolition debris when (i) used as fill material below grade  
18 outside of a setback zone if covered by sufficient  
19 uncontaminated soil to support vegetation within 30 days of the  
20 completion of filling or if covered by a road or structure,  
21 (ii) solely broken concrete without protruding metal bars is  
22 used for erosion control, or (iii) milled asphalt or crushed  
23 concrete is used as aggregate in construction of the shoulder  
24 of a roadway. The terms "generation" and "recycling", as used  
25 in this subsection, do not apply to uncontaminated soil that is  
26 not commingled with any waste when (i) used as fill material

1 below grade or contoured to grade, or (ii) used at the site of  
2 generation.

3 (Source: P.A. 97-220, eff. 7-28-11; 98-239, eff. 8-9-13;  
4 98-484, eff. 8-16-13; revised 9-19-13.)

5 (415 ILCS 5/22.2) (from Ch. 111 1/2, par. 1022.2)

6 Sec. 22.2. Hazardous waste; fees; liability.

7 (a) There are hereby created within the State Treasury 2  
8 special funds to be known respectively as the "Hazardous Waste  
9 Fund" and the "Hazardous Waste Research Fund", constituted from  
10 the fees collected pursuant to this Section. In addition to the  
11 fees collected under this Section, the Hazardous Waste Fund  
12 shall include other moneys made available from any source for  
13 deposit into the Fund.

14 (b) (1) On and after January 1, 1989, the Agency shall  
15 collect from the owner or operator of each of the following  
16 sites a fee in the amount of:

17 (A) 9 cents per gallon or \$18.18 per cubic yard, if  
18 the hazardous waste disposal site is located off the  
19 site where such waste was produced. The maximum amount  
20 payable under this subdivision (A) with respect to the  
21 hazardous waste generated by a single generator and  
22 deposited in monofills is \$30,000 per year. If, as a  
23 result of the use of multiple monofills, waste fees in  
24 excess of the maximum are assessed with respect to a  
25 single waste generator, the generator may apply to the

1 Agency for a credit.

2 (B) 9 cents or \$18.18 per cubic yard, if the  
3 hazardous waste disposal site is located on the site  
4 where such waste was produced, provided however the  
5 maximum amount of fees payable under this paragraph (B)  
6 is \$30,000 per year for each such hazardous waste  
7 disposal site.

8 (C) If the hazardous waste disposal site is an  
9 underground injection well, \$6,000 per year if not more  
10 than 10,000,000 gallons per year are injected, \$15,000  
11 per year if more than 10,000,000 gallons but not more  
12 than 50,000,000 gallons per year are injected, and  
13 \$27,000 per year if more than 50,000,000 gallons per  
14 year are injected.

15 (D) 3 cents per gallon or \$6.06 per cubic yard of  
16 hazardous waste received for treatment at a hazardous  
17 waste treatment site, if the hazardous waste treatment  
18 site is located off the site where such waste was  
19 produced and if such hazardous waste treatment site is  
20 owned, controlled and operated by a person other than  
21 the generator of such waste. After treatment at such  
22 hazardous waste treatment site, the waste shall not be  
23 subject to any other fee imposed by this subsection  
24 (b). For purposes of this subsection (b), the term  
25 "treatment" is defined as in Section 3.505 but shall  
26 not include recycling, reclamation or reuse.



1           (2) The General Assembly shall annually appropriate to  
2 the Fund such amounts as it deems necessary to fulfill the  
3 purposes of this Act.

4           (3) The Agency shall have the authority to accept,  
5 receive, and administer on behalf of the State any moneys  
6 made available to the State from any source for the  
7 purposes of the Hazardous Waste Fund set forth in  
8 subsection (d) of this Section.

9           (4) Of the amount collected as fees provided for in  
10 this Section, the Agency shall manage the use of such funds  
11 to assure that sufficient funds are available for match  
12 towards federal expenditures for response action at sites  
13 which are listed on the National Priorities List; provided,  
14 however, that this shall not apply to additional monies  
15 appropriated to the Fund by the General Assembly, nor shall  
16 it apply in the event that the Director finds that revenues  
17 in the Hazardous Waste Fund must be used to address  
18 conditions which create or may create an immediate danger  
19 to the environment or public health or to the welfare of  
20 the people of the State of Illinois.

21           (5) Notwithstanding the other provisions of this  
22 subsection (b), sludge from a publicly-owned sewage works  
23 generated in Illinois, coal mining wastes and refuse  
24 generated in Illinois, bottom boiler ash, flyash and flue  
25 gas desulphurization sludge from public utility electric  
26 generating facilities located in Illinois, and bottom

1 boiler ash and flyash from all incinerators which process  
2 solely municipal waste shall not be subject to the fee.

3 (6) For the purposes of this subsection (b), "monofill"  
4 means a facility, or a unit at a facility, that accepts  
5 only wastes bearing the same USEPA hazardous waste  
6 identification number, or compatible wastes as determined  
7 by the Agency.

8 (c) The Agency shall establish procedures, not later than  
9 January 1, 1984, relating to the collection of the fees  
10 authorized by this Section. Such procedures shall include, but  
11 not be limited to: (1) necessary records identifying the  
12 quantities of hazardous waste received or disposed; (2) the  
13 form and submission of reports to accompany the payment of fees  
14 to the Agency; and (3) the time and manner of payment of fees  
15 to the Agency, which payments shall be not more often than  
16 quarterly.

17 (d) Beginning July 1, 1996, the Agency shall deposit all  
18 such receipts in the State Treasury to the credit of the  
19 Hazardous Waste Fund, except as provided in subsection (e) of  
20 this Section. All monies in the Hazardous Waste Fund shall be  
21 used by the Agency for the following purposes:

22 (1) Taking whatever preventive or corrective action is  
23 necessary or appropriate, in circumstances certified by  
24 the Director, including but not limited to removal or  
25 remedial action whenever there is a release or substantial  
26 threat of a release of a hazardous substance or pesticide;

1 provided, the Agency shall expend no more than \$1,000,000  
2 on any single incident without appropriation by the General  
3 Assembly.

4 (2) To meet any requirements which must be met by the  
5 State in order to obtain federal funds pursuant to the  
6 Comprehensive Environmental Response, Compensation and  
7 Liability Act of 1980, (P.L. 96-510).

8 (3) In an amount up to 30% of the amount collected as  
9 fees provided for in this Section, for use by the Agency to  
10 conduct groundwater protection activities, including  
11 providing grants to appropriate units of local government  
12 which are addressing protection of underground waters  
13 pursuant to the provisions of this Act.

14 (4) To fund the development and implementation of the  
15 model pesticide collection program under Section 19.1 of  
16 the Illinois Pesticide Act.

17 (5) To the extent the Agency has received and deposited  
18 monies in the Fund other than fees collected under  
19 subsection (b) of this Section, to pay for the cost of  
20 Agency employees for services provided in reviewing the  
21 performance of response actions pursuant to Title XVII of  
22 this Act.

23 (6) In an amount up to 15% of the fees collected  
24 annually under subsection (b) of this Section, for use by  
25 the Agency for administration of the provisions of this  
26 Section.

1           (e) The Agency shall deposit 10% of all receipts collected  
2 under subsection (b) of this Section, but not to exceed  
3 \$200,000 per year, in the State Treasury to the credit of the  
4 Hazardous Waste Research Fund established by this Act. Pursuant  
5 to appropriation, all monies in such Fund shall be used by the  
6 University of Illinois for the purposes set forth in this  
7 subsection.

8           The University of Illinois may enter into contracts with  
9 business, industrial, university, governmental or other  
10 qualified individuals or organizations to assist in the  
11 research and development intended to recycle, reduce the volume  
12 of, separate, detoxify or reduce the hazardous properties of  
13 hazardous wastes in Illinois. Monies in the Fund may also be  
14 used by the University of Illinois for technical studies,  
15 monitoring activities, and educational and research activities  
16 which are related to the protection of underground waters.  
17 Monies in the Hazardous Waste Research Fund may be used to  
18 administer the Illinois Health and Hazardous Substances  
19 Registry Act. Monies in the Hazardous Waste Research Fund shall  
20 not be used for any sanitary landfill or the acquisition or  
21 construction of any facility. This does not preclude the  
22 purchase of equipment for the purpose of public demonstration  
23 projects. The University of Illinois shall adopt guidelines for  
24 cost sharing, selecting, and administering projects under this  
25 subsection.

26           (f) Notwithstanding any other provision or rule of law, and

1 subject only to the defenses set forth in subsection (j) of  
2 this Section, the following persons shall be liable for all  
3 costs of removal or remedial action incurred by the State of  
4 Illinois or any unit of local government as a result of a  
5 release or substantial threat of a release of a hazardous  
6 substance or pesticide:

7 (1) the owner and operator of a facility or vessel from  
8 which there is a release or substantial threat of release  
9 of a hazardous substance or pesticide;

10 (2) any person who at the time of disposal, transport,  
11 storage or treatment of a hazardous substance or pesticide  
12 owned or operated the facility or vessel used for such  
13 disposal, transport, treatment or storage from which there  
14 was a release or substantial threat of a release of any  
15 such hazardous substance or pesticide;

16 (3) any person who by contract, agreement, or otherwise  
17 has arranged with another party or entity for transport,  
18 storage, disposal or treatment of hazardous substances or  
19 pesticides owned, controlled or possessed by such person at  
20 a facility owned or operated by another party or entity  
21 from which facility there is a release or substantial  
22 threat of a release of such hazardous substances or  
23 pesticides; and

24 (4) any person who accepts or accepted any hazardous  
25 substances or pesticides for transport to disposal,  
26 storage or treatment facilities or sites from which there

1 is a release or a substantial threat of a release of a  
2 hazardous substance or pesticide.

3 Any monies received by the State of Illinois pursuant to  
4 this subsection (f) shall be deposited in the State Treasury to  
5 the credit of the Hazardous Waste Fund.

6 In accordance with the other provisions of this Section,  
7 costs of removal or remedial action incurred by a unit of local  
8 government may be recovered in an action before the Board  
9 brought by the unit of local government under subsection (i) of  
10 this Section. Any monies so recovered shall be paid to the unit  
11 of local government.

12 (g) (1) No indemnification, hold harmless, or similar  
13 agreement or conveyance shall be effective to transfer from  
14 the owner or operator of any vessel or facility or from any  
15 person who may be liable for a release or substantial  
16 threat of a release under this Section, to any other person  
17 the liability imposed under this Section. Nothing in this  
18 Section shall bar any agreement to insure, hold harmless or  
19 indemnify a party to such agreements for any liability  
20 under this Section.

21 (2) Nothing in this Section, including the provisions  
22 of paragraph (g) (1) of this Section, shall bar a cause of  
23 action that an owner or operator or any other person  
24 subject to liability under this Section, or a guarantor,  
25 has or would have, by reason of subrogation or otherwise  
26 against any person.

1 (h) For purposes of this Section:

2 (1) The term "facility" means:

3 (A) any building, structure, installation,  
4 equipment, pipe or pipeline including but not limited  
5 to any pipe into a sewer or publicly owned treatment  
6 works, well, pit, pond, lagoon, impoundment, ditch,  
7 landfill, storage container, motor vehicle, rolling  
8 stock, or aircraft; or

9 (B) any site or area where a hazardous substance  
10 has been deposited, stored, disposed of, placed, or  
11 otherwise come to be located.

12 (2) The term "owner or operator" means:

13 (A) any person owning or operating a vessel or  
14 facility;

15 (B) in the case of an abandoned facility, any  
16 person owning or operating the abandoned facility or  
17 any person who owned, operated, or otherwise  
18 controlled activities at the abandoned facility  
19 immediately prior to such abandonment;

20 (C) in the case of a land trust as defined in  
21 Section 2 of the Land Trustee as Creditor Act, the  
22 person owning the beneficial interest in the land  
23 trust;

24 (D) in the case of a fiduciary (other than a land  
25 trustee), the estate, trust estate, or other interest  
26 in property held in a fiduciary capacity, and not the

1           fiduciary. For the purposes of this Section,  
2           "fiduciary" means a trustee, executor, administrator,  
3           guardian, receiver, conservator or other person  
4           holding a facility or vessel in a fiduciary capacity;

5           (E) in the case of a "financial institution",  
6           meaning the Illinois Housing Development Authority and  
7           that term as defined in Section 2 of the Illinois  
8           Banking Act, that has acquired ownership, operation,  
9           management, or control of a vessel or facility through  
10          foreclosure or under the terms of a security interest  
11          held by the financial institution or under the terms of  
12          an extension of credit made by the financial  
13          institution, the financial institution only if the  
14          financial institution takes possession of the vessel  
15          or facility and the financial institution exercises  
16          actual, direct, and continual or recurrent managerial  
17          control in the operation of the vessel or facility that  
18          causes a release or substantial threat of a release of  
19          a hazardous substance or pesticide resulting in  
20          removal or remedial action;

21          (F) In the case of an owner of residential  
22          property, the owner if the owner is a person other than  
23          an individual, or if the owner is an individual who  
24          owns more than 10 dwelling units in Illinois, or if the  
25          owner, or an agent, representative, contractor, or  
26          employee of the owner, has caused, contributed to, or



1           allowed the release or threatened release of a  
2           hazardous substance or pesticide. The term  
3           "residential property" means single family residences  
4           of one to 4 dwelling units, including accessory land,  
5           buildings, or improvements incidental to those  
6           dwellings that are exclusively used for the  
7           residential use. For purposes of this subparagraph  
8           (F), the term "individual" means a natural person, and  
9           shall not include corporations, partnerships, trusts,  
10          or other non-natural persons.

11           (G) In the case of any facility, title or control  
12          of which was conveyed due to bankruptcy, foreclosure,  
13          tax delinquency, abandonment, or similar means to a  
14          unit of State or local government, any person who  
15          owned, operated, or otherwise controlled activities at  
16          the facility immediately beforehand.

17           (H) The term "owner or operator" does not include a  
18          unit of State or local government which acquired  
19          ownership or control through bankruptcy, tax  
20          delinquency, abandonment, or other circumstances in  
21          which the government acquires title by virtue of its  
22          function as sovereign. The exclusion provided under  
23          this paragraph shall not apply to any State or local  
24          government which has caused or contributed to the  
25          release or threatened release of a hazardous substance  
26          from the facility, and such a State or local government

1           shall be subject to the provisions of this Act in the  
2           same manner and to the same extent, both procedurally  
3           and substantively, as any nongovernmental entity,  
4           including liability under Section 22.2(f).

5           (i) The costs and damages provided for in this Section may  
6           be imposed by the Board in an action brought before the Board  
7           in accordance with Title VIII of this Act, except that Section  
8           33(c) of this Act shall not apply to any such action.

9           (j) (1) There shall be no liability under this Section for a  
10          person otherwise liable who can establish by a preponderance of  
11          the evidence that the release or substantial threat of release  
12          of a hazardous substance and the damages resulting therefrom  
13          were caused solely by:

14                (A) an act of God;

15                (B) an act of war;

16                (C) an act or omission of a third party other than an  
17          employee or agent of the defendant, or other than one whose  
18          act or omission occurs in connection with a contractual  
19          relationship, existing directly or indirectly, with the  
20          defendant (except where the sole contractual arrangement  
21          arises from a published tariff and acceptance for carriage  
22          by a common carrier by rail), if the defendant establishes  
23          by a preponderance of the evidence that (i) he exercised  
24          due care with respect to the hazardous substance concerned,  
25          taking into consideration the characteristics of such  
26          hazardous substance, in light of all relevant facts and

1           circumstances, and (ii) he took precautions against  
2           foreseeable acts or omissions of any such third party and  
3           the consequences that could foreseeably result from such  
4           acts or omissions; or

5           (D) any combination of the foregoing paragraphs.

6           (2) There shall be no liability under this Section for any  
7           release permitted by State or federal law.

8           (3) There shall be no liability under this Section for  
9           damages as a result of actions taken or omitted in the course  
10          of rendering care, assistance, or advice in accordance with  
11          this Section or the National Contingency Plan pursuant to the  
12          Comprehensive Environmental Response, Compensation and  
13          Liability Act of 1980 (P.L. 96-510) or at the direction of an  
14          on-scene coordinator appointed under such plan, with respect to  
15          an incident creating a danger to public health or welfare or  
16          the environment as a result of any release of a hazardous  
17          substance or a substantial threat thereof. This subsection  
18          shall not preclude liability for damages as the result of gross  
19          negligence or intentional misconduct on the part of such  
20          person. For the purposes of the preceding sentence, reckless,  
21          willful, or wanton misconduct shall constitute gross  
22          negligence.

23          (4) There shall be no liability under this Section for any  
24          person (including, but not limited to, an owner of residential  
25          property who applies a pesticide to the residential property or  
26          who has another person apply a pesticide to the residential

1 property) for response costs or damages as the result of the  
2 storage, handling and use, or recommendation for storage,  
3 handling and use, of a pesticide consistent with:

4 (A) its directions for storage, handling and use as  
5 stated in its label or labeling;

6 (B) its warnings and cautions as stated in its label or  
7 labeling; and

8 (C) the uses for which it is registered under the  
9 Federal Insecticide, Fungicide and Rodenticide Act and the  
10 Illinois Pesticide Act.

11 (4.5) There shall be no liability under subdivision (f) (1)  
12 of this Section for response costs or damages as the result of  
13 a release of a pesticide from an agrichemical facility site if  
14 the Agency has received notice from the Department of  
15 Agriculture pursuant to Section 19.3 of the Illinois Pesticide  
16 Act, the owner or operator of the agrichemical facility is  
17 proceeding with a corrective action plan under the Agrichemical  
18 Facility Response Action Program implemented under that  
19 Section, and the Agency has provided a written endorsement of a  
20 corrective action plan.

21 (4.6) There shall be no liability under subdivision (f) (1)  
22 of this Section for response costs or damages as the result of  
23 a substantial threat of a release of a pesticide from an  
24 agrichemical facility site if the Agency has received notice  
25 from the Department of Agriculture pursuant to Section 19.3 of  
26 the Illinois Pesticide Act and the owner or operator of the

1 agrichemical facility is proceeding with a corrective action  
2 plan under the Agrichemical Facility Response Action Program  
3 implemented under that Section.

4 (5) Nothing in this subsection (j) shall affect or modify  
5 in any way the obligations or liability of any person under any  
6 other provision of this Act or State or federal law, including  
7 common law, for damages, injury, or loss resulting from a  
8 release or substantial threat of a release of any hazardous  
9 substance or for removal or remedial action or the costs of  
10 removal or remedial action of such hazardous substance.

11 (6) (A) The term "contractual relationship", for the  
12 purpose of this subsection includes, but is not limited to,  
13 land contracts, deeds or other instruments transferring title  
14 or possession, unless the real property on which the facility  
15 concerned is located was acquired by the defendant after the  
16 disposal or placement of the hazardous substance on, in, or at  
17 the facility, and one or more of the circumstances described in  
18 clause (i), (ii), or (iii) of this paragraph is also  
19 established by the defendant by a preponderance of the  
20 evidence:

21 (i) At the time the defendant acquired the facility the  
22 defendant did not know and had no reason to know that any  
23 hazardous substance which is the subject of the release or  
24 threatened release was disposed of on, in or at the  
25 facility.

26 (ii) The defendant is a government entity which

1           acquired the facility by escheat, or through any other  
2           involuntary transfer or acquisition, or through the  
3           exercise of eminent domain authority by purchase or  
4           condemnation.

5           (iii) The defendant acquired the facility by  
6           inheritance or bequest.

7           In addition to establishing the foregoing, the defendant  
8           must establish that he has satisfied the requirements of  
9           subparagraph (C) of paragraph (1) of this subsection (j).

10          (B) To establish the defendant had no reason to know, as  
11          provided in clause (i) of subparagraph (A) of this paragraph,  
12          the defendant must have undertaken, at the time of acquisition,  
13          all appropriate inquiry into the previous ownership and uses of  
14          the property consistent with good commercial or customary  
15          practice in an effort to minimize liability. For purposes of  
16          the preceding sentence, the court shall take into account any  
17          specialized knowledge or experience on the part of the  
18          defendant, the relationship of the purchase price to the value  
19          of the property if uncontaminated, commonly known or reasonably  
20          ascertainable information about the property, the obviousness  
21          of the presence or likely presence of contamination at the  
22          property, and the ability to detect such contamination by  
23          appropriate inspection.

24          (C) Nothing in this paragraph (6) or in subparagraph (C) of  
25          paragraph (1) of this subsection shall diminish the liability  
26          of any previous owner or operator of such facility who would

1 otherwise be liable under this Act. Notwithstanding this  
2 paragraph (6), if the defendant obtained actual knowledge of  
3 the release or threatened release of a hazardous substance at  
4 such facility when the defendant owned the real property and  
5 then subsequently transferred ownership of the property to  
6 another person without disclosing such knowledge, such  
7 defendant shall be treated as liable under subsection (f) of  
8 this Section and no defense under subparagraph (C) of paragraph  
9 (1) of this subsection shall be available to such defendant.

10 (D) Nothing in this paragraph (6) shall affect the  
11 liability under this Act of a defendant who, by any act or  
12 omission, caused or contributed to the release or threatened  
13 release of a hazardous substance which is the subject of the  
14 action relating to the facility.

15 (E) (i) Except as provided in clause (ii) of this  
16 subparagraph (E), a defendant who has acquired real property  
17 shall have established a rebuttable presumption against all  
18 State claims and a conclusive presumption against all private  
19 party claims that the defendant has made all appropriate  
20 inquiry within the meaning of subdivision (6)(B) of this  
21 subsection (j) if the defendant proves that immediately prior  
22 to or at the time of the acquisition:

23 (I) the defendant obtained a Phase I Environmental  
24 Audit of the real property that meets or exceeds the  
25 requirements of this subparagraph (E), and the Phase I  
26 Environmental Audit did not disclose the presence or likely

1 presence of a release or a substantial threat of a release  
2 of a hazardous substance or pesticide at, on, to, or from  
3 the real property; or

4 (II) the defendant obtained a Phase II Environmental  
5 Audit of the real property that meets or exceeds the  
6 requirements of this subparagraph (E), and the Phase II  
7 Environmental Audit did not disclose the presence or likely  
8 presence of a release or a substantial threat of a release  
9 of a hazardous substance or pesticide at, on, to, or from  
10 the real property.

11 (ii) No presumption shall be created under clause (i) of  
12 this subparagraph (E), and a defendant shall be precluded from  
13 demonstrating that the defendant has made all appropriate  
14 inquiry within the meaning of subdivision (6)(B) of this  
15 subsection (j), if:

16 (I) the defendant fails to obtain all Environmental  
17 Audits required under this subparagraph (E) or any such  
18 Environmental Audit fails to meet or exceed the  
19 requirements of this subparagraph (E);

20 (II) a Phase I Environmental Audit discloses the  
21 presence or likely presence of a release or a substantial  
22 threat of a release of a hazardous substance or pesticide  
23 at, on, to, or from real property, and the defendant fails  
24 to obtain a Phase II Environmental Audit;

25 (III) a Phase II Environmental Audit discloses the  
26 presence or likely presence of a release or a substantial



1 threat of a release of a hazardous substance or pesticide  
2 at, on, to, or from the real property;

3 (IV) the defendant fails to maintain a written  
4 compilation and explanatory summary report of the  
5 information reviewed in the course of each Environmental  
6 Audit under this subparagraph (E); or

7 (V) there is any evidence of fraud, material  
8 concealment, or material misrepresentation by the  
9 defendant of environmental conditions or of related  
10 information discovered during the course of an  
11 Environmental Audit.

12 (iii) For purposes of this subparagraph (E), the term  
13 "environmental professional" means an individual (other than a  
14 practicing attorney) who, through academic training,  
15 occupational experience, and reputation (such as engineers,  
16 industrial hygienists, or geologists) can objectively conduct  
17 one or more aspects of an Environmental Audit and who either:

18 (I) maintains at the time of the Environmental Audit  
19 and for at least one year thereafter at least \$500,000 of  
20 environmental consultants' professional liability  
21 insurance coverage issued by an insurance company licensed  
22 to do business in Illinois; or

23 (II) is an Illinois licensed professional engineer or a  
24 Certified Industrial Hygienist certified by the American  
25 Board of Industrial Hygiene.

26 An environmental professional may employ persons who are

1 not environmental professionals to assist in the preparation of  
2 an Environmental Audit if such persons are under the direct  
3 supervision and control of the environmental professional.

4 (iv) For purposes of this subparagraph (E), the term "real  
5 property" means any interest in any parcel of land, and  
6 includes, but is not limited to, buildings, fixtures, and  
7 improvements.

8 (v) For purposes of this subparagraph (E), the term "Phase  
9 I Environmental Audit" means an investigation of real property,  
10 conducted by environmental professionals, to discover the  
11 presence or likely presence of a release or a substantial  
12 threat of a release of a hazardous substance or pesticide at,  
13 on, to, or from real property, and whether a release or a  
14 substantial threat of a release of a hazardous substance or  
15 pesticide has occurred or may occur at, on, to, or from the  
16 real property. Until such time as the United States  
17 Environmental Protection Agency establishes standards for  
18 making appropriate inquiry into the previous ownership and uses  
19 of the facility pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii), the  
20 investigation shall comply with the procedures of the American  
21 Society for Testing and Materials, including the document known  
22 as Standard E1527-97, entitled "Standard Procedures for  
23 Environmental Site Assessment: Phase 1 Environmental Site  
24 Assessment Process". Upon their adoption, the standards  
25 promulgated by USEPA pursuant to 42 U.S.C. Sec. 9601(35)(B)(ii)  
26 shall govern the performance of Phase I Environmental Audits.

1 In addition to the above requirements, the Phase I  
2 Environmental Audit shall include a review of recorded land  
3 title records for the purpose of determining whether the real  
4 property is subject to an environmental land use restriction  
5 such as a No Further Remediation Letter, Environmental Land Use  
6 Control, or Highway Authority Agreement.

7 (vi) For purposes of subparagraph (E), the term "Phase II  
8 Environmental Audit" means an investigation of real property,  
9 conducted by environmental professionals, subsequent to a  
10 Phase I Environmental Audit. If the Phase I Environmental Audit  
11 discloses the presence or likely presence of a hazardous  
12 substance or a pesticide or a release or a substantial threat  
13 of a release of a hazardous substance or pesticide:

14 (I) In or to soil, the defendant, as part of the Phase  
15 II Environmental Audit, shall perform a series of soil  
16 borings sufficient to determine whether there is a presence  
17 or likely presence of a hazardous substance or pesticide  
18 and whether there is or has been a release or a substantial  
19 threat of a release of a hazardous substance or pesticide  
20 at, on, to, or from the real property.

21 (II) In or to groundwater, the defendant, as part of  
22 the Phase II Environmental Audit, shall: review  
23 information regarding local geology, water well locations,  
24 and locations of waters of the State as may be obtained  
25 from State, federal, and local government records,  
26 including but not limited to the United States Geological

1 Survey, the State Geological Survey of the University of  
2 Illinois, and the State Water Survey of the University of  
3 Illinois; and perform groundwater monitoring sufficient to  
4 determine whether there is a presence or likely presence of  
5 a hazardous substance or pesticide, and whether there is or  
6 has been a release or a substantial threat of a release of  
7 a hazardous substance or pesticide at, on, to, or from the  
8 real property.

9 (III) On or to media other than soil or groundwater,  
10 the defendant, as part of the Phase II Environmental Audit,  
11 shall perform an investigation sufficient to determine  
12 whether there is a presence or likely presence of a  
13 hazardous substance or pesticide, and whether there is or  
14 has been a release or a substantial threat of a release of  
15 a hazardous substance or pesticide at, on, to, or from the  
16 real property.

17 (vii) The findings of each Environmental Audit prepared  
18 under this subparagraph (E) shall be set forth in a written  
19 audit report. Each audit report shall contain an affirmation by  
20 the defendant and by each environmental professional who  
21 prepared the Environmental Audit that the facts stated in the  
22 report are true and are made under a penalty of perjury as  
23 defined in Section 32-2 of the Criminal Code of 2012. It is  
24 perjury for any person to sign an audit report that contains a  
25 false material statement that the person does not believe to be  
26 true.

1           (viii) The Agency is not required to review, approve, or  
2 certify the results of any Environmental Audit. The performance  
3 of an Environmental Audit shall in no way entitle a defendant  
4 to a presumption of Agency approval or certification of the  
5 results of the Environmental Audit.

6           The presence or absence of a disclosure document prepared  
7 under the Responsible Property Transfer Act of 1988 shall not  
8 be a defense under this Act and shall not satisfy the  
9 requirements of subdivision (6)(A) of this subsection (j).

10          (7) No person shall be liable under this Section for  
11 response costs or damages as the result of a pesticide release  
12 if the Agency has found that a pesticide release occurred based  
13 on a Health Advisory issued by the U.S. Environmental  
14 Protection Agency or an action level developed by the Agency,  
15 unless the Agency notified the manufacturer of the pesticide  
16 and provided an opportunity of not less than 30 days for the  
17 manufacturer to comment on the technical and scientific  
18 justification supporting the Health Advisory or action level.

19          (8) No person shall be liable under this Section for  
20 response costs or damages as the result of a pesticide release  
21 that occurs in the course of a farm pesticide collection  
22 program operated under Section 19.1 of the Illinois Pesticide  
23 Act, unless the release results from gross negligence or  
24 intentional misconduct.

25          (k) If any person who is liable for a release or  
26 substantial threat of release of a hazardous substance or

1 pesticide fails without sufficient cause to provide removal or  
2 remedial action upon or in accordance with a notice and request  
3 by the Agency or upon or in accordance with any order of the  
4 Board or any court, such person may be liable to the State for  
5 punitive damages in an amount at least equal to, and not more  
6 than 3 times, the amount of any costs incurred by the State of  
7 Illinois as a result of such failure to take such removal or  
8 remedial action. The punitive damages imposed by the Board  
9 shall be in addition to any costs recovered from such person  
10 pursuant to this Section and in addition to any other penalty  
11 or relief provided by this Act or any other law.

12 Any monies received by the State pursuant to this  
13 subsection (k) shall be deposited in the Hazardous Waste Fund.

14 (1) Beginning January 1, 1988, and prior to January 1,  
15 2013, the Agency shall annually collect a \$250 fee for each  
16 Special Waste Hauling Permit Application and, in addition,  
17 shall collect a fee of \$20 for each waste hauling vehicle  
18 identified in the annual permit application and for each  
19 vehicle which is added to the permit during the annual period.  
20 Beginning January 1, 2013, the Agency shall issue 3-year  
21 Special Waste Hauling Permits instead of annual Special Waste  
22 Hauling Permits and shall collect a \$750 fee for each Special  
23 Waste Hauling Permit Application. In addition, beginning  
24 January 1, 2013, the Agency shall collect a fee of \$60 for each  
25 waste hauling vehicle identified in the permit application and  
26 for each vehicle that is added to the permit during the 3-year

1 period. The Agency shall deposit 85% of such fees collected  
2 under this subsection in the State Treasury to the credit of  
3 the Hazardous Waste Research Fund; and shall deposit the  
4 remaining 15% of such fees collected in the State Treasury to  
5 the credit of the Environmental Protection Permit and  
6 Inspection Fund. The majority of such receipts which are  
7 deposited in the Hazardous Waste Research Fund pursuant to this  
8 subsection shall be used by the University of Illinois for  
9 activities which relate to the protection of underground  
10 waters.

11 (l-5) (Blank).

12 (m) (Blank).

13 (n) (Blank).

14 (Source: P.A. 97-220, eff. 7-28-11; 97-1081, eff. 8-24-12;  
15 97-1150, eff. 1-25-13; 98-78, eff. 7-15-13; revised 9-19-13.)

16 (415 ILCS 5/58.16)

17 Sec. 58.16. Construction of school; requirements. This  
18 Section applies only to counties with a population of more than  
19 3,000,000. In this Section, "school" means any public school  
20 located in whole or in part in a county with a population of  
21 more than 3,000,000. No person shall commence construction on  
22 real property of a building intended for use as a school  
23 unless:

24 (1) a Phase I ± Environmental Audit, conducted in  
25 accordance with Section 22.2 of this Act, is obtained;

1           (2) if the Phase I ~~±~~ Environmental Audit discloses the  
2           presence or likely presence of a release or a substantial  
3           threat of a release of a regulated substance at, on, to, or  
4           from the real property, a Phase II Environmental Audit,  
5           conducted in accordance with Section 22.2 of this Act, is  
6           obtained; and

7           (3) if the Phase II Environmental Audit discloses the  
8           presence or likely presence of a release or a substantial  
9           threat of a release of a regulated substance at, on, to, or  
10          from the real property~~;~~ ~~and~~ (i) the real property is  
11          enrolled in the Site Remediation Program, and (ii) the  
12          remedial action plan is approved by the Agency, if a  
13          remedial action plan is required by Board regulations.

14          No person shall cause or allow any person to occupy a  
15          building intended to be used as a school for which a remedial  
16          action plan is required by Board regulations unless all work  
17          pursuant to the remedial action plan is completed.

18          (Source: P.A. 91-442, eff. 1-1-00; 92-16, eff. 6-28-01; 92-151,  
19          eff. 7-24-01; revised 11-14-13.)

20          Section 595. The Illinois Pesticide Act is amended by  
21          changing Section 4 as follows:

22               (415 ILCS 60/4) (from Ch. 5, par. 804)

23               Sec. 4. Definitions. As used in this Act:

24               1. "Director" means Director of the Illinois Department of



1 Agriculture or his authorized representative.

2 2. "Active Ingredient" means any ingredient which will  
3 prevent, destroy, repel, control or mitigate a pest or which  
4 will act as a plant regulator, defoliant or desiccant.

5 3. "Adulterated" shall apply to any pesticide if the  
6 strength or purity is not within the standard of quality  
7 expressed on the labeling under which it is sold, distributed  
8 or used, including any substance which has been substituted  
9 wholly or in part for the pesticide as specified on the  
10 labeling under which it is sold, distributed or used, or if any  
11 valuable constituent of the pesticide has been wholly or in  
12 part abstracted.

13 4. "Agricultural Commodity" means produce of the land  
14 including but not limited to plants and plant parts, livestock  
15 and poultry and livestock or poultry products, seeds, sod,  
16 shrubs and other products of agricultural origin including the  
17 premises necessary to and used directly in agricultural  
18 production. Agricultural commodity also includes aquatic  
19 products as defined in the Aquaculture Development Act.

20 5. "Animal" means all vertebrate and invertebrate species  
21 including, but not limited to, man and other mammals, bird,  
22 fish, and shellfish.

23 6. "Beneficial Insects" means those insects which during  
24 their life cycle are effective pollinators of plants, predators  
25 of pests or are otherwise beneficial.

26 7. "Certified applicator".

1           A. "Certified applicator" means any individual who is  
2 certified under this Act to purchase, use, or supervise the  
3 use of pesticides which are classified for restricted use.

4           B. "Private applicator" means a certified applicator  
5 who purchases, uses, or supervises the use of any pesticide  
6 classified for restricted use, for the purpose of producing  
7 any agricultural commodity on property owned, rented, or  
8 otherwise controlled by him or his employer, or applied to  
9 other property if done without compensation other than  
10 trading of personal services between no more than 2  
11 producers of agricultural commodities.

12           C. "Licensed Commercial Applicator" means a certified  
13 applicator, whether or not he is a private applicator with  
14 respect to some uses, who owns or manages a business that  
15 is engaged in applying pesticides, whether classified for  
16 general or restricted use, for hire. The term also applies  
17 to a certified applicator who uses or supervises the use of  
18 pesticides, whether classified for general or restricted  
19 use, for any purpose or on property of others excluding  
20 those specified by subparagraphs 7 (B), (D), (E) of Section  
21 4 of this Act.

22           D. "Commercial Not For Hire Applicator" means a  
23 certified applicator who uses or supervises the use of  
24 pesticides classified for general or restricted use for any  
25 purpose on property of an employer when such activity is a  
26 requirement of the terms of employment and such application

1 of pesticides under this certification is limited to  
2 property under the control of the employer only and  
3 includes, but is not limited to, the use or supervision of  
4 the use of pesticides in a greenhouse setting.

5 E. "Licensed Public Applicator" means a certified  
6 applicator who uses or supervises the use of pesticides  
7 classified for general or restricted use as an employee of  
8 a state agency, municipality, or other duly constituted  
9 governmental agency or unit.

10 8. "Defoliant" means any substance or combination of  
11 substances which cause leaves or foliage to drop from a plant  
12 with or without causing abscission.

13 9. "Desiccant" means any substance or combination of  
14 substances intended for artificially accelerating the drying  
15 of plant tissue.

16 10. "Device" means any instrument or contrivance, other  
17 than a firearm or equipment for application of pesticides when  
18 sold separately from pesticides, which is intended for  
19 trapping, repelling, destroying, or mitigating any pest, other  
20 than bacteria, virus, or other microorganisms on or living in  
21 man or other living animals.

22 11. "Distribute" means offer or hold for sale, sell,  
23 barter, ship, deliver for shipment, receive and then deliver,  
24 or offer to deliver pesticides, within the State.

25 12. "Environment" includes water, air, land, and all plants  
26 and animals including man, living therein and the

1 interrelationships which exist among these.

2 13. "Equipment" means any type of instruments and  
3 contrivances using motorized, mechanical or pressure power  
4 which is used to apply any pesticide, excluding pressurized  
5 hand-size household apparatus containing dilute ready to apply  
6 pesticide or used to apply household pesticides.

7 14. "FIFRA" means the "Federal Insecticide Fungicide  
8 Rodenticide Act", as amended.

9 15. "Fungi" means any non-chlorophyll bearing  
10 thallophytes, any non-chlorophyll bearing plant of a lower  
11 order than mosses or liverworts, as for example rust, smut,  
12 mildew, mold, yeast and bacteria, except those on or in living  
13 animals including man and those on or in processed foods,  
14 beverages or pharmaceuticals.

15 16. "Household Substance" means any pesticide customarily  
16 produced and distributed for use by individuals in or about the  
17 household.

18 17. "Imminent Hazard" means a situation which exists when  
19 continued use of a pesticide would likely result in  
20 unreasonable adverse effect on the environment or will involve  
21 unreasonable hazard to the survival of a species declared  
22 endangered by the U.S. Secretary of the Interior or to species  
23 declared to be protected by the Illinois Department of Natural  
24 Resources.

25 18. "Inert Ingredient" means an ingredient which is not an  
26 active ingredient.

1           19. "Ingredient Statement" means a statement of the name  
2 and percentage of each active ingredient together with the  
3 total percentage of inert ingredients in a pesticide and for  
4 pesticides containing arsenic in any form, the ingredient  
5 statement shall include percentage of total and water soluble  
6 arsenic, each calculated as elemental arsenic. In the case of  
7 spray adjuvants the ingredient statement need contain only the  
8 names of the functioning agents and the total percent of those  
9 constituents ineffective as spray adjuvants.

10           20. "Insect" means any of the numerous small invertebrate  
11 animals generally having the body more or less obviously  
12 segmented for the most part belonging to the class Insects,  
13 comprised of six-legged, usually winged forms, as for example  
14 beetles, caterpillars, and flies. This definition encompasses  
15 other allied classes of arthropods whose members are wingless  
16 and usually have more than 6 legs as for example spiders,  
17 mites, ticks, centipedes, and millipedes.

18           21. "Label" means the written, printed or graphic matter on  
19 or attached to the pesticide or device or any of its containers  
20 or wrappings.

21           22. "Labeling" means the label and all other written,  
22 printed or graphic matter: (a) on the pesticide or device or  
23 any of its containers or wrappings, (b) accompanying the  
24 pesticide or device or referring to it in any other media used  
25 to disseminate information to the public, (c) to which  
26 reference is made to the pesticide or device except when

1 references are made to current official publications of the U.  
2 S. Environmental Protection Agency, Departments of  
3 Agriculture, Health, Education and Welfare or other Federal  
4 Government institutions, the state experiment station or  
5 colleges of agriculture or other similar state institution  
6 authorized to conduct research in the field of pesticides.

7 23. "Land" means all land and water area including  
8 airspace, and all plants, animals, structures, buildings,  
9 contrivances, and machinery appurtenant thereto or situated  
10 thereon, fixed or mobile, including any used for  
11 transportation.

12 24. "Licensed Operator" means a person employed to apply  
13 pesticides to the lands of others under the direction of a  
14 "licensed commercial applicator" or a "licensed public  
15 applicator" or a "licensed commercial not-for-hire  
16 applicator".

17 25. "Nematode" means invertebrate animals of the phylum  
18 nemathelminthes and class nematoda, also referred to as nemas  
19 or eelworms, which are unsegmented roundworms with elongated  
20 fusiform or sac-like bodies covered with cuticle and inhabiting  
21 soil, water, plants or plant parts.

22 26. "Permit" means a written statement issued by the  
23 Director or his authorized agent, authorizing certain acts of  
24 pesticide purchase or of pesticide use or application on an a  
25 interim basis prior to normal certification, registration, or  
26 licensing.

1           27. "Person" means any individual, partnership,  
2 association, fiduciary, corporation, or any organized group of  
3 persons whether incorporated or not.

4           28. "Pest" means (a) any insect, rodent, nematode, fungus,  
5 weed, or (b) any other form of terrestrial or aquatic plant or  
6 animal life or virus, bacteria, or other microorganism,  
7 excluding virus, bacteria, or other microorganism on or in  
8 living animals including man, which the Director declares to be  
9 a pest.

10          29. "Pesticide" means any substance or mixture of  
11 substances intended for preventing, destroying, repelling, or  
12 mitigating any pest or any substance or mixture of substances  
13 intended for use as a plant regulator, defoliant or desiccant.

14          30. "Pesticide Dealer" means any person who distributes  
15 registered pesticides to the user.

16          31. "Plant Regulator" means any substance or mixture of  
17 substances intended through physiological action to affect the  
18 rate of growth or maturation or otherwise alter the behavior of  
19 ornamental or crop plants or the produce thereof. This does not  
20 include substances which are not intended as plant nutrient  
21 trace elements, nutritional chemicals, plant or seed  
22 inoculants or soil conditioners or amendments.

23          32. "Protect Health and Environment" means to guard against  
24 any unreasonable adverse effects on the environment.

25          33. "Registrant" means person who has registered any  
26 pesticide pursuant to the provision of FIFRA and this Act.

1           34. "Restricted Use Pesticide" means any pesticide with one  
2 or more of its uses classified as restricted by order of the  
3 Administrator of USEPA.

4           35. "SLN Registration" means registration of a pesticide  
5 for use under conditions of special local need as defined by  
6 FIFRA.

7           36. "State Restricted Pesticide Use" means any pesticide  
8 use which the Director determines, subsequent to public  
9 hearing, that an additional restriction for that use is needed  
10 to prevent unreasonable adverse effects.

11           37. "Structural Pest" means any pests which attack and  
12 destroy buildings and other structures or which attack  
13 clothing, stored food, commodities stored at food  
14 manufacturing and processing facilities or manufactured and  
15 processed goods.

16           38. "Unreasonable Adverse Effects on the Environment"  
17 means the unreasonable risk to the environment, including man,  
18 from the use of any pesticide, when taking into account accrued  
19 benefits of as well as the economic, social, and environmental  
20 costs of its use.

21           39. "USEPA" means United States Environmental Protection  
22 Agency.

23           40. "Use inconsistent with the label" means to use a  
24 pesticide in a manner not consistent with the label  
25 instruction, the definition adopted in FIFRA as interpreted by  
26 USEPA shall apply in Illinois.



1           41. "Weed" means any plant growing in a place where it is  
2 not wanted.

3           42. "Wildlife" means all living things, not human,  
4 domestic, or pests.

5           43. "Bulk pesticide" means any registered pesticide which  
6 is transported or held in an individual container in undivided  
7 quantities of greater than 55 U.S. gallons liquid measure or  
8 100 pounds net dry weight.

9           44. "Bulk repackaging" means the transfer of a registered  
10 pesticide from one bulk container (containing undivided  
11 quantities of greater than 100 U.S. gallons liquid measure or  
12 100 pounds net dry weight) to another bulk container  
13 (containing undivided quantities of greater than 100 U.S.  
14 gallons liquid measure or 100 pounds net dry weight) in an  
15 unaltered state in preparation for sale or distribution to  
16 another person.

17           45. "Business" means any individual, partnership,  
18 corporation or association engaged in a business operation for  
19 the purpose of selling or distributing pesticides or providing  
20 the service of application of pesticides in this State.

21           46. "Facility" means any building or structure and all real  
22 property contiguous thereto, including all equipment fixed  
23 thereon used for the operation of the business.

24           47. "Chemigation" means the application of a pesticide  
25 through the systems or equipment employed for the primary  
26 purpose of irrigation of land and crops.

1           48. "Use" means any activity covered by the pesticide label  
2 including but not limited to application of pesticide, mixing  
3 and loading, storage of pesticides or pesticide containers,  
4 disposal of pesticides and pesticide containers and reentry  
5 into treated sites or areas.

6 (Source: P.A. 92-113, eff. 7-20-01; revised 11-14-13.)

7           Section 600. The Firearm Owners Identification Card Act is  
8 amended by changing Section 8 as follows:

9           (430 ILCS 65/8) (from Ch. 38, par. 83-8)

10          Sec. 8. Grounds for denial and revocation. The Department  
11 of State Police has authority to deny an application for or to  
12 revoke and seize a Firearm Owner's Identification Card  
13 previously issued under this Act only if the Department finds  
14 that the applicant or the person to whom such card was issued  
15 is or was at the time of issuance:

16           (a) A person under 21 years of age who has been  
17 convicted of a misdemeanor other than a traffic offense or  
18 adjudged delinquent;

19           (b) A person under 21 years of age who does not have  
20 the written consent of his parent or guardian to acquire  
21 and possess firearms and firearm ammunition, or whose  
22 parent or guardian has revoked such written consent, or  
23 where such parent or guardian does not qualify to have a  
24 Firearm Owner's Identification Card;

1           (c) A person convicted of a felony under the laws of  
2 this or any other jurisdiction;

3           (d) A person addicted to narcotics;

4           (e) A person who has been a patient of a mental health  
5 facility within the past 5 years or a person who has been a  
6 patient in a mental health facility more than 5 years ago  
7 who has not received the certification required under  
8 subsection (u) of this Section. An active law enforcement  
9 officer employed by a unit of government who is denied,  
10 revoked, or has his or her Firearm Owner's Identification  
11 Card seized under this subsection (e) may obtain relief as  
12 described in subsection (c-5) of Section 10 of this Act if  
13 the officer did not act in a manner threatening to the  
14 officer, another person, or the public as determined by the  
15 treating clinical psychologist or physician, and the  
16 officer seeks mental health treatment;

17           (f) A person whose mental condition is of such a nature  
18 that it poses a clear and present danger to the applicant,  
19 any other person or persons or the community;

20           (g) A person who is intellectually disabled;

21           (h) A person who intentionally makes a false statement  
22 in the Firearm Owner's Identification Card application;

23           (i) An alien who is unlawfully present in the United  
24 States under the laws of the United States;

25           (i-5) An alien who has been admitted to the United  
26 States under a non-immigrant visa (as that term is defined

1 in Section 101(a)(26) of the Immigration and Nationality  
2 Act (8 U.S.C. 1101(a)(26))), except that this subsection  
3 (i-5) does not apply to any alien who has been lawfully  
4 admitted to the United States under a non-immigrant visa if  
5 that alien is:

6 (1) admitted to the United States for lawful  
7 hunting or sporting purposes;

8 (2) an official representative of a foreign  
9 government who is:

10 (A) accredited to the United States Government  
11 or the Government's mission to an international  
12 organization having its headquarters in the United  
13 States; or

14 (B) en route to or from another country to  
15 which that alien is accredited;

16 (3) an official of a foreign government or  
17 distinguished foreign visitor who has been so  
18 designated by the Department of State;

19 (4) a foreign law enforcement officer of a friendly  
20 foreign government entering the United States on  
21 official business; or

22 (5) one who has received a waiver from the Attorney  
23 General of the United States pursuant to 18 U.S.C.  
24 922(y)(3);

25 (j) (Blank);

26 (k) A person who has been convicted within the past 5

1 years of battery, assault, aggravated assault, violation  
2 of an order of protection, or a substantially similar  
3 offense in another jurisdiction, in which a firearm was  
4 used or possessed;

5 (l) A person who has been convicted of domestic  
6 battery, aggravated domestic battery, or a substantially  
7 similar offense in another jurisdiction committed before,  
8 on or after January 1, 2012 (the effective date of Public  
9 Act 97-158). If the applicant or person who has been  
10 previously issued a Firearm Owner's Identification Card  
11 under this Act knowingly and intelligently waives the right  
12 to have an offense described in this paragraph (l) tried by  
13 a jury, and by guilty plea or otherwise, results in a  
14 conviction for an offense in which a domestic relationship  
15 is not a required element of the offense but in which a  
16 determination of the applicability of 18 U.S.C. 922(g)(9)  
17 is made under Section 112A-11.1 of the Code of Criminal  
18 Procedure of 1963, an entry by the court of a judgment of  
19 conviction for that offense shall be grounds for denying an  
20 application for and for revoking and seizing a Firearm  
21 Owner's Identification Card previously issued to the  
22 person under this Act;

23 (m) (Blank);

24 (n) A person who is prohibited from acquiring or  
25 possessing firearms or firearm ammunition by any Illinois  
26 State statute or by federal law;

1 (o) A minor subject to a petition filed under Section  
2 5-520 of the Juvenile Court Act of 1987 alleging that the  
3 minor is a delinquent minor for the commission of an  
4 offense that if committed by an adult would be a felony;

5 (p) An adult who had been adjudicated a delinquent  
6 minor under the Juvenile Court Act of 1987 for the  
7 commission of an offense that if committed by an adult  
8 would be a felony;

9 (q) A person who is not a resident of the State of  
10 Illinois, except as provided in subsection (a-10) of  
11 Section 4;

12 (r) A person who has been adjudicated as a mentally  
13 disabled person;

14 (s) A person who has been found to be developmentally  
15 disabled;

16 (t) A person involuntarily admitted into a mental  
17 health facility; or

18 (u) A person who has had his or her Firearm Owner's  
19 Identification Card revoked or denied under subsection (e)  
20 of this Section or item (iv) of paragraph (2) of subsection  
21 (a) of Section 4 of this Act because he or she was a  
22 patient in a mental health facility as provided in ~~item (2)~~  
23 ~~of~~ subsection (e) of this Section, shall not be permitted  
24 to obtain a Firearm Owner's Identification Card, after the  
25 5-year ~~5-year~~ period has lapsed, unless he or she has  
26 received a mental health evaluation by a physician,

1 clinical psychologist, or qualified examiner as those  
2 terms are defined in the Mental Health and Developmental  
3 Disabilities Code, and has received a certification that he  
4 or she is not a clear and present danger to himself,  
5 herself, or others. The physician, clinical psychologist,  
6 or qualified examiner making the certification and his or  
7 her employer shall not be held criminally, civilly, or  
8 professionally liable for making or not making the  
9 certification required under this subsection, except for  
10 willful or wanton misconduct. This subsection does not  
11 apply to a person whose firearm possession rights have been  
12 restored through administrative or judicial action under  
13 Section 10 or 11 of this Act. ~~or~~

14 ~~(v)~~ Upon revocation of a person's Firearm Owner's  
15 Identification Card, the Department of State Police shall  
16 provide notice to the person and the person shall comply with  
17 Section 9.5 of this Act.

18 (Source: P.A. 97-158, eff. 1-1-12; 97-227, eff. 1-1-12; 97-813,  
19 eff. 7-13-12; 97-1131, eff. 1-1-13; 97-1167, eff. 6-1-13;  
20 98-63, eff. 7-9-13; 98-508, eff. 8-19-13; revised 9-24-13.)

21 Section 605. The Firearm Concealed Carry Act is amended by  
22 changing Sections 25, 35, 50, and 70 as follows:

23 (430 ILCS 66/25)

24 Sec. 25. Qualifications for a license.

1           The Department shall issue a license to an applicant  
2 completing an application in accordance with Section 30 of this  
3 Act if the person:

4           (1) is at least 21 years of age;

5           (2) has a currently valid Firearm Owner's  
6 Identification Card and at the time of application meets  
7 the requirements for the issuance of a Firearm Owner's  
8 Identification Card and is not prohibited under the Firearm  
9 Owners Identification Card Act or federal law from  
10 possessing or receiving a firearm;

11           (3) has not been convicted or found guilty in this  
12 State or in any other state of:

13           (A) a misdemeanor involving the use or threat of  
14 physical force or violence to any person within the 5  
15 years preceding the date of the license application; or

16           (B) 2 or more violations related to driving while  
17 under the influence of alcohol, other drug or drugs,  
18 intoxicating compound or compounds, or any combination  
19 thereof, within the 5 years preceding the date of the  
20 license application; ~~and~~

21           (4) is not the subject of a pending arrest warrant,  
22 prosecution, or proceeding for an offense or action that  
23 could lead to disqualification to own or possess a firearm;

24           (5) has not been in residential or court-ordered  
25 treatment for alcoholism, alcohol detoxification, or drug  
26 treatment within the 5 years immediately preceding the date



1 of the license application; and

2 (6) has completed firearms training and any education  
3 component required under Section 75 of this Act.

4 (Source: P.A. 98-63, eff. 7-9-13; revised 11-12-13.)

5 (430 ILCS 66/35)

6 Sec. 35. Investigation of the applicant.

7 The Department shall conduct a background check of the  
8 applicant to ensure compliance with the requirements of this  
9 Act and all federal, State, and local laws. The background  
10 check shall include a search of the following:

11 (1) the National Instant Criminal Background Check  
12 System of the Federal Bureau of Investigation;

13 (2) all available state and local criminal history  
14 record information files, including records of juvenile  
15 adjudications;

16 (3) all available federal, state, and local records  
17 regarding wanted persons;

18 (4) all available federal, state, and local records of  
19 domestic violence restraining and protective orders;

20 (5) the files of the Department of Human Services  
21 relating to mental health and developmental disabilities;  
22 and

23 (6) all other available records of a federal, state, or  
24 local agency or other public entity in any jurisdiction  
25 likely to contain information relevant to whether the

1 applicant is prohibited from purchasing, possessing, or  
2 carrying a firearm under federal, state, or local law.

3 ~~(7)~~ Fingerprints collected under Section 30 shall be  
4 checked against the Department of State Police and Federal  
5 Bureau of Investigation criminal history record databases now  
6 and hereafter filed. The Department shall charge applicants a  
7 fee for conducting the criminal history records check, which  
8 shall be deposited in the State Police Services Fund and shall  
9 not exceed the actual cost of the records check.

10 (Source: P.A. 98-63, eff. 7-9-13; revised 11-12-13.)

11 (430 ILCS 66/50)

12 Sec. 50. License renewal. Applications for renewal of a  
13 license shall be made to the Department. A license shall be  
14 renewed for a period of 5 years upon receipt of a completed  
15 renewal application, completion of 3 hours of training required  
16 under Section 75 of this ~~Act Section~~, payment of the applicable  
17 renewal fee, and completion of an investigation under Section  
18 35 of this Act. The renewal application shall contain the  
19 information required in Section 30 of this Act, except that the  
20 applicant need not resubmit a full set of fingerprints.

21 (Source: P.A. 98-63, eff. 7-9-13; revised 11-12-13.)

22 (430 ILCS 66/70)

23 Sec. 70. Violations.

24 (a) A license issued or renewed under this Act shall be

1     revoked if, at any time, the licensee is found to be ineligible  
2     for a license under this Act or the licensee no longer meets  
3     the eligibility requirements of the Firearm Owners  
4     Identification Card Act.

5           (b) A license shall be suspended if an order of protection,  
6     including an emergency order of protection, plenary order of  
7     protection, or interim order of protection under Article 112A  
8     of the Code of Criminal Procedure of 1963 or under the Illinois  
9     Domestic Violence Act of 1986, is issued against a licensee for  
10    the duration of the order, or if the Department is made aware  
11    of a similar order issued against the licensee in any other  
12    jurisdiction. If an order of protection is issued against a  
13    licensee, the licensee shall surrender the license, as  
14    applicable, to the court at the time the order is entered or to  
15    the law enforcement agency or entity serving process at the  
16    time the licensee is served the order. The court, law  
17    enforcement agency, or entity responsible for serving the order  
18    of protection shall notify the Department within 7 days and  
19    transmit the license to the Department.

20           (c) A license is invalid upon expiration of the license,  
21    unless the licensee has submitted an application to renew the  
22    license, and the applicant is otherwise eligible to possess a  
23    license under this Act.

24           (d) A licensee shall not carry a concealed firearm while  
25    under the influence of alcohol, other drug or drugs,  
26    intoxicating compound or combination of compounds, or any

1 combination thereof, under the standards set forth in  
2 subsection (a) of Section 11-501 of the Illinois Vehicle Code.

3 A licensee in violation of this subsection (d) shall be  
4 guilty of a Class A misdemeanor for a first or second violation  
5 and a Class 4 felony for a third violation. The Department may  
6 suspend a license for up to 6 months for a second violation and  
7 shall permanently revoke a license for a third violation.

8 (e) Except as otherwise provided, a licensee in violation  
9 of this Act shall be guilty of a Class B misdemeanor. A second  
10 or subsequent violation is a Class A misdemeanor. The  
11 Department may suspend a license for up to 6 months for a  
12 second violation and shall permanently revoke a license for 3  
13 or more violations of Section 65 of this Act. Any person  
14 convicted of a violation under this Section shall pay a \$150  
15 fee to be deposited into the Mental Health Reporting Fund, plus  
16 any applicable court costs or fees.

17 (f) A licensee convicted or found guilty of a violation of  
18 this Act who has a valid license and is otherwise eligible to  
19 carry a concealed firearm shall only be subject to the  
20 penalties under this Section and shall not be subject to the  
21 penalties under Section 21-6, paragraph (4), (8), or (10) of  
22 subsection (a) of Section 24-1, or subparagraph (A-5) or (B-5)  
23 of paragraph (3) of subsection (a) of Section 24-1.6 of the  
24 Criminal Code of 2012. Except as otherwise provided in this  
25 subsection, nothing in this subsection prohibits the licensee  
26 from being subjected to penalties for violations other than

1 those specified in this Act.

2 (g) A licensee whose license is revoked, suspended, or  
3 denied shall, within 48 hours of receiving notice of the  
4 revocation, suspension, or denial, surrender his or her  
5 concealed carry license to the local law enforcement agency  
6 where the person resides. The local law enforcement agency  
7 shall provide the licensee a receipt and transmit the concealed  
8 carry license to the Department of State Police. If the  
9 licensee whose concealed carry license has been revoked,  
10 suspended, or denied fails to comply with the requirements of  
11 this subsection, the law enforcement agency where the person  
12 resides may petition the circuit court to issue a warrant to  
13 search for and seize the concealed carry license in the  
14 possession and under the custody or control of the licensee  
15 whose concealed carry license has been revoked, suspended, or  
16 denied. The observation of a concealed carry license in the  
17 possession of a person whose license has been revoked,  
18 suspended, or denied constitutes a sufficient basis for the  
19 arrest of that person for violation of this subsection. A  
20 violation of this subsection is a Class A misdemeanor.

21 (h) A license issued or renewed under this Act shall be  
22 revoked if, at any time, the licensee is found ineligible for a  
23 Firearm Owner's Identification Card, or the licensee no longer  
24 possesses a valid Firearm Owner's Identification Card. A  
25 licensee whose license is revoked under this subsection (h)  
26 shall surrender his or her concealed carry license as provided

1 for in subsection (g) of this Section.

2 This subsection shall not apply to a person who has filed  
3 an application with the State Police for renewal of a Firearm  
4 Owner's Identification Card and who is not otherwise ineligible  
5 to obtain a Firearm Owner's Identification Card.

6 (Source: P.A. 98-63, eff. 7-9-13; revised 11-12-13.)

7 Section 610. The Boiler and Pressure Vessel Safety Act is  
8 amended by changing Section 5 as follows:

9 (430 ILCS 75/5) (from Ch. 111 1/2, par. 3206)

10 Sec. 5. Exemptions.

11 (a) This Act shall not apply to the following boilers and  
12 pressure vessels:

13 (1) Boilers and pressure vessels under federal  
14 regulations, except for boiler and pressure vessels in  
15 nuclear facilities subject to Section 2a, and boilers and  
16 pressure vessels located in cities of more than 500,000  
17 inhabitants.

18 (2) Pressure vessels used for transportation and  
19 storage of compressed or liquefied gases when constructed  
20 in compliance with specifications of the Department of  
21 Transportation and charged with gas or liquid, marked,  
22 maintained, and periodically requalified for use, as  
23 required by appropriate regulations of the Department of  
24 Transportation.

1           (3) Pressure vessels located on vehicles operating  
2 under the rules of other State authorities and used for  
3 carrying passengers or freight.

4           (4) Pressure vessels installed on the right of way of  
5 railroads and used directly in the operation of trains.

6           (5) Boilers and pressure vessels under the inspection  
7 jurisdiction of the Department of Natural Resources and  
8 located on mine property.

9           (6) Boilers and pressure vessels located on farms and  
10 used solely for agricultural purposes.

11           (7) Steam boilers of a miniature model locomotive,  
12 boat, tractor, or stationary engine constructed and  
13 maintained as a hobby and not for commercial use, that have  
14 an inside diameter not exceeding 12 inches and a grate area  
15 not exceeding 1 1/2 square feet, provided they are  
16 constantly attended while in operation and are equipped  
17 with a water level indicator, pressure gauge, and a safety  
18 valve of adequate capacity.

19           (8) Pressure vessels regulated and inspected under the  
20 Illinois Fertilizer Act of 1961.

21           (9) Pressure vessels containing liquefied ~~liquified~~  
22 petroleum gas regulated under the Liquefied ~~Liquified~~  
23 Petroleum Gas Regulation Act.

24           (b) The following boilers and pressure vessels shall be  
25 exempt from the requirements of Sections 10, 11, 12, and 13 of  
26 this Act:

1           (1) Steam boilers used for heating purposes and  
2 operated at a pressure not in excess of 15 pounds per  
3 square inch gauge (psig) and having a rating not in excess  
4 of 200,000 B.T.U. per hour input.

5           (2) Hot water heating boilers operated at a pressure  
6 not in excess of 30 psig and having a rating not in excess  
7 of 200,000 B.T.U. per hour.

8           (3) Boilers and pressure vessels, located in private  
9 residences or in multi-family buildings having fewer than 6  
10 dwelling units.

11           (4) Hot water supply boilers that are directly fired  
12 with oil, gas, or electricity when none of the following  
13 limitations are exceeded:

14                   (A) Heat input of 200,000 BTU per hour.

15                   (B) Water temperature of 200 degrees Fahrenheit.

16                   (C) Nominal water containing capacity of 120 U.S.  
17 gallons.

18           (5) Coil type hot water boilers where the water can  
19 flash into steam when released directly to the atmosphere  
20 through a manually operated nozzle provided the following  
21 conditions are met:

22                   (A) There is no drum, headers, or other steam  
23 space.

24                   (B) No steam is generated within the coil.

25                   (C) Outside diameter of tubing does not exceed 1  
26 inch.



1 (D) Pipe size does not exceed 3/4 inch NPS.

2 (E) Water capacity of unit does not exceed 6 U.S.  
3 gallons.

4 (F) Water temperature does not exceed 350 degrees  
5 Fahrenheit.

6 (6) Pressure vessels containing only water under  
7 pressure for domestic supply purposes, including those  
8 containing air, the compression of which serves only a  
9 cushion or airlift pumping function.

10 (7) Pressure vessels operated at a pressure not  
11 exceeding 15 psig with no limitation on size.

12 (8) Pressure vessels that do not exceed:

13 (A) Both a volume of 15 cubic feet and 250 psig  
14 when not located in a place of public assembly.

15 (B) Both a volume of 5 cubic and 250 psig when  
16 located in a place of public assembly.

17 (C) A volume of 1 1/2 cubic feet or an inside  
18 diameter of 6 inches with no limitation on pressure.

19 (9) Water conditioning equipment used for the removal  
20 of minerals, chemicals, or organic or inorganic particles  
21 from water by means other than application of heat  
22 including, without limitation, water softeners, water  
23 filters, dealkalizers, and demineralizers.

24 (10) Steam boilers of railroad locomotives and  
25 traction engines built prior to 1955 that were constructed  
26 or operated in compliance with the Federal Locomotive

1 Inspection Law and are in the permanent collection of a  
2 museum or historical association are exempt from the  
3 requirements of subsection (c) of Section 10 upon proof of  
4 such construction or inspection being furnished to the  
5 Board.

6 (c) (Blank).

7 (Source: P.A. 94-748, eff. 5-8-06; revised 11-12-13.)

8 Section 615. The Carnival and Amusement Rides Safety Act is  
9 amended by changing Sections 2-8.1, 2-12, and 2-15 as follows:

10 (430 ILCS 85/2-8.1)

11 Sec. 2-8.1. Suspension and revocation of permit to operate.

12 (a) The Department shall have the power to suspend or  
13 revoke an owner's permit for any good cause under the meaning  
14 and purpose of this Act. If a person whose permit has been  
15 suspended or revoked, or whose application for a permit has  
16 been denied, believes that the violation or condition  
17 justifying suspension, revocation, or denial of the permit does  
18 not exist, the person may apply to the Department for  
19 reconsideration through a hearing within 10 working days after  
20 the Department's action. A hearing shall be scheduled, unless  
21 otherwise mutually agreed by the parties, within 48 hours after  
22 the request for hearing.

23 (b) Service of notice of a hearing shall be made by  
24 personal service or certified mail to the address shown on the

1 application for permit, or to any other address on file with  
2 the Department and reasonably believed to be the current  
3 address of the permit holder.

4 (c) The written notice of a hearing shall specify the time,  
5 date, and location of the hearing and the reasons for the  
6 action proposed by the Department.

7 (d) At the hearing, the Department shall have the burden of  
8 establishing good cause for its action. Good cause exists if  
9 the Department establishes that the permit holder has failed to  
10 comply with the requirements of a permit under this Act and its  
11 rules.

12 (e) All hearings held under this Section shall comply with  
13 Article 10 of the Illinois Administrative Procedure Act and the  
14 Department's rules of procedure in administrative hearings,  
15 except that formal discovery, such as production requests,  
16 interrogatories, requests to admit, and depositions shall not  
17 be allowed. The parties shall exchange documents and witness  
18 lists prior to hearing and may request third party subpoenas to  
19 be issued.

20 (f) The final determination by the Department of Labor  
21 shall be rendered within 5 working days after the conclusion of  
22 the hearing.

23 (g) Final determinations made under this Section are  
24 subject to the Administrative Review Law.

25 (Source: P.A. 98-541, eff. 8-23-13; revised 11-14-13.)

1 (430 ILCS 85/2-12) (from Ch. 111 1/2, par. 4062)

2 Sec. 2-12. Order for cessation of operation of amusement  
3 ride or attraction.

4 (a) The Department of Labor may order, in writing, a  
5 temporary and immediate cessation of operation of any amusement  
6 ride or amusement attraction if it:

7 (1) has been determined after inspection to be  
8 hazardous or unsafe;

9 (2) is in operation before the Director has issued a  
10 permit to operate such equipment; or

11 (3) the owner or operator is not in compliance with the  
12 insurance requirements contained in Section 2-14 of this  
13 Act and any rules or regulations adopted hereunder.

14 (b) Operation of the amusement ride or amusement attraction  
15 shall not resume until:

16 (1) the unsafe or hazardous condition is corrected to  
17 the satisfaction of the Director or such inspector;

18 (2) the Director has issued a permit to operate such  
19 equipment; or

20 (3) the owner or operator is in compliance with the  
21 insurance requirements contained in Section 2-14 of this  
22 Act and any rules or regulations adopted hereunder,  
23 respectively.

24 (c) The Department shall notify the owner or operator in  
25 writing of the grounds for the cessation of operation of the  
26 amusement ride or attraction and of the conditions in need of

1 correction at the time the order for cessation is issued.

2 (d) The owner or operator may appeal an order of cessation  
3 by filing a request for a hearing. The Department shall afford  
4 the owner or operator 10 working days after the date of the  
5 notice to request a hearing. Upon written request for hearing,  
6 the Department shall schedule a formal administrative hearing  
7 in compliance with Article 10 of the Illinois Administrative  
8 Procedure Act and pursuant to the provisions of the  
9 Department's rules of procedure in administrative hearings,  
10 except that formal discovery, such as production requests,  
11 interrogatories, requests to admit, and depositions will not be  
12 allowed. The parties shall exchange documents and witness lists  
13 prior to hearing and may request third party subpoenas to be  
14 issued.

15 (e) The final determination by the Department of Labor  
16 shall be rendered within 5 working days after the conclusion of  
17 the hearing.

18 (f) The provisions of the Administrative Review Law shall  
19 apply to and govern all proceedings for the judicial review of  
20 a final determination under this Section.

21 (Source: P.A. 98-541, eff. 8-23-13; revised 11-15-13.)

22 (430 ILCS 85/2-15) (from Ch. 111 1/2, par. 4065)

23 Sec. 2-15. Penalties.

24 (a) Criminal penalties.

25 1. Any person who operates an amusement ride or

1 amusement attraction at a carnival or fair without having  
2 obtained a permit from the Department or who violates any  
3 order or rule issued by the Department under this Act is  
4 guilty of a Class A misdemeanor. Each day shall constitute  
5 a separate and distinct offense.

6 2. Any person who interferes with, impedes, or  
7 obstructs in any manner the Director or any authorized  
8 representative of the Department in the performance of  
9 their duties under this Act is guilty of a Class A  
10 misdemeanor.

11 (b) Civil penalties. Unless otherwise provided in this Act,  
12 any person who operates an amusement ride or amusement  
13 attraction without having obtained a permit from the Department  
14 in violation of this Act is subject to a civil penalty not to  
15 exceed \$2,500 per violation for a first violation and not to  
16 exceed \$5,000 for a second or subsequent violation.

17 Prior to any determination, or the imposition of any civil  
18 penalty, under this subsection (b), the Department shall notify  
19 the operator in writing of the alleged violation. The  
20 Department shall afford the operator 10 working days after the  
21 date of the notice to request a hearing. Upon written request  
22 of the operator, the Department shall schedule a formal  
23 administrative hearing in compliance with Article 10 of the  
24 Illinois Administrative Procedure Act and the Department's  
25 rules of procedure in administrative hearings, except that  
26 formal discovery, such as production requests,

1 interrogatories, requests to admit, and depositions shall not  
2 be allowed. The parties shall exchange documents and witness  
3 lists prior to hearing and may request third party subpoenas to  
4 be issued. The final determination by the Department of Labor  
5 shall be rendered within 5 working days after the conclusion of  
6 the hearing. Final determinations made under this Section are  
7 subject to the provisions of the Administrative Review Law. In  
8 determining the amount of a penalty, the Director may consider  
9 the appropriateness of the penalty to the person or entity  
10 charged, upon determination of the gravity of the violation.  
11 The penalties, when finally determined, may be recovered in a  
12 civil action brought by the Director of Labor in any circuit  
13 court. In this litigation, the Director of Labor shall be  
14 represented by the Attorney General.

15 (Source: P.A. 98-541, eff. 8-23-13; revised 11-15-13.)

16 Section 620. The Agricultural Production Contract Code is  
17 amended by changing Section 50 as follows:

18 (505 ILCS 17/50)

19 Sec. 50. Enforcement; offenses; remedies. The Attorney  
20 General is primarily responsible for enforcing this Act.

21 A violation of Section 20, 25, 30, or 35 is a business  
22 offense under the Unified Code of Corrections punishable by a  
23 fine of not more than \$10,000 per offense.

24 A producer may recover his or her actual damages for a

1 contractor's violation of Section 40 or 45 of this Act.

2 (Source: P.A. 93-522, eff. 1-1-05; 93-815, eff. 1-1-05; revised  
3 11-14-13.)

4 Section 625. The Illinois AgriFIRST Program Act of 2001 is  
5 amended by changing Section 5 as follows:

6 (505 ILCS 19/5)

7 Sec. 5. Definitions. In this Act:

8 "Agribusiness" means any sole proprietorship, limited  
9 partnership, co-partnership, joint venture, corporation, or  
10 cooperative that operates or will operate a facility located  
11 within the State of Illinois that is related to the processing  
12 of agricultural commodities (including, but not limited to, the  
13 products of aquaculture, hydroponics, and silviculture) or the  
14 manufacturing, production, or construction of agricultural  
15 buildings, structures, equipment, implements, and supplies, or  
16 any other facilities or processes used in agricultural  
17 production. "Agribusiness" includes but is not limited to the  
18 following:

19 (1) grain handling and processing, including grain  
20 storage, drying, treatment, conditioning, milling, and  
21 packaging;

22 (2) seed and feed grain development and processing;

23 (3) fruit and vegetable processing, including  
24 preparation, canning, and packaging;



1           (4) processing of livestock and livestock products,  
2           dairy products, poultry and poultry products, fish or  
3           apiarian products, including slaughter, shearing,  
4           collecting, preparation, canning, and packaging;

5           (5) fertilizer and agricultural chemical  
6           manufacturing, processing, application and supplying;

7           (6) farm machinery, equipment, and implement  
8           manufacturing and supplying;

9           (7) manufacturing and supplying of agricultural  
10          commodity processing machinery and equipment, including  
11          machinery and equipment used in slaughter, treatment,  
12          handling, collecting, preparation, canning, or packaging  
13          of agricultural commodities;

14          (8) farm building and farm structure manufacturing,  
15          construction, and supplying;

16          (9) construction, manufacturing, implementation,  
17          supplying, or servicing of irrigation, drainage, and soil  
18          and water conservation devices or equipment;

19          (10) fuel processing and development facilities that  
20          produce fuel from agricultural commodities or by-products;

21          (11) facilities and equipment for processing and  
22          packaging agricultural commodities specifically for  
23          export;

24          (12) facilities and equipment for forestry product  
25          processing and supplying, including sawmilling operations,  
26          wood chip operations, timber harvesting operations, and

1 manufacturing of prefabricated buildings, paper,  
2 furniture, or other goods from forestry products; and

3 (13) facilities and equipment for research and  
4 development of products, processes, and equipment for the  
5 production, processing, preparation, or packaging of  
6 agricultural commodities and by-products.

7 "Agricultural facility" means land, any building or other  
8 improvement on or to land, and any personal properties deemed  
9 necessary or suitable for use, whether or not now in existence,  
10 in farming, ranching, the production of agricultural  
11 commodities (including, but not limited to, the products of  
12 aquaculture, hydroponics, and silviculture) or the treating,  
13 processing, or storing of agricultural commodities.

14 "Agricultural land" means land suitable for agriculture  
15 production.

16 "Asset" includes, but is not limited to, the following:  
17 cash crops or feed on hand; livestock held for sale; breeding  
18 stock; marketable bonds and securities; securities not readily  
19 marketable; accounts receivable; notes receivable; cash  
20 invested in growing crops; net cash value of life insurance;  
21 machinery and equipment; cars and trucks; farm and other real  
22 estate including life estates and personal residence; value of  
23 beneficial interest in trusts; government payments or grants;  
24 and any other assets.

25 "Department" means the Department of Agriculture.

26 "Director" means the Director of Agriculture.

1 "Fund" means the Illinois AgriFIRST Program Fund.

2 "Grantee" means the person or entity to whom a grant is  
3 made ~~to~~ from the Fund.

4 "Lender" means any federal or State chartered bank, federal  
5 land bank, production credit association, bank for  
6 cooperatives, federal or state chartered savings and loan  
7 association or building and loan association, small business  
8 investment company, or any other institution qualified within  
9 this State to originate and service loans, including, but not  
10 limited to, insurance companies, credit unions, and mortgage  
11 loan companies. "Lender" includes a wholly owned subsidiary of  
12 a manufacturer, seller or distributor of goods or services that  
13 makes loans to businesses or individuals, commonly known as a  
14 "captive finance company".

15 "Liability" includes, but is not limited to, the following:  
16 accounts payable; notes or other indebtedness owed to any  
17 source; taxes; rent; amounts owed on real estate contracts or  
18 real estate mortgages; judgments; accrued interest payable;  
19 and any other liability.

20 "Person" means, unless limited to a natural person by the  
21 context in which it is used, a person, corporation,  
22 association, trust, partnership, limited partnership, joint  
23 venture, or cooperative.

24 "State" means the State of Illinois.

25 "Value-added" means the processing, packaging, or  
26 otherwise enhancing the value of farm and agricultural products

1 or by-products produced in Illinois.

2 (Source: P.A. 92-346, eff. 8-14-01; revised 9-24-13.)

3 Section 630. The Illinois Fertilizer Act of 1961 is amended  
4 by changing Sections 3, 4, 6, and 12 as follows:

5 (505 ILCS 80/3) (from Ch. 5, par. 55.3)

6 Sec. 3. Definitions of words and terms. When used in this  
7 Act unless the context otherwise requires:

8 "AAPFCO" means the Association of American Plant Food  
9 Control Officials.

10 "Adulterated" shall apply to any fertilizer:

11 (i) that contains any deleterious or harmful  
12 substance, defined under the provisions of this Act or its  
13 rules or regulations, in sufficient amount to render it  
14 injurious to beneficial plant life, animals, humans,  
15 aquatic life, soil, or water when applied in accordance  
16 with directions for use on the label;

17 (ii) when its composition falls below or differs from  
18 that which it is purported to possess by its labeling;

19 (iii) that contains unwanted crop seed or weed seed.

20 "Anhydrous ammonia" means the compound formed by the  
21 combination of 2 gaseous elements, nitrogen and hydrogen, in  
22 the proportion of one part of nitrogen to 3 parts of hydrogen  
23 (NH<sub>3</sub>) by volume. Anhydrous ammonia is a fertilizer of ammonia  
24 gas in compressed and liquified form. It is not aqueous ammonia

1 which is a solution of ammonia gas in water and which is  
2 considered a low-pressure nitrogen solution.

3 "Blender" means any entity or system engaged in the  
4 business of blending fertilizer. This includes both mobile and  
5 fixed equipment, excluding application equipment, used to  
6 achieve this function.

7 "Blending" means the physical mixing or combining of: one  
8 or more fertilizer materials and one or more filler materials;  
9 2 or more fertilizer materials; 2 or more fertilizer materials  
10 and filler materials, including mixing through the  
11 simultaneous or sequential application of any of the outlined  
12 combinations listed in this definition, to produce a uniform  
13 mixture.

14 "Brand" means a term, design, or trademark used in  
15 connection with one or several grades of fertilizers.

16 "Bulk" means any fertilizer distributed in a single  
17 container greater than 100 pounds.

18 "Consumer or end user" means the final purchaser prior to  
19 application.

20 "Custom blend" means a fertilizer blended according to  
21 specifications provided to a blender in a soil test nutrient  
22 recommendation or to meet the specific consumer request prior  
23 to blending.

24 "Custom blender" means any entity who produces and sells  
25 custom blended fertilizers.

26 "Deficiency" means the amount of nutrient found by analysis

1 less than that guaranteed that may result from a lack of  
2 nutrient ingredients or from lack of uniformity.

3 "Department" means the Illinois Department of Agriculture.

4 "Department rules or regulations" means any rule or  
5 regulation implemented by the Department as authorized under  
6 Section 14 of this Act.

7 "Director" means the Director of Agriculture or a duly  
8 authorized representative.

9 "Distribute" means to import, consign, manufacture,  
10 produce, store, transport, custom blend, compound, or blend  
11 fertilizer or to transfer from one container to another for the  
12 purpose of selling, giving away, bartering, or otherwise  
13 supplying fertilizer in this State.

14 "Distributor" means any entity that ~~who~~ distributes  
15 fertilizer.

16 "Entity" means any individual, partnership, association,  
17 firm, or corporation.

18 "Fertilizer" means any substance containing one or more of  
19 the recognized plant nutrient nitrogen, phosphate, potash, or  
20 those defined under 8 Ill. Adm. Code 210.20 that is used for  
21 its plant nutrient content and that is designed for use or  
22 claimed to have value in promoting plant growth, except  
23 unmanipulated animal and vegetable manures, sea solids, marl,  
24 lime, limestone, wood ashes, and other products exempted by  
25 regulation by the Director.

26 "Fertilizer material" means a fertilizer that either:

1 (A) contains important quantities of no more than one  
 2 of the primary plant nutrients: nitrogen (N), phosphate  
 3 ( $P_2O_5$ ), and potash ( $K_2O$ );

4 (B) has 85% or more of its plant nutrient content  
 5 present in the form of a single chemical compound; or

6 (C) is derived from a plant or animal residue or  
 7 by-product or natural material deposit that has been  
 8 processed in such a way that its content of plant nutrients  
 9 has not been materially changed except by purification and  
 10 concentration.

11 "Grade" means the minimum percentage of total nitrogen,  
 12 available phosphate ( $P_2O_5$ ), and soluble potash ( $K_2O$ ) stated in  
 13 the whole numbers in the same terms, order, and percentages as  
 14 in the guaranteed analysis, provided that specialty  
 15 fertilizers may be guaranteed in fractional units of less than  
 16 1% of total nitrogen, available phosphate, and soluble potash  
 17 and that fertilizer materials, bone meal, manures, and similar  
 18 materials may be guaranteed in fractional units.

19 "Guaranteed analysis" means the minimum percentages of  
 20 plant nutrients claimed in the following order and form:

- 21 A. Total Nitrogen (N) ..... %
- 22 Available Phosphate ( $P_2O_5$ ) ..... %
- 23 Soluble Potash ( $K_2O$ ) ..... %

24 B. For unacidulated mineral phosphatic materials and  
 25 basic slag, both total and available phosphate and the  
 26 degree of fineness. For bone, tankage, and other organic

1 phosphatic materials, total phosphate.

2 C. Guarantees for plant nutrients other than nitrogen,  
3 phosphate, and potash may be permitted or required by  
4 regulation by the Director. The guarantees for such other  
5 nutrients shall be expressed in the form of the element.

6 "Investigational allowance" means an allowance for  
7 variations inherent in the taking, preparation, and analysis of  
8 an official sample of fertilizer.

9 "Label" means the display of all written, printed, or  
10 graphic matter upon the immediate container or a statement  
11 accompanying a fertilizer.

12 "Labeling" means all (i) written, printed, or graphic  
13 matter upon or accompanying any fertilizer or (ii)  
14 advertisements, Internet, brochures, posters, and television  
15 and radio announcements used in promoting the sale of  
16 fertilizer.

17 "Lot" means an identifiable quantity of fertilizer that can  
18 be sampled according to AOAC International procedures, such as  
19 the amount contained in a single vehicle, the amount delivered  
20 under a single invoice, or in the case of bagged fertilizer,  
21 not more than 25 tons.

22 "Low-pressure nitrogen solution" means a solution  
23 containing 2 per cent or more by weight of free ammonia and/or  
24 having vapor pressure of 5 pounds or more per square inch gauge  
25 at 104 degrees Fahrenheit ~~104° F.~~

26 "Misbranded" shall apply to any fertilizer:



1 (i) with labeling that is false or misleading in any  
2 particular;

3 (ii) that is distributed under the name of another  
4 fertilizer product;

5 (iii) that is not labeled as required by this Act or  
6 its rules; or

7 (iv) that ~~which~~ purports to be or is represented as a  
8 fertilizer, or is represented as containing a plant  
9 nutrient or fertilizer unless such plant nutrient or  
10 fertilizer conforms to the definition of identity, if any,  
11 prescribed by regulation.

12 "Mixed fertilizer" means any combination or mixture of  
13 fertilizer materials designed for use or claimed to have value  
14 in promoting plant growth.

15 "NREC" means the Nutrient Research and Education Council.

16 "Official sample" means any sample of fertilizer taken by  
17 the Director or his or her agent and designated as official by  
18 the Director.

19 "Per cent" or "percentage" means the percentage by weight.

20 "Registrant" means the entity that ~~who~~ registers  
21 fertilizer and obtains a license under the provisions of this  
22 Act.

23 "Specialty fertilizer" means a fertilizer distributed  
24 primarily for nonfarm use, such as home gardens, lawns,  
25 shrubbery, flowers, golf courses, municipal parks, cemeteries,  
26 green houses and nurseries, and may include fertilizer used for

1 research or experimental purposes.

2 "Ton" means a net weight of 2,000 pounds avoirdupois.

3 "Unit" means 20 pounds or 1% of a ton of plant nutrient.

4 (Source: P.A. 97-960, eff. 8-15-12; revised 11-18-13.)

5 (505 ILCS 80/4) (from Ch. 5, par. 55.4)

6 Sec. 4. License and product registration.

7 (a) Each brand and grade of fertilizer shall be registered  
8 by the entity whose name appears upon the label before being  
9 distributed in this State. The application for registration  
10 shall be submitted with a label or facsimile of same to the  
11 Director on forms furnished by the Director, and shall be  
12 accompanied by a fee of \$20 per grade within a brand. Upon  
13 approval by the Director a copy of the registration shall be  
14 furnished to the applicant. All registrations expire on  
15 December 31 of each year.

16 The application shall include the following information:

17 (1) The net weight

18 (2) The brand and grade

19 (3) The guaranteed analysis

20 (4) The name and address of the registrant.

21 (a-5) No entity whose name appears on the label shall  
22 distribute a fertilizer in the State unless the entity has  
23 secured a license under this Act on forms provided by the  
24 Director. The license application shall be accompanied by a fee  
25 of \$100. Entities that ~~who~~ store anhydrous ammonia as a

1 fertilizer, store bulk fertilizer, or custom blend a fertilizer  
2 at more than one site under the same entity's name shall list  
3 any and all additional sites with a complete address for each  
4 site and remit a license fee of \$50 for each site identified.  
5 Entities performing lawn care applications for hire are exempt  
6 from obtaining a license under this Act. All licenses expire on  
7 December 31 of each year.

8 (b) A distributor shall not be required to register any  
9 brand of fertilizer or a custom blend which is already  
10 registered under this Act by another entity.

11 (c) The plant nutrient content of each and every fertilizer  
12 must remain uniform for the period of registration and, in no  
13 case, shall the percentage of any guaranteed plant nutrient  
14 element be changed in such a manner that the crop-producing  
15 quality of the fertilizer is lowered.

16 (d) (Blank).

17 (e) A custom blend, as defined in Section 3, prepared for  
18 one consumer or end user shall not be co-mingled with the  
19 custom blended fertilizer prepared for another consumer or end  
20 user.

21 (f) All fees collected pursuant to this Section shall be  
22 paid to the Fertilizer Control Fund for activities related to  
23 the administration and enforcement of this Act.

24 (Source: P.A. 97-960, eff. 8-15-12; revised 11-18-13.)

25 (505 ILCS 80/6) (from Ch. 5, par. 55.6)

1           Sec. 6. Inspection fees.

2           (a) There shall be paid to the Director for all fertilizers  
3 distributed in this State an inspection fee at the rate of 25¢  
4 per ton with a minimum inspection fee of \$15. Sales or  
5 exchanges between registrants are hereby exempted from the  
6 inspection fee.

7           On individual packages of fertilizers containing 5 pounds  
8 or less, or if in liquid form containers of 4,000 cubic  
9 centimeters or less, there shall be paid instead of the 25¢ per  
10 ton inspection fee, an annual inspection fee of \$50 for each  
11 grade within a brand sold or distributed. Where an entity sells  
12 fertilizers in packages of 5 pounds or less, or 4,000 cubic  
13 centimeters or less if in liquid form, and also sells in larger  
14 packages than 5 pounds or liquid containers larger than 4,000  
15 cubic centimeters, this annual inspection fee of \$50 applies  
16 only to that portion sold in packages of 5 pounds or less or  
17 4,000 cubic centimeters or less, and that portion sold in  
18 larger packages or containers shall be subject to the same  
19 inspection fee of 25¢ per ton as provided in this Act.

20           (b) Every entity that ~~who~~ distributes a fertilizer, custom  
21 blend, or speciality fertilizer in this State shall file with  
22 the Director, on forms furnished by the Director, a semi-annual  
23 statement for the periods ending June 30 and December 31,  
24 setting forth the number of net tons of each grade of  
25 fertilizers within a brand or the net tons of custom blend  
26 distributed. The report shall be due on or before the 30th day

1 of the month following the close of each semi-annual period and  
2 upon the statement shall pay the inspection fee at the rate  
3 stated in paragraph (a) of this Section.

4 If the tonnage report is not filed and the payment of  
5 inspection fee is not made within 30 days after the end of the  
6 semi-annual period, a collection fee amounting to 15% (minimum  
7 \$15) of the amount shall be assessed against the registrant.  
8 The amount of fees due shall constitute a debt and become the  
9 basis of a judgment against the registrant. Upon the written  
10 request to the Director additional time may be granted past the  
11 normal date of filing the semi-annual statement.

12 (c) When more than one entity is involved in the  
13 distribution of a fertilizer, the last registrant who  
14 distributes to the consumer or end user ~~end-user~~ is responsible  
15 for reporting the tonnage and paying the inspection fee.

16 (d) All fees collected under this Section shall be paid to  
17 the Fertilizer Control Fund for activities related to the  
18 administration and enforcement of this Act.

19 (Source: P.A. 97-960, eff. 8-15-12; revised 11-18-13.)

20 (505 ILCS 80/12) (from Ch. 5, par. 55.12)

21 Sec. 12. Tonnage reports; records.

22 (a) Any entity distributing fertilizer to a consumer or end  
23 user ~~end-user~~ in this State shall provide the Director with a  
24 summary report on or before the 10th day of each month covering  
25 the shipments made during the preceding month of tonnage on a

1 form, provided by the Director, for that purpose.

2 Specialty fertilizer sold in packages weighing 5 pounds or  
3 less or in container of 4000 cubic centimeters or less, shall  
4 be reported but no inspection fee will be charged. No  
5 information furnished under this Section shall be disclosed by  
6 the Department in such a way as to divulge the operation of any  
7 entity.

8 (b) Each entity location engaged in the sale of ammonium  
9 nitrate shall obtain the following information upon its  
10 distribution:

11 (1) the date of distribution;

12 (2) the quantity purchased;

13 (3) the license number of the purchaser's valid State  
14 or federal driver's license, or an equivalent number taken  
15 from another form of picture identification approved for  
16 purchaser identification by the Director; and

17 (4) the purchaser's name, current physical address,  
18 and telephone number.

19 Any retailer of ammonium nitrate may refuse to sell  
20 ammonium nitrate to any person attempting to purchase ammonium  
21 nitrate (i) out of season, (ii) in unusual quantities, or (iii)  
22 under suspect purchase patterns.

23 (c) Records created under subsection (b) of this Section  
24 shall be maintained for a minimum of 2 years. Such records  
25 shall be available for inspection, copying, and audit by the  
26 Department as provided under this Act.

1 (Source: P.A. 97-960, eff. 8-15-12; revised 11-18-13.)

2 Section 635. The Animal Control Act is amended by changing  
3 Section 2 as follows:

4 (510 ILCS 5/2) (from Ch. 8, par. 352)

5 Sec. 2. As used in this Act, unless the context otherwise  
6 requires, the terms specified in the Sections following this  
7 Section and preceding Section 3 ~~Sections 2.01 through 2.19~~ have  
8 the meanings ascribed to them in those Sections.

9 (Source: P.A. 78-795; revised 11-18-13.)

10 Section 640. The Bees and Apiaries Act is amended by  
11 changing Section 2-1 as follows:

12 (510 ILCS 20/2-1)

13 Sec. 2-1. Nuisances. All bees, colonies, or items of bee  
14 equipment, where bee diseases, bee parasites or exotic strains  
15 of bees exist; or hives that cannot be readily inspected; or  
16 colonies that are not registered, are declared to be nuisances  
17 to be regulated as prescribed by the Department.

18 If the Department finds by inspection that any person is  
19 maintaining a nuisance as described in this Section, it shall  
20 proceed to regulate the nuisance by methods or procedures  
21 deemed necessary for control in accordance with rules and  
22 regulations of the Department.

1           If the owner or beekeeper cannot be found or will not  
2 consent to the terms for regulation of the nuisance, the  
3 Department shall notify in writing the owner or beekeeper,  
4 disclose the fact that a nuisance exists, ~~exists~~ and prescribe  
5 the method by which the nuisance may be abated. The notice  
6 declaring that a nuisance exists and ordering its abatement  
7 shall include:

8           (1) a statement of conditions constituting the  
9 nuisance;

10           (2) establishment of the time period within which the  
11 nuisance is to be abated;

12           (3) directions, written or printed, pointing out the  
13 methods that shall be employed to abate the nuisance;

14           (4) a statement of the consequences should the owner or  
15 beekeeper fail to comply.

16           The notice may be served personally or by certified mail  
17 with a return receipt requested. The directions for abatement  
18 of a nuisance may consist of a printed circular, bulletin or  
19 report of the Department, the United States Department of  
20 Agriculture or others, or an extract from such document.

21           If the person so notified refuses or fails to abate the  
22 nuisance in the manner and in the time prescribed in the  
23 notice, the Department may cause the nuisance to be abated. The  
24 Department shall certify, to the owner or beekeeper, the cost  
25 of the abatement. The owner or beekeeper shall pay to the  
26 Department any costs of that action, within 60 days after



1 certification that the nuisance has been abated. If the costs  
2 of abatement are not remitted, the Department may recover the  
3 costs before any court in the State having competent  
4 jurisdiction.

5 (Source: P.A. 88-138; revised 11-19-13.)

6 Section 645. The Wildlife Code is amended by changing  
7 Sections 1.2 and 2.33 as follows:

8 (520 ILCS 5/1.2) (from Ch. 61, par. 1.2)

9 Sec. 1.2. This Act shall be administered by and under the  
10 direction of the Department of Natural Resources. As used in  
11 this Act, unless the context otherwise requires, the terms  
12 specified in the Sections following this Section and preceding  
13 Section 1.3 ~~Sections 1.2a through 1.2t~~ have the meanings  
14 ascribed to them in those Sections.

15 (Source: P.A. 89-445, eff. 2-7-96; revised 11-19-13.)

16 (520 ILCS 5/2.33) (from Ch. 61, par. 2.33)

17 Sec. 2.33. Prohibitions.

18 (a) It is unlawful to carry or possess any gun in any State  
19 refuge unless otherwise permitted by administrative rule.

20 (b) It is unlawful to use or possess any snare or  
21 snare-like device, deadfall, net, or pit trap to take any  
22 species, except that snares not powered by springs or other  
23 mechanical devices may be used to trap fur-bearing mammals, in

1 water sets only, if at least one-half of the snare noose is  
2 located underwater at all times.

3 (c) It is unlawful for any person at any time to take a  
4 wild mammal protected by this Act from its den by means of any  
5 mechanical device, spade, or digging device or to use smoke or  
6 other gases to dislodge or remove such mammal except as  
7 provided in Section 2.37.

8 (d) It is unlawful to use a ferret or any other small  
9 mammal which is used in the same or similar manner for which  
10 ferrets are used for the purpose of frightening or driving any  
11 mammals from their dens or hiding places.

12 (e) (Blank).

13 (f) It is unlawful to use spears, gigs, hooks or any like  
14 device to take any species protected by this Act.

15 (g) It is unlawful to use poisons, chemicals or explosives  
16 for the purpose of taking any species protected by this Act.

17 (h) It is unlawful to hunt adjacent to or near any peat,  
18 grass, brush or other inflammable substance when it is burning.

19 (i) It is unlawful to take, pursue or intentionally harass  
20 or disturb in any manner any wild birds or mammals by use or  
21 aid of any vehicle or conveyance, except as permitted by the  
22 Code of Federal Regulations for the taking of waterfowl. It is  
23 also unlawful to use the lights of any vehicle or conveyance or  
24 any light from or any light connected to the vehicle or  
25 conveyance in any area where wildlife may be found except in  
26 accordance with Section 2.37 of this Act; however, nothing in

1 this Section shall prohibit the normal use of headlamps for the  
2 purpose of driving upon a roadway. Striped skunk, opossum, red  
3 fox, gray fox, raccoon and coyote may be taken during the open  
4 season by use of a small light which is worn on the body or  
5 hand-held by a person on foot and not in any vehicle.

6 (j) It is unlawful to use any shotgun larger than 10 gauge  
7 while taking or attempting to take any of the species protected  
8 by this Act.

9 (k) It is unlawful to use or possess in the field any  
10 shotgun shell loaded with a shot size larger than lead BB or  
11 steel T (.20 diameter) when taking or attempting to take any  
12 species of wild game mammals (excluding white-tailed deer),  
13 wild game birds, migratory waterfowl or migratory game birds  
14 protected by this Act, except white-tailed deer as provided for  
15 in Section 2.26 and other species as provided for by subsection  
16 (l) or administrative rule.

17 (l) It is unlawful to take any species of wild game, except  
18 white-tailed deer and fur-bearing mammals, with a shotgun  
19 loaded with slugs unless otherwise provided for by  
20 administrative rule.

21 (m) It is unlawful to use any shotgun capable of holding  
22 more than 3 shells in the magazine or chamber combined, except  
23 on game breeding and hunting preserve areas licensed under  
24 Section 3.27 and except as permitted by the Code of Federal  
25 Regulations for the taking of waterfowl. If the shotgun is  
26 capable of holding more than 3 shells, it shall, while being

1 used on an area other than a game breeding and shooting  
2 preserve area licensed pursuant to Section 3.27, be fitted with  
3 a one piece plug that is irremovable without dismantling the  
4 shotgun or otherwise altered to render it incapable of holding  
5 more than 3 shells in the magazine and chamber, combined.

6 (n) It is unlawful for any person, except persons who  
7 possess a permit to hunt from a vehicle as provided in this  
8 Section and persons otherwise permitted by law, to have or  
9 carry any gun in or on any vehicle, conveyance or aircraft,  
10 unless such gun is unloaded and enclosed in a case, except that  
11 at field trials authorized by Section 2.34 of this Act,  
12 unloaded guns or guns loaded with blank cartridges only, may be  
13 carried on horseback while not contained in a case, or to have  
14 or carry any bow or arrow device in or on any vehicle unless  
15 such bow or arrow device is unstrung or enclosed in a case, or  
16 otherwise made inoperable.

17 (o) It is unlawful to use any crossbow for the purpose of  
18 taking any wild birds or mammals, except as provided for in  
19 Section 2.5.

20 (p) It is unlawful to take game birds, migratory game birds  
21 or migratory waterfowl with a rifle, pistol, revolver or  
22 airgun.

23 (q) It is unlawful to fire a rifle, pistol, revolver or  
24 airgun on, over or into any waters of this State, including  
25 frozen waters.

26 (r) It is unlawful to discharge any gun or bow and arrow

1 device along, upon, across, or from any public right-of-way or  
2 highway in this State.

3 (s) It is unlawful to use a silencer or other device to  
4 muffle or mute the sound of the explosion or report resulting  
5 from the firing of any gun.

6 (t) It is unlawful for any person to take or attempt to  
7 take any species of wildlife or parts thereof, intentionally or  
8 wantonly allow a dog to hunt, within or upon the land of  
9 another, or upon waters flowing over or standing on the land of  
10 another, or to knowingly shoot a gun or bow and arrow device at  
11 any wildlife physically on or flying over the property of  
12 another without first obtaining permission from the owner or  
13 the owner's designee. For the purposes of this Section, the  
14 owner's designee means anyone who the owner designates in a  
15 written authorization and the authorization must contain (i)  
16 the legal or common description of property for such authority  
17 is given, (ii) the extent that the owner's designee is  
18 authorized to make decisions regarding who is allowed to take  
19 or attempt to take any species of wildlife or parts thereof,  
20 and (iii) the owner's notarized signature. Before enforcing  
21 this Section the law enforcement officer must have received  
22 notice from the owner or the owner's designee of a violation of  
23 this Section. Statements made to the law enforcement officer  
24 regarding this notice shall not be rendered inadmissible by the  
25 hearsay rule when offered for the purpose of showing the  
26 required notice.

1 (u) It is unlawful for any person to discharge any firearm  
2 for the purpose of taking any of the species protected by this  
3 Act, or hunt with gun or dog, or intentionally or wantonly  
4 allow a dog to hunt, within 300 yards of an inhabited dwelling  
5 without first obtaining permission from the owner or tenant,  
6 except that while trapping, hunting with bow and arrow, hunting  
7 with dog and shotgun using shot shells only, or hunting with  
8 shotgun using shot shells only, or on licensed game breeding  
9 and hunting preserve areas, as defined in Section 3.27, on  
10 property operated under a Migratory Waterfowl Hunting Area  
11 Permit, on federally owned and managed lands and on Department  
12 owned, managed, leased or controlled lands, a 100 yard  
13 restriction shall apply.

14 (v) It is unlawful for any person to remove fur-bearing  
15 mammals from, or to move or disturb in any manner, the traps  
16 owned by another person without written authorization of the  
17 owner to do so.

18 (w) It is unlawful for any owner of a dog to knowingly or  
19 wantonly allow his or her dog to pursue, harass or kill deer,  
20 except that nothing in this Section shall prohibit the tracking  
21 of wounded deer with a dog in accordance with the provisions of  
22 Section 2.26 of this Code.

23 (x) It is unlawful for any person to wantonly or carelessly  
24 injure or destroy, in any manner whatsoever, any real or  
25 personal property on the land of another while engaged in  
26 hunting or trapping thereon.

1           (y) It is unlawful to hunt wild game protected by this Act  
2 between one half hour after sunset and one half hour before  
3 sunrise, except that hunting hours between one half hour after  
4 sunset and one half hour before sunrise may be established by  
5 administrative rule for fur-bearing mammals.

6           (z) It is unlawful to take any game bird (excluding wild  
7 turkeys and crippled pheasants not capable of normal flight and  
8 otherwise irretrievable) protected by this Act when not flying.  
9 Nothing in this Section shall prohibit a person from carrying  
10 an uncased, unloaded shotgun in a boat, while in pursuit of a  
11 crippled migratory waterfowl that is incapable of normal  
12 flight, for the purpose of attempting to reduce the migratory  
13 waterfowl to possession, provided that the attempt is made  
14 immediately upon downing the migratory waterfowl and is done  
15 within 400 yards of the blind from which the migratory  
16 waterfowl was downed. This exception shall apply only to  
17 migratory game birds that are not capable of normal flight.  
18 Migratory waterfowl that are crippled may be taken only with a  
19 shotgun as regulated by subsection (j) of this Section using  
20 shotgun shells as regulated in subsection (k) of this Section.

21           (aa) It is unlawful to use or possess any device that may  
22 be used for tree climbing or cutting, while hunting fur-bearing  
23 mammals, excluding coyotes.

24           (bb) It is unlawful for any person, except licensed game  
25 breeders, pursuant to Section 2.29 to import, carry into, or  
26 possess alive in this State any species of wildlife taken

1 outside of this State, without obtaining permission to do so  
2 from the Director.

3 (cc) It is unlawful for any person to have in his or her  
4 possession any freshly killed species protected by this Act  
5 during the season closed for taking.

6 (dd) It is unlawful to take any species protected by this  
7 Act and retain it alive except as provided by administrative  
8 rule.

9 (ee) It is unlawful to possess any rifle while in the field  
10 during gun deer season except as provided in Section 2.26 and  
11 administrative rules.

12 (ff) It is unlawful for any person to take any species  
13 protected by this Act, except migratory waterfowl, during the  
14 gun deer hunting season in those counties open to gun deer  
15 hunting, unless he or she wears, when in the field, a cap and  
16 upper outer garment of a solid blaze orange color, with such  
17 articles of clothing displaying a minimum of 400 square inches  
18 of blaze orange material.

19 (gg) It is unlawful during the upland game season for any  
20 person to take upland game with a firearm unless he or she  
21 wears, while in the field, a cap of solid blaze orange color.  
22 For purposes of this Act, upland game is defined as Bobwhite  
23 Quail, Hungarian Partridge, Ring-necked Pheasant, Eastern  
24 Cottontail and Swamp Rabbit.

25 (hh) It shall be unlawful to kill or cripple any species  
26 protected by this Act for which there is a bag limit without



1 making a reasonable effort to retrieve such species and include  
2 such in the bag limit. It shall be unlawful for any person  
3 having control over harvested game mammals, game birds, or  
4 migratory game birds for which there is a bag limit to wantonly  
5 waste or destroy the usable meat of the game, except this shall  
6 not apply to wildlife taken under Sections 2.37 or 3.22 of this  
7 Code. For purposes of this subsection, "usable meat" means the  
8 breast meat of a game bird or migratory game bird and the hind  
9 ham and front shoulders of a game mammal. It shall be unlawful  
10 for any person to place, leave, dump, or abandon a wildlife  
11 carcass or parts of it along or upon a public right-of-way or  
12 highway or on public or private property, including a waterway  
13 or stream, without the permission of the owner or tenant. It  
14 shall not be unlawful to discard game meat that is determined  
15 to be unfit for human consumption.

16 (ii) This Section shall apply only to those species  
17 protected by this Act taken within the State. Any species or  
18 any parts thereof, legally taken in and transported from other  
19 states or countries, may be possessed within the State, except  
20 as provided in this Section and Sections 2.35, 2.36 and 3.21.

21 (jj) (Blank).

22 (kk) Nothing contained in this Section shall prohibit the  
23 Director from issuing permits to paraplegics or to other  
24 disabled persons who meet the requirements set forth in  
25 administrative rule to shoot or hunt from a vehicle as provided  
26 by that rule, provided that such is otherwise in accord with

1 this Act.

2 (ll) Nothing contained in this Act shall prohibit the  
3 taking of aquatic life protected by the Fish and Aquatic Life  
4 Code or birds and mammals protected by this Act, except deer  
5 and fur-bearing mammals, from a boat not camouflaged or  
6 disguised to alter its identity or to further provide a place  
7 of concealment and not propelled by sail or mechanical power.  
8 However, only shotguns not larger than 10 gauge nor smaller  
9 than .410 bore loaded with not more than 3 shells of a shot  
10 size no larger than lead BB or steel T (.20 diameter) may be  
11 used to take species protected by this Act.

12 (mm) Nothing contained in this Act shall prohibit the use  
13 of a shotgun, not larger than 10 gauge nor smaller than a 20  
14 gauge, with a rifled barrel.

15 (nn) It shall be unlawful to possess any species of  
16 wildlife or wildlife parts taken unlawfully in Illinois, any  
17 other state, or any other country, whether or not the wildlife  
18 or wildlife parts is indigenous to Illinois. For the purposes  
19 of this subsection, the statute of limitations for unlawful  
20 possession of wildlife or wildlife parts shall not cease until  
21 2 years after the possession has permanently ended.

22 (Source: P.A. 97-645, eff. 12-30-11; 97-907, eff. 8-7-12;  
23 98-119, eff. 1-1-14; 98-181, eff. 8-5-13; 98-183, eff. 1-1-14;  
24 98-290, eff. 8-9-13; revised 9-24-13.)

25 Section 650. The Open Space Lands Acquisition and

1 Development Act is amended by changing Section 3 as follows:

2 (525 ILCS 35/3) (from Ch. 85, par. 2103)

3 Sec. 3. From appropriations made from the Capital  
4 Development Fund, Build Illinois Bond Fund or other available  
5 or designated funds for such purposes, the Department shall  
6 make grants to local governments as financial assistance for  
7 the capital development and improvement of park, recreation or  
8 conservation areas, marinas and shorelines, including planning  
9 and engineering costs, and for the acquisition of open space  
10 lands, including acquisition of easements and other property  
11 interests less than fee simple ownership if the Department  
12 determines that such property interests are sufficient to carry  
13 out the purposes of this Act, subject to the conditions and  
14 limitations set forth in this Act.

15 No more than 10% of the amount so appropriated for any  
16 fiscal year may be committed or expended on any one project  
17 described in an application under this Act.

18 Any grant under this Act to a local government shall be  
19 conditioned upon the state providing assistance on a 50/50  
20 matching basis for the acquisition of open space lands and for  
21 capital development and improvement proposals. However, a  
22 local government defined as "distressed" under criteria  
23 adopted by the Department through administrative rule shall be  
24 eligible for assistance up to 90% for the acquisition of open  
25 space lands and for capital development and improvement

1 proposals, provided that no more than 10% of the amount  
2 appropriated under this Act in any fiscal year is made  
3 available as grants to distressed local governments.

4 A minimum of 50% of any grant made to a unit of local  
5 government under this Act must be paid to the unit of local  
6 government at the time the Department awards the grant. The  
7 remainder of the grant shall be distributed to the local  
8 government quarterly on a reimbursement basis.

9 (Source: P.A. 98-326, eff. 8-12-13; 98-520, eff. 8-23-13;  
10 revised 9-19-13.)

11 Section 655. The Illinois Highway Code is amended by  
12 renumbering Section 223 as follows:

13 (605 ILCS 5/4-223)

14 Sec. 4-223 ~~223~~. Electric vehicle charging stations. By  
15 January 1, 2016 or as soon thereafter as possible, the  
16 Department may provide for at least one electric vehicle  
17 charging station at each Interstate highway rest area where  
18 electrical service will reasonably permit and if these stations  
19 and charging user fees at these stations are allowed by federal  
20 regulations.

21 The Department may adopt and publish specifications  
22 detailing the kind and type of electric vehicle charging  
23 station to be provided and may adopt rules governing the place  
24 of erection, user fees, and maintenance of electric vehicle

1 charging stations.

2 (Source: P.A. 98-442, eff. 1-1-14; revised 9-17-13.)

3 Section 660. The Illinois Aeronautics Act is amended by  
4 changing Section 43d as follows:

5 (620 ILCS 5/43d) (from Ch. 15 1/2, par. 22.43d)

6 Sec. 43d. Intoxicated persons in or about aircraft.

7 (a) No person shall:

8 (1) Operate or attempt to operate any aircraft in this  
9 State while under the influence of intoxicating liquor or  
10 any narcotic drug or other controlled substance.

11 (2) Knowingly permit any individual who is under the  
12 influence of intoxicating liquor or any narcotic drug or  
13 other controlled substance to operate any aircraft owned by  
14 the person or in his custody or control.

15 (3) Perform any act in connection with the maintenance  
16 or operation of any aircraft when under the influence of  
17 intoxicating liquor or any narcotic drug or other  
18 controlled substance, except medication prescribed by a  
19 physician which will not render the person incapable of  
20 performing his duties safely.

21 (4) (i) Consume alcoholic liquor within 8 hours prior  
22 to operating or acting as a crew member of any aircraft  
23 within this State.

24 (ii) Act as a crew member of any aircraft within

1           this State while under the influence of alcohol or when  
2           the alcohol concentration in the person's blood or  
3           breath is 0.04 or more based on the definition of blood  
4           and breath units contained in Section 11-501.2 of the  
5           Illinois Vehicle Code.

6           (iii) Operate any aircraft within this State when  
7           the alcohol concentration in the person's blood or  
8           breath is 0.04 or more based on the definition of blood  
9           and breath units contained in Section 11-501.2 of the  
10          Illinois Vehicle Code.

11          (iv) Operate or act as a crew member of any  
12          aircraft within this State when there is any amount of  
13          a drug, substance, or compound in the person's blood or  
14          urine resulting from the unlawful use or consumption of  
15          cannabis as listed in the Cannabis Control Act or a  
16          controlled substance as listed in the Illinois  
17          Controlled Substances ~~Substance~~ Act.

18          (5) Knowingly consume while a crew member of any  
19          aircraft any intoxicating liquor, narcotic drug, or other  
20          controlled substance while the aircraft is in operation.

21          (b) Any person who violates clause (4)(i) of subsection (a)  
22          of this Section is guilty of a Class A misdemeanor. A person  
23          who violates paragraph (2), (3), or (5) or clause (4)(ii) of  
24          subsection (a) of this Section is guilty of a Class 4 felony. A  
25          person who violates paragraph (1) or clause (4)(iii) or (4)(iv)  
26          of subsection (a) of this Section is guilty of a Class 3

1 felony.

2 (Source: P.A. 92-517, eff. 6-1-02; revised 11-19-13.)

3 Section 665. The County Airport Law of 1943 is amended by  
4 changing Section 6 as follows:

5 (620 ILCS 45/6) (from Ch. 15 1/2, par. 89)

6 Sec. 6. The directors shall, immediately after  
7 appointment, meet and organize by the election of one of their  
8 number as president and one as secretary, and by the election  
9 of such other officers as they may deem necessary. They shall  
10 make and adopt such by-laws, rules and regulations for their  
11 own guidance and for the government of the airport and landing  
12 field, buildings, equipment and other facilities or activities  
13 and institutions connected therewith as may be expedient, not  
14 inconsistent with the "Illinois Aeronautics Act", as now or  
15 hereafter amended or supplemented, or any rule, ruling,  
16 regulation, order or decision of the Department of  
17 Transportation of this State. They shall have the exclusive  
18 control of the expenditure of all moneys collected to the  
19 credit of the Airport Fund, and of the construction of any  
20 airport, building, landing strips or other facilities  
21 connected therewith, or auxiliary institutions or activities  
22 in connection therewith, and of the supervision, care and  
23 custody of the grounds, buildings and facilities constructed,  
24 leased, or set apart for that purpose: Provided, that all

1 moneys received for such airport with the exception of moneys  
2 the title to which rests in the Board of Directors in  
3 accordance with Section 9, shall be deposited in the treasury  
4 of the county to the credit of the Airport fund and shall not  
5 be used for any other purpose, and shall be drawn upon by the  
6 proper officers of the county upon the properly authenticated  
7 vouchers of the Board of Directors. The Board of Directors may  
8 purchase or lease ground within the limits of such county, and  
9 occupy, lease or erect an appropriate building or buildings for  
10 the use of the airport, auxiliary institutions and activities  
11 connected therewith: Provided, however, that no such building,  
12 landing strips or other facilities shall be constructed or  
13 erected until detailed plans therefor shall have been submitted  
14 to and approved by the Department of Transportation of this  
15 State. The Board of Directors may appoint suitable managers,  
16 assistants and employees and fix their compensation by  
17 resolution duly adopted, and may also remove such appointees,  
18 and shall carry out the spirit and intent of this Act in  
19 establishing and maintaining an airport and landing field.

20 The Board of Directors shall, in addition to the powers set  
21 forth in this Act, specifically have the powers designated as  
22 follows:

23 1. To locate, establish and maintain an airport and airport  
24 facilities within the area of its jurisdiction, and to develop,  
25 expand, extend and improve any such airport or airport  
26 facility.



1           2. To acquire land, rights in and over land and easements  
2 upon, over or across land, and leasehold interests in land, and  
3 tangible and intangible personal property, used or useful for  
4 the location, establishment, maintenance, development,  
5 expansion, extension or improvement of any such airport or  
6 airport facility. Such acquisition may be by dedication,  
7 purchase, gift, agreement, lease, or by user or adverse  
8 possession or condemnation. In the determination of the  
9 compensation to be paid in any condemnation proceeding under  
10 this subsection involving property or facilities used in  
11 agriculture, commerce, industry or trade there shall be  
12 included not only the value of the property and facilities  
13 affected and the cost of any changes in or relocation of such  
14 property and facilities but also compensation for any loss  
15 occasioned in the operation thereof.

16           3. To operate, manage, lease, sublease, and to make and  
17 enter into contracts for the use, operation or management of,  
18 and to provide rules and regulations for the operation,  
19 management or use of any such airport or airport facility.

20           4. To fix, charge and collect rentals, tolls, fees and  
21 charges for the use of any such airport, or any part thereof,  
22 or any such airport facility, and to grant privileges within  
23 any airport or structure therein or any part thereof, and to  
24 charge and collect compensation for such privileges and to  
25 lease any building or structure or any part thereof to private  
26 or public concerns or corporations in connection with the use

1 and operation of such airport and to enter into contracts or  
2 agreements permitting private or public concerns to erect and  
3 build structures for airport purposes and purposes auxiliary  
4 thereto and connected therewith, on such terms and conditions  
5 as the directors deem expedient and in the public interest;  
6 provided, that no such structure may be erected by any public  
7 or private concern or corporation pursuant to such agreement  
8 until the plans and specifications therefor shall have been  
9 submitted to and approved by the Department of Transportation  
10 of this State.

11 5. To establish, maintain, extend and improve roadways and  
12 approaches by land, water or air to any such airport.

13 6. To contract or otherwise to provide by condemnation if  
14 necessary for the removal or relocation of all private  
15 structures, railways, mains, pipes, conduits, wires, poles and  
16 all other facilities and equipment which may interfere with the  
17 location, expansion, development, or improvement of airports  
18 or with the safe approach thereto or takeoff therefrom by  
19 aircraft, and to assume any obligation and pay any expense  
20 incidental to such removal or relocation.

21 7. Within territory two miles from any airport or landing  
22 field, as measured at a right angle from any side, or in a  
23 radial line from the corner of any established boundary line  
24 thereof, to enter into contracts for a term of years or  
25 permanently with the owners of such land to restrict the height  
26 of any structure upon the relationship of one foot of height to

1 each twenty feet of distance from the boundary line, upon such  
2 terms and conditions and for ~~the~~ such consideration as the  
3 Board of Directors deems equitable; and to adopt, administer  
4 and enforce airport zoning regulations for and within the  
5 county and within any territory which extends not more than 2  
6 miles beyond the boundaries of any Airport under the control of  
7 the Board of Directors.

8 8. To borrow money and to issue bonds, notes, certificates  
9 or other evidences of indebtedness for the purpose of  
10 accomplishing any of the corporate purposes, subject, however,  
11 to compliance with the conditions or limitations of this Act or  
12 otherwise provided by the constitution or laws of the State of  
13 Illinois.

14 9. To employ or enter into contracts for the employment of  
15 any person, firm or corporation, and for professional services,  
16 necessary or desirable for the accomplishment of the objects of  
17 the Board of Directors or the proper administration,  
18 management, protection or control of its property.

19 10. To police its property and to exercise police powers in  
20 respect thereto or in respect to the enforcement of any rule or  
21 regulation provided by the resolutions of the Board of  
22 Directors and to employ and commission police officers and  
23 other qualified persons to enforce the same.

24 Nothing in this section or in other provisions of this Act  
25 shall be construed to authorize the Board of Directors to  
26 establish or enforce any regulation or rule in respect to

1 aviation or the operation or maintenance of any airport or any  
2 airport facility within its jurisdiction which is in conflict  
3 with any federal or state law or regulation applicable to the  
4 same subject matter.

5 This section is subject to the "Illinois Aeronautics Act",  
6 as now or hereafter amended or supplemented, or any rule,  
7 ruling, regulation, order or decision of the Department of  
8 Transportation of this State.

9 The Federal Government or any department or agency thereof,  
10 the State of Illinois or any department or agency thereof, or  
11 any political subdivision of the State of Illinois and any  
12 public or private aircraft shall be permitted to use any  
13 airport facility subject to the regulation and control of, and  
14 upon such terms and conditions as shall be established by the  
15 Board of Directors.

16 (Source: P.A. 81-840; revised 11-19-13.)

17 Section 670. The Public-Private Agreements for the South  
18 Suburban Airport Act is amended by changing Section 2-35 as  
19 follows:

20 (620 ILCS 75/2-35)

21 Sec. 2-35. Provisions of the public-private agreement.

22 (a) The public-private agreement shall include all of the  
23 following:

24 (1) the term of the public-private agreement that is

1 consistent with Section 2-20 of this Act;

2 (2) the powers, duties, responsibilities, obligations,  
3 and functions of the Department and the contractor;

4 (3) compensation or payments to the Department;

5 (4) compensation or payments to the contractor;

6 (5) a provision specifying that the Department has:

7 (A) ready access to information regarding the  
8 contractor's powers, duties, responsibilities,  
9 obligations, and functions under the public-private  
10 agreement;

11 (B) the right to demand and receive information  
12 from the contractor concerning any aspect of the  
13 contractor's powers, duties, responsibilities,  
14 obligations, and functions under the public-private  
15 agreement; and

16 (C) the authority to direct or countermand  
17 decisions by the contractor at any time;

18 (6) a provision imposing an affirmative duty on the  
19 contractor to provide the Department with any information  
20 the Department reasonably would want to know or would need  
21 to know to enable the Department to exercise its powers,  
22 carry out its duties, responsibilities, and obligations,  
23 and perform its functions under this Act or the  
24 public-private agreement or as otherwise required by law;

25 (7) a provision requiring the contractor to provide the  
26 Department with advance written notice of any decision that

1 bears significantly on the public interest so the  
2 Department has a reasonable opportunity to evaluate and  
3 countermand that decision under this Section;

4 (8) a requirement that the Department monitor and  
5 oversee the contractor's practices and take action that the  
6 Department considers appropriate to ensure that the  
7 contractor is in compliance with the terms of the  
8 public-private agreement;

9 (9) the authority of the Department to enter into  
10 contracts with third parties pursuant to Section 2-65 of  
11 this Act;

12 (10) a provision governing the contractor's authority  
13 to negotiate and execute subcontracts with third parties;

14 (11) the authority of the contractor to impose user  
15 fees and the amounts of those fees;

16 (12) a provision governing the deposit and allocation  
17 of revenues including user fees;

18 (13) a provision governing rights to real and personal  
19 property of the State, the Department, the contractor, and  
20 other third parties;

21 (14) a provision stating that the contractor shall,  
22 pursuant to Section 2-85 of this Act, pay the costs of an  
23 independent audit if the construction costs under the  
24 contract exceed \$50,000,000;

25 (15) a provision regarding the implementation and  
26 delivery of a comprehensive system of internal audits;

1           (16) a provision regarding the implementation and  
2 delivery of reports, which shall include a requirement that  
3 the contractor file with the Department, at least on an  
4 annual basis, financial statements containing information  
5 required by generally accepted accounting principles  
6 (GAAP);

7           (17) procedural requirements for obtaining the prior  
8 approval of the Department when rights that are the subject  
9 of the agreement, including, but not limited to development  
10 rights, construction rights, property rights, and rights  
11 to certain revenues, are sold, assigned, transferred, or  
12 pledged as collateral to secure financing or for any other  
13 reason;

14           (18) grounds for termination of the agreement by the  
15 Department or the contractor and a restatement of the  
16 Department's rights under Section 2-45 of this Act;

17           (19) a requirement that the contractor enter into a  
18 project labor agreement under Section 2-120 of this Act;

19           (20) a provision stating that construction contractors  
20 shall comply with Section 2-120 of this Act;

21           (21) timelines, deadlines, and scheduling;

22           (22) review of plans, including development,  
23 financing, construction, management, operations, or  
24 maintenance plans, by the Department;

25           (23) a provision regarding inspections by the  
26 Department, including inspections of construction work and

1 improvements;

2 (24) rights and remedies of the Department in the event  
3 that the contractor defaults or otherwise fails to comply  
4 with the terms of the public-private agreement;

5 (25) a code of ethics for the contractor's officers and  
6 employees; and

7 (26) procedures for amendment to the agreement.

8 (b) The public-private agreement may include any or all of  
9 the following:

10 (1) a provision regarding the extension of the  
11 agreement that is consistent with Section 2-20 of this Act;

12 (2) provisions leasing to the contractor all or any  
13 portion of the South Suburban Airport, provided that the  
14 lease may not extend beyond the term of the public-private  
15 agreement;~~;~~

16 (3) cash reserves requirements;

17 (4) delivery of performance and payment bonds or other  
18 performance security in a form and amount that is  
19 satisfactory to the Department;

20 (5) maintenance of public liability insurance;

21 (6) maintenance of self-insurance;

22 (7) provisions governing grants and loans, pursuant to  
23 which the Department may agree to make grants or loans for  
24 the development, financing, construction, management, or  
25 operation of the South Suburban Airport project from time  
26 to time from amounts received from the federal government



1 or any agency or instrumentality of the federal government  
2 or from any State or local agency;

3 (8) reimbursements to the Department for work  
4 performed and goods, services, and equipment provided by  
5 the Department;

6 (9) provisions allowing the Department to submit any  
7 contractual disputes with the contractor relating to the  
8 public-private agreement to non-binding alternative  
9 dispute resolution proceedings; and

10 (10) any other terms, conditions, and provisions  
11 acceptable to the Department that the Department deems  
12 necessary and proper and in the public interest.

13 (Source: P.A. 98-109, eff. 7-25-13; revised 11-19-13.)

14 Section 675. The Illinois Vehicle Code is amended by  
15 changing Sections 1-105, 2-119, 3-918, 5-301, 6-103, 6-106,  
16 6-108, 6-118, 6-201, 6-206, 6-303, 6-508, 6-514, 11-208,  
17 11-208.7, 11-501, 11-709.2, 12-215, 12-610.2, and 15-111 and by  
18 setting forth, renumbering, and changing multiple versions of  
19 Section 3-699 as follows:

20 (625 ILCS 5/1-105) (from Ch. 95 1/2, par. 1-105)

21 Sec. 1-105. Authorized emergency vehicle. Emergency  
22 vehicles of municipal departments or public service  
23 corporations as are designated or authorized by proper local  
24 authorities; police vehicles; vehicles of the fire department;

1 vehicles of a HazMat or technical rescue team authorized by a  
2 county board under Section 5-1127 of the Counties Code;  
3 ambulances; vehicles of the Illinois Department of  
4 Corrections; vehicles of the Illinois Department of Juvenile  
5 Justice; vehicles of the Illinois Emergency Management Agency;  
6 vehicles of the Office of the Illinois State Fire Marshal; mine  
7 rescue and explosives emergency response vehicles of the  
8 Department of Natural Resources; vehicles of the Illinois  
9 Department of Public Health; vehicles of the Illinois  
10 Department of Transportation identified as Emergency Traffic  
11 Patrol; and vehicles of a municipal or county emergency  
12 services and disaster agency, as defined by the Illinois  
13 Emergency Management Agency Act.

14 (Source: P.A. 97-149, eff. 7-14-11; 97-333, eff. 7-12-11;  
15 98-123, eff. 1-1-14; 98-468, eff. 8-16-13; revised 9-19-13.)

16 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

17 (Text of Section before amendment by P.A. 98-176)

18 Sec. 2-119. Disposition of fees and taxes.

19 (a) All moneys received from Salvage Certificates shall be  
20 deposited in the Common School Fund in the State Treasury.

21 (b) Beginning January 1, 1990 and concluding December 31,  
22 1994, of the money collected for each certificate of title,  
23 duplicate certificate of title and corrected certificate of  
24 title, \$0.50 shall be deposited into the Used Tire Management  
25 Fund. Beginning January 1, 1990 and concluding December 31,

1 1994, of the money collected for each certificate of title,  
2 duplicate certificate of title and corrected certificate of  
3 title, \$1.50 shall be deposited in the Park and Conservation  
4 Fund.

5 Beginning January 1, 1995, of the money collected for each  
6 certificate of title, duplicate certificate of title and  
7 corrected certificate of title, \$3.25 shall be deposited in the  
8 Park and Conservation Fund. The moneys deposited in the Park  
9 and Conservation Fund pursuant to this Section shall be used  
10 for the acquisition and development of bike paths as provided  
11 for in Section 805-420 of the Department of Natural Resources  
12 (Conservation) Law (20 ILCS 805/805-420). The monies deposited  
13 into the Park and Conservation Fund under this subsection shall  
14 not be subject to administrative charges or chargebacks unless  
15 otherwise authorized by this Act.

16 Beginning January 1, 2000, of the moneys collected for each  
17 certificate of title, duplicate certificate of title, and  
18 corrected certificate of title, \$48 shall be deposited into the  
19 Road Fund and \$4 shall be deposited into the Motor Vehicle  
20 License Plate Fund, except that if the balance in the Motor  
21 Vehicle License Plate Fund exceeds \$40,000,000 on the last day  
22 of a calendar month, then during the next calendar month the \$4  
23 shall instead be deposited into the Road Fund.

24 Beginning January 1, 2005, of the moneys collected for each  
25 delinquent vehicle registration renewal fee, \$20 shall be  
26 deposited into the General Revenue Fund.

1           Except as otherwise provided in this Code, all remaining  
2 moneys collected for certificates of title, and all moneys  
3 collected for filing of security interests, shall be placed in  
4 the General Revenue Fund in the State Treasury.

5           (c) All moneys collected for that portion of a driver's  
6 license fee designated for driver education under Section 6-118  
7 shall be placed in the Driver Education Fund in the State  
8 Treasury.

9           (d) Beginning January 1, 1999, of the monies collected as a  
10 registration fee for each motorcycle, motor driven cycle and  
11 moped, 27% of each annual registration fee for such vehicle and  
12 27% of each semiannual registration fee for such vehicle is  
13 deposited in the Cycle Rider Safety Training Fund.

14           (e) Of the monies received by the Secretary of State as  
15 registration fees or taxes or as payment of any other fee, as  
16 provided in this Act, except fees received by the Secretary  
17 under paragraph (7) of subsection (b) of Section 5-101 and  
18 Section 5-109 of this Code, 37% shall be deposited into the  
19 State Construction Account Fund.

20           (f) Of the total money collected for a CDL instruction  
21 permit or original or renewal issuance of a commercial driver's  
22 license (CDL) pursuant to the Uniform Commercial Driver's  
23 License Act (UCDLA): (i) \$6 of the total fee for an original or  
24 renewal CDL, and \$6 of the total CDL instruction permit fee  
25 when such permit is issued to any person holding a valid  
26 Illinois driver's license, shall be paid into the

1 CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License  
2 Information System/American Association of Motor Vehicle  
3 Administrators network/National Motor Vehicle Title  
4 Information Service Trust Fund) and shall be used for the  
5 purposes provided in Section 6z-23 of the State Finance Act and  
6 (ii) \$20 of the total fee for an original or renewal CDL or  
7 commercial driver instruction permit shall be paid into the  
8 Motor Carrier Safety Inspection Fund, which is hereby created  
9 as a special fund in the State Treasury, to be used by the  
10 Department of State Police, subject to appropriation, to hire  
11 additional officers to conduct motor carrier safety  
12 inspections pursuant to Chapter 18b of this Code.

13 (g) All remaining moneys received by the Secretary of State  
14 as registration fees or taxes or as payment of any other fee,  
15 as provided in this Act, except fees received by the Secretary  
16 under paragraph (7) (A) of subsection (b) of Section 5-101 and  
17 Section 5-109 of this Code, shall be deposited in the Road Fund  
18 in the State Treasury. Moneys in the Road Fund shall be used  
19 for the purposes provided in Section 8.3 of the State Finance  
20 Act.

21 (h) (Blank).

22 (i) (Blank).

23 (j) (Blank).

24 (k) There is created in the State Treasury a special fund  
25 to be known as the Secretary of State Special License Plate  
26 Fund. Money deposited into the Fund shall, subject to

1 appropriation, be used by the Office of the Secretary of State  
2 (i) to help defray plate manufacturing and plate processing  
3 costs for the issuance and, when applicable, renewal of any new  
4 or existing registration plates authorized under this Code and  
5 (ii) for grants made by the Secretary of State to benefit  
6 Illinois Veterans Home libraries.

7 On or before October 1, 1995, the Secretary of State shall  
8 direct the State Comptroller and State Treasurer to transfer  
9 any unexpended balance in the Special Environmental License  
10 Plate Fund, the Special Korean War Veteran License Plate Fund,  
11 and the Retired Congressional License Plate Fund to the  
12 Secretary of State Special License Plate Fund.

13 (l) The Motor Vehicle Review Board Fund is created as a  
14 special fund in the State Treasury. Moneys deposited into the  
15 Fund under paragraph (7) of subsection (b) of Section 5-101 and  
16 Section 5-109 shall, subject to appropriation, be used by the  
17 Office of the Secretary of State to administer the Motor  
18 Vehicle Review Board, including without limitation payment of  
19 compensation and all necessary expenses incurred in  
20 administering the Motor Vehicle Review Board under the Motor  
21 Vehicle Franchise Act.

22 (m) Effective July 1, 1996, there is created in the State  
23 Treasury a special fund to be known as the Family  
24 Responsibility Fund. Moneys deposited into the Fund shall,  
25 subject to appropriation, be used by the Office of the  
26 Secretary of State for the purpose of enforcing the Family

1 Financial Responsibility Law.

2 (n) The Illinois Fire Fighters' Memorial Fund is created as  
3 a special fund in the State Treasury. Moneys deposited into the  
4 Fund shall, subject to appropriation, be used by the Office of  
5 the State Fire Marshal for construction of the Illinois Fire  
6 Fighters' Memorial to be located at the State Capitol grounds  
7 in Springfield, Illinois. Upon the completion of the Memorial,  
8 moneys in the Fund shall be used in accordance with Section  
9 3-634.

10 (o) Of the money collected for each certificate of title  
11 for all-terrain vehicles and off-highway motorcycles, \$17  
12 shall be deposited into the Off-Highway Vehicle Trails Fund.

13 (p) For audits conducted on or after July 1, 2003 pursuant  
14 to Section 2-124(d) of this Code, 50% of the money collected as  
15 audit fees shall be deposited into the General Revenue Fund.

16 (Source: P.A. 97-1136, eff. 1-1-13; 98-177, eff. 1-1-14;  
17 revised 9-19-13.)

18 (Text of Section after amendment by P.A. 98-176)

19 Sec. 2-119. Disposition of fees and taxes.

20 (a) All moneys received from Salvage Certificates shall be  
21 deposited in the Common School Fund in the State Treasury.

22 (b) Beginning January 1, 1990 and concluding December 31,  
23 1994, of the money collected for each certificate of title,  
24 duplicate certificate of title and corrected certificate of  
25 title, \$0.50 shall be deposited into the Used Tire Management

1 Fund. Beginning January 1, 1990 and concluding December 31,  
2 1994, of the money collected for each certificate of title,  
3 duplicate certificate of title and corrected certificate of  
4 title, \$1.50 shall be deposited in the Park and Conservation  
5 Fund.

6 Beginning January 1, 1995, of the money collected for each  
7 certificate of title, duplicate certificate of title and  
8 corrected certificate of title, \$3.25 shall be deposited in the  
9 Park and Conservation Fund. The moneys deposited in the Park  
10 and Conservation Fund pursuant to this Section shall be used  
11 for the acquisition and development of bike paths as provided  
12 for in Section 805-420 of the Department of Natural Resources  
13 (Conservation) Law (20 ILCS 805/805-420). The monies deposited  
14 into the Park and Conservation Fund under this subsection shall  
15 not be subject to administrative charges or chargebacks unless  
16 otherwise authorized by this Act.

17 Beginning January 1, 2000, of the moneys collected for each  
18 certificate of title, duplicate certificate of title, and  
19 corrected certificate of title, \$48 shall be deposited into the  
20 Road Fund and \$4 shall be deposited into the Motor Vehicle  
21 License Plate Fund, except that if the balance in the Motor  
22 Vehicle License Plate Fund exceeds \$40,000,000 on the last day  
23 of a calendar month, then during the next calendar month the \$4  
24 shall instead be deposited into the Road Fund.

25 Beginning January 1, 2005, of the moneys collected for each  
26 delinquent vehicle registration renewal fee, \$20 shall be



1 deposited into the General Revenue Fund.

2 Except as otherwise provided in this Code, all remaining  
3 moneys collected for certificates of title, and all moneys  
4 collected for filing of security interests, shall be placed in  
5 the General Revenue Fund in the State Treasury.

6 (c) All moneys collected for that portion of a driver's  
7 license fee designated for driver education under Section 6-118  
8 shall be placed in the Driver Education Fund in the State  
9 Treasury.

10 (d) Beginning January 1, 1999, of the monies collected as a  
11 registration fee for each motorcycle, motor driven cycle and  
12 moped, 27% of each annual registration fee for such vehicle and  
13 27% of each semiannual registration fee for such vehicle is  
14 deposited in the Cycle Rider Safety Training Fund.

15 (e) Of the monies received by the Secretary of State as  
16 registration fees or taxes or as payment of any other fee, as  
17 provided in this Act, except fees received by the Secretary  
18 under paragraph (7) of subsection (b) of Section 5-101 and  
19 Section 5-109 of this Code, 37% shall be deposited into the  
20 State Construction Account Fund.

21 (f) Of the total money collected for a commercial learner's  
22 permit (CLP) or original or renewal issuance of a commercial  
23 driver's license (CDL) pursuant to the Uniform Commercial  
24 Driver's License Act (UCDLA): (i) \$6 of the total fee for an  
25 original or renewal CDL, and \$6 of the total CLP fee when such  
26 permit is issued to any person holding a valid Illinois

1 driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS  
2 Trust Fund (Commercial Driver's License Information  
3 System/American Association of Motor Vehicle Administrators  
4 network/National Motor Vehicle Title Information Service Trust  
5 Fund) and shall be used for the purposes provided in Section  
6 6z-23 of the State Finance Act and (ii) \$20 of the total fee  
7 for an original or renewal CDL or CLP shall be paid into the  
8 Motor Carrier Safety Inspection Fund, which is hereby created  
9 as a special fund in the State Treasury, to be used by the  
10 Department of State Police, subject to appropriation, to hire  
11 additional officers to conduct motor carrier safety  
12 inspections pursuant to Chapter 18b of this Code.

13 (g) All remaining moneys received by the Secretary of State  
14 as registration fees or taxes or as payment of any other fee,  
15 as provided in this Act, except fees received by the Secretary  
16 under paragraph (7) (A) of subsection (b) of Section 5-101 and  
17 Section 5-109 of this Code, shall be deposited in the Road Fund  
18 in the State Treasury. Moneys in the Road Fund shall be used  
19 for the purposes provided in Section 8.3 of the State Finance  
20 Act.

21 (h) (Blank).

22 (i) (Blank).

23 (j) (Blank).

24 (k) There is created in the State Treasury a special fund  
25 to be known as the Secretary of State Special License Plate  
26 Fund. Money deposited into the Fund shall, subject to

1 appropriation, be used by the Office of the Secretary of State  
2 (i) to help defray plate manufacturing and plate processing  
3 costs for the issuance and, when applicable, renewal of any new  
4 or existing registration plates authorized under this Code and  
5 (ii) for grants made by the Secretary of State to benefit  
6 Illinois Veterans Home libraries.

7 On or before October 1, 1995, the Secretary of State shall  
8 direct the State Comptroller and State Treasurer to transfer  
9 any unexpended balance in the Special Environmental License  
10 Plate Fund, the Special Korean War Veteran License Plate Fund,  
11 and the Retired Congressional License Plate Fund to the  
12 Secretary of State Special License Plate Fund.

13 (l) The Motor Vehicle Review Board Fund is created as a  
14 special fund in the State Treasury. Moneys deposited into the  
15 Fund under paragraph (7) of subsection (b) of Section 5-101 and  
16 Section 5-109 shall, subject to appropriation, be used by the  
17 Office of the Secretary of State to administer the Motor  
18 Vehicle Review Board, including without limitation payment of  
19 compensation and all necessary expenses incurred in  
20 administering the Motor Vehicle Review Board under the Motor  
21 Vehicle Franchise Act.

22 (m) Effective July 1, 1996, there is created in the State  
23 Treasury a special fund to be known as the Family  
24 Responsibility Fund. Moneys deposited into the Fund shall,  
25 subject to appropriation, be used by the Office of the  
26 Secretary of State for the purpose of enforcing the Family

1 Financial Responsibility Law.

2 (n) The Illinois Fire Fighters' Memorial Fund is created as  
3 a special fund in the State Treasury. Moneys deposited into the  
4 Fund shall, subject to appropriation, be used by the Office of  
5 the State Fire Marshal for construction of the Illinois Fire  
6 Fighters' Memorial to be located at the State Capitol grounds  
7 in Springfield, Illinois. Upon the completion of the Memorial,  
8 moneys in the Fund shall be used in accordance with Section  
9 3-634.

10 (o) Of the money collected for each certificate of title  
11 for all-terrain vehicles and off-highway motorcycles, \$17  
12 shall be deposited into the Off-Highway Vehicle Trails Fund.

13 (p) For audits conducted on or after July 1, 2003 pursuant  
14 to Section 2-124(d) of this Code, 50% of the money collected as  
15 audit fees shall be deposited into the General Revenue Fund.

16 (Source: P.A. 97-1136, eff. 1-1-13; 98-176, eff. 7-1-14;  
17 98-177, eff. 1-1-14; revised 9-19-13.)

18 (625 ILCS 5/3-699)

19 Sec. 3-699. National Wild Turkey Federation license  
20 plates.

21 (a) The Secretary, upon receipt of all applicable fees and  
22 applications made in the form prescribed by the Secretary, may  
23 issue special registration plates designated as National Wild  
24 Turkey Federation license plates. The special plates issued  
25 under this Section shall be affixed only to passenger vehicles

1 of the first division or motor vehicles of the second division  
2 weighing not more than 8,000 pounds. Plates issued under this  
3 Section shall expire according to the multi-year procedure  
4 established by Section 3-414.1 of this Code.

5 (b) The design and color of the special plates shall be  
6 wholly within the discretion of the Secretary. The Secretary  
7 may allow the plates to be issued as vanity plates or  
8 personalized plates under Section 3-405.1 of this Code. The  
9 Secretary shall prescribe stickers or decals as provided under  
10 Section 3-412 of this Code.

11 (c) An applicant for the special plate shall be charged a  
12 \$40 fee for original issuance in addition to the appropriate  
13 registration fee. Of this fee, \$25 shall be deposited into the  
14 National Wild Turkey Federation Fund and \$15 shall be deposited  
15 into the Secretary of State Special License Plate Fund, to be  
16 used by the Secretary to help defray the administrative  
17 processing costs.

18 For each registration renewal period, a \$27 fee, in  
19 addition to the appropriate registration fee, shall be charged.  
20 Of this fee, \$25 shall be deposited into the National Wild  
21 Turkey Federation Fund and \$2 shall be deposited into the  
22 Secretary of State Special License Plate Fund.

23 (d) The National Wild Turkey Federation Fund is created as  
24 a special fund in the State treasury. All moneys in the  
25 National Wild Turkey Federation Fund shall be paid, subject to  
26 appropriation by the General Assembly and distribution by the

1 Secretary, as grants to National Wild Turkey Federation, Inc.,  
2 a tax exempt entity under Section 501(c)(3) of the Internal  
3 Revenue Code, to fund turkey habitat protection, enhancement,  
4 and restoration projects in the State of Illinois, to fund  
5 education and outreach for media, volunteers, members, and the  
6 general public regarding turkeys and turkey habitat  
7 conservation in the State of Illinois, and to cover the  
8 reasonable cost for National Wild Turkey Federation special  
9 plate advertising and administration of the conservation  
10 projects and education program.

11 (Source: P.A. 98-66, eff. 1-1-14.)

12 (625 ILCS 5/3-699.2)

13 Sec. 3-699.2 ~~3-699~~. Diabetes Awareness license plates.

14 (a) The Secretary, upon receipt of an application made in  
15 the form prescribed by the Secretary, may issue special  
16 registration plates designated as Diabetes Awareness license  
17 plates. The special plates issued under this Section shall be  
18 affixed only to passenger vehicles of the first division and  
19 motor vehicles of the second division weighing not more than  
20 8,000 pounds. Plates issued under this Section shall expire  
21 according to the multi-year procedure established by Section  
22 3-414.1 of this Code.

23 (b) The design and color of the plates is wholly within the  
24 discretion of the Secretary of State. The Secretary, in his or  
25 her discretion, may allow the plates to be issued as vanity or

1 personalized plates under Section 3-405.1 of this Code. The  
2 Secretary shall prescribe stickers or decals as provided under  
3 Section 3-412 of this Code.

4 (c) An applicant for the special plate shall be charged a  
5 \$40 fee for original issuance in addition to the appropriate  
6 registration fee. Of this fee, \$25 shall be deposited into the  
7 Diabetes Research Checkoff Fund and \$15 shall be deposited into  
8 the Secretary of State Special License Plate Fund, to be used  
9 by the Secretary to help defray the administrative processing  
10 costs.

11 For each registration renewal period, a \$27 fee, in  
12 addition to the appropriate registration fee, shall be charged.  
13 Of this fee, \$25 shall be deposited into the Diabetes Research  
14 Checkoff Fund and \$2 shall be deposited into the Secretary of  
15 State Special License Plate Fund.

16 (Source: P.A. 98-96, eff. 1-1-14; revised 10-16-13.)

17 (625 ILCS 5/3-699.3)

18 Sec. 3-699.3 ~~3-699~~. Illinois Nurses license plates.

19 (a) The Secretary, upon receipt of an application made in  
20 the form prescribed by the Secretary, may issue special  
21 registration plates designated as Illinois Nurses license  
22 plates. The special plates issued under this Section shall be  
23 affixed only to passenger vehicles of the first division and  
24 motor vehicles of the second division weighing not more than  
25 8,000 pounds. Plates issued under this Section shall expire

1 according to the multi-year procedure established by Section  
2 3-414.1 of this Code.

3 (b) The design and color of the plates is wholly within the  
4 discretion of the Secretary. The Secretary may allow the plates  
5 to be issued as vanity plates or personalized under Section  
6 3-405.1 of the Code. The Secretary shall prescribe stickers or  
7 decals as provided under Section 3-412 of this Code.

8 (c) An applicant for the special plate shall be charged a  
9 \$35 fee for original issuance in addition to the appropriate  
10 registration fee. Of this fee, \$20 shall be deposited into the  
11 Illinois Nurses Foundation Fund and \$15 shall be deposited into  
12 the Secretary of State Special License Plate Fund, to be used  
13 by the Secretary to help defray administrative processing  
14 costs.

15 For each registration renewal period, a \$22 fee, in  
16 addition to the appropriate registration fee, shall be charged.  
17 Of this fee, \$20 shall be deposited into the Illinois Nurses  
18 Foundation Fund and \$2 shall be deposited into the Secretary of  
19 State Special License Plate Fund.

20 (d) The Illinois Nurses Foundation Fund is created as a  
21 special fund in the State treasury. All money in the Illinois  
22 Nurses Foundation Fund shall be paid, subject to appropriation  
23 by the General Assembly and distribution by the Secretary, as  
24 grants to the Illinois Nurses Foundation, to promote the health  
25 of the public by advancing the nursing profession in this  
26 State.



1 (Source: P.A. 98-150, eff. 1-1-14; revised 10-16-13.)

2 (625 ILCS 5/3-699.4)

3 Sec. 3-699.4 ~~3-699~~. American Red Cross license plates.

4 (a) The Secretary, upon receipt of all applicable fees and  
5 applications made in the form prescribed by the Secretary, may  
6 issue special registration plates designated as American Red  
7 Cross license plates. The special plates issued under this  
8 Section shall be affixed only to passenger vehicles of the  
9 first division or motor vehicles of the second division  
10 weighing not more than 8,000 pounds. Plates issued under this  
11 Section shall expire according to the multi-year procedure  
12 established by Section 3-414.1 of this Code.

13 (b) The design and color of the special plates shall be  
14 within the discretion of the Secretary, but shall include the  
15 American Red Cross official logo. Appropriate documentation,  
16 as determined by the Secretary, shall accompany each  
17 application. The Secretary may allow the plates to be issued as  
18 vanity plates or personalized plates under Section 3-405.1 of  
19 this Code. The Secretary shall prescribe stickers or decals as  
20 provided under Section 3-412 of this Code.

21 (c) An applicant for the special plate shall be charged a  
22 \$40 fee for original issuance in addition to the appropriate  
23 registration fee. Of this fee, \$25 shall be deposited into the  
24 American Red Cross Fund and \$15 shall be deposited into the  
25 Secretary of State Special License Plate Fund, to be used by

1 the Secretary to help defray the administrative processing  
2 costs. For each registration renewal period, a \$27 fee, in  
3 addition to the appropriate registration fee, shall be charged.  
4 Of this fee, \$25 shall be deposited into the American Red Cross  
5 Fund and \$2 shall be deposited into the Secretary of State  
6 Special License Plate Fund.

7 (d) The American Red Cross Fund is created as a special  
8 fund in the State treasury. All moneys in the American Red  
9 Cross Fund shall be paid, subject to appropriation by the  
10 General Assembly and distribution by the Secretary, as grants  
11 to the American Red Cross or to charitable entities designated  
12 by the American Red Cross.

13 (Source: P.A. 98-151, eff. 1-1-14; revised 10-16-13.)

14 (625 ILCS 5/3-699.5)

15 Sec. 3-699.5 ~~3-699~~. Illinois Police Benevolent and  
16 Protective Association license plates.

17 (a) The Secretary, upon receipt of an application made in  
18 the form prescribed by the Secretary, may issue special  
19 registration plates designated as Illinois Police Benevolent  
20 and Protective Association license plates. The special plates  
21 issued under this Section shall be affixed only to passenger  
22 vehicles of the first division and motor vehicles of the second  
23 division weighing not more than 8,000 pounds. Plates issued  
24 under this Section shall expire according to the multi-year  
25 procedure established by Section 3-414.1 of this Code.

1           (b) The design and color of the plates is wholly within the  
2 discretion of the Secretary. The Secretary may allow the plates  
3 to be issued as vanity plates or personalized under Section  
4 3-405.1 of the Code. The Secretary shall prescribe stickers or  
5 decals as provided under Section 3-412 of this Code. The  
6 Secretary may, in his or her discretion, allow the plates to be  
7 issued as vanity or personalized plates in accordance with  
8 Section 3-405.1 of this Code.

9           (c) An applicant for the special plate shall be charged a  
10 \$25 fee for original issuance in addition to the appropriate  
11 registration fee. Of this fee, \$10 shall be deposited into the  
12 Illinois Police Benevolent and Protective Association Fund and  
13 \$15 shall be deposited into the Secretary of State Special  
14 License Plate Fund, to be used by the Secretary to help defray  
15 the administrative processing costs.

16           For each registration renewal period, a \$25 fee, in  
17 addition to the appropriate registration fee, shall be charged.  
18 Of this fee, \$23 shall be deposited into the Illinois Police  
19 Benevolent and Protective Association Fund and \$2 shall be  
20 deposited into the Secretary of State Special License Plate  
21 Fund.

22           (d) The Illinois Police Benevolent and Protective  
23 Association Fund is created as a special fund in the State  
24 treasury. All money in the Illinois Police Benevolent and  
25 Protective Association Fund shall be paid, subject to  
26 appropriation by the General Assembly and distribution by the

1 Secretary, as grants to the Illinois Police Benevolent and  
2 Protective Association for the purposes of providing death  
3 benefits for the families of police officers killed in the line  
4 of duty, providing scholarships for undergraduate study to  
5 children and spouses of police officers killed in the line of  
6 duty, and educating the public and police officers regarding  
7 policing and public safety.

8 (Source: P.A. 98-233, eff. 1-1-14; revised 10-16-13.)

9 (625 ILCS 5/3-699.6)

10 Sec. 3-699.6 ~~3-699~~. Alzheimer's Awareness license plates.

11 (a) The Secretary, upon receipt of an application made in  
12 the form prescribed by the Secretary, may issue special  
13 registration plates designated as Alzheimer's Awareness  
14 license plates. The special plates issued under this Section  
15 shall be affixed only to passenger vehicles of the first  
16 division and motor vehicles of the second division weighing not  
17 more than 8,000 pounds. Plates issued under this Section shall  
18 expire according to the multi-year procedure established by  
19 Section 3-414.1 of this Code.

20 (b) The design and color of the plates is wholly within the  
21 discretion of the Secretary. The Secretary may allow the plates  
22 to be issued as vanity plates or personalized under Section  
23 3-405.1 of this Code. The Secretary shall prescribe stickers or  
24 decals as provided under Section 3-412 of this Code.

25 (c) An applicant for the special plate shall be charged a

1 \$25 fee for original issuance in addition to the appropriate  
2 registration fee. Of this fee, \$10 shall be deposited into the  
3 Alzheimer's Awareness Fund and \$15 shall be deposited into the  
4 Secretary of State Special License Plate Fund, to be used by  
5 the Secretary to help defray administrative processing costs.

6 For each registration renewal period, a \$25 fee, in  
7 addition to the appropriate registration fee, shall be charged.  
8 Of this fee, \$23 shall be deposited into the Alzheimer's  
9 Awareness Fund and \$2 shall be deposited into the Secretary of  
10 State Special License Plate Fund.

11 (d) The Alzheimer's Awareness Fund is created as a special  
12 fund in the State treasury. All money in the Alzheimer's  
13 Awareness Fund shall be paid, subject to appropriation by the  
14 General Assembly and distribution by the Secretary, as grants  
15 to the Alzheimer's Disease and Related Disorders Association,  
16 Greater Illinois Chapter, for Alzheimer's care, support,  
17 education, and awareness programs.

18 (Source: P.A. 98-259, eff. 1-1-14; revised 10-16-13.)

19 (625 ILCS 5/3-699.7)

20 Sec. 3-699.7 ~~3-699~~. Prince Hall Freemasonry plates.

21 (a) The Secretary, upon receipt of all applicable fees and  
22 applications made in the form prescribed by the Secretary, may  
23 issue special registration plates designated as Prince Hall  
24 Freemasonry license plates.

25 The special plates issued under this Section shall be

1 affixed only to passenger vehicles of the first division or  
2 motor vehicles of the second division weighing not more than  
3 8,000 pounds.

4 Plates issued under this Section shall expire according to  
5 the multi-year procedure established by Section 3-414.1 of this  
6 Code.

7 (b) The design and color of the special plates shall be  
8 wholly within the discretion of the Secretary. Appropriate  
9 documentation, as determined by the Secretary, shall accompany  
10 each application.

11 (c) An applicant for the special plate shall be charged a  
12 \$25 fee for original issuance in addition to the appropriate  
13 registration fee. Of this fee, \$10 shall be deposited into the  
14 Master Mason Fund and \$15 shall be deposited into the Secretary  
15 of State Special License Plate Fund, to be used by the  
16 Secretary to help defray the administrative processing costs.

17 For each registration renewal period, a \$25 fee, in  
18 addition to the appropriate registration fee, shall be charged.  
19 Of this fee, \$23 shall be deposited into the Master Mason Fund  
20 and \$2 shall be deposited into the Secretary of State Special  
21 License Plate Fund.

22 (Source: P.A. 98-300, eff. 1-1-14; revised 10-16-13.)

23 (625 ILCS 5/3-699.8)

24 Sec. 3-699.8 ~~3-699~~. Illinois Police K-9 Memorial Plates.

25 (a) The Secretary, upon receipt of all applicable fees and

1 applications made in the form prescribed by the Secretary, may  
2 issue special registration plates designated as Illinois  
3 Police K-9 Memorial license plates. The special plates issued  
4 under this Section shall be affixed only to passenger vehicles  
5 of the first division or motor vehicles of the second division  
6 weighing not more than 8,000 pounds. Plates issued under this  
7 Section shall expire according to the multi-year procedure  
8 established by Section 3-414.1 of this Code.

9 (b) The design and color of the plates is wholly within the  
10 discretion of the Secretary. The Secretary may allow the plates  
11 to be issued as vanity plates or personalized under Section  
12 3-405.1 of the Code. Appropriate documentation, as determined  
13 by the Secretary, shall accompany each application. The  
14 Secretary shall prescribe stickers or decals as provided under  
15 Section 3-412 of this Code.

16 (c) An applicant shall be charged a \$40 fee for original  
17 issuance in addition to the applicable registration fee. Of  
18 this additional fee, \$15 shall be deposited into the Secretary  
19 of State Special License Plate Fund and \$25 shall be deposited  
20 into the Illinois Police K-9 Memorial Fund. For each  
21 registration renewal period, a \$27 fee, in addition to the  
22 appropriate registration fee, shall be charged. Of this  
23 additional fee, \$2 shall be deposited into the Secretary of  
24 State Special License Plate Fund and \$25 shall be deposited  
25 into the Illinois Police K-9 Memorial Fund.

26 (d) The Illinois Police K-9 Memorial Fund is created as a

1 special fund in the State treasury. All moneys in the Illinois  
2 Police K-9 Memorial Fund shall be paid, subject to  
3 appropriation by the General Assembly and distribution by the  
4 Secretary, as grants to the Northern Illinois Police K-9  
5 Memorial for the creation, operation, and maintenance of a  
6 police K-9 memorial monument.

7 (Source: P.A. 98-360, eff. 1-1-14; revised 10-16-13.)

8 (625 ILCS 5/3-699.9)

9 Sec. 3-699.9 ~~3-699~~. Public Safety Diver license plates.

10 (a) The Secretary, upon receipt of an application made in  
11 the form prescribed by the Secretary of State, may issue  
12 special registration plates designated to be Public Safety  
13 Diver license plates. The special plates issued under this  
14 Section shall be affixed only to passenger vehicles of the  
15 first division, motor vehicles of the second division weighing  
16 not more than 8,000 pounds, and recreational vehicles as  
17 defined by Section 1-169 of this Code. Plates issued under this  
18 Section shall expire according to the multi-year procedure  
19 established by Section 3-414.1 of this Code.

20 (b) The design and color of the plates shall be wholly  
21 within the discretion of the Secretary of State. Appropriate  
22 documentation, as determined by the Secretary, shall accompany  
23 the application. The Secretary may, in his or her discretion,  
24 allow the plates to be issued as vanity or personalized plates  
25 in accordance with Section 3-405.1 of this Code.



1 (c) An applicant shall be charged a \$45 fee for original  
2 issuance in addition to the appropriate registration fee, if  
3 applicable. Of this fee, \$30 shall be deposited into the Public  
4 Safety Diver Fund and \$15 shall be deposited into the Secretary  
5 of State Special License Plate Fund. For each registration  
6 renewal period, a \$27 fee, in addition to the appropriate  
7 registration fee, shall be charged. Of this fee, \$25 shall be  
8 deposited into the Public Safety Diver Fund and \$2 shall be  
9 deposited into the Secretary of State Special License Plate  
10 Fund.

11 (d) The Public Safety Diver Fund is created as a special  
12 fund in the State treasury. All moneys in the Public Safety  
13 Diver Fund shall be paid, subject to appropriation by the  
14 General Assembly and distribution by the Secretary, to the  
15 Illinois Law Enforcement Training Standards Board for the  
16 purposes of providing grants based on need for training,  
17 standards, and equipment to public safety disciplines within  
18 the State and to units of local government involved in public  
19 safety diving and water rescue services.

20 (e) The Public Safety Diver Advisory Committee shall  
21 recommend grant rewards with the intent of achieving reasonably  
22 equitable distribution of funds between police, firefighting,  
23 and public safety diving services making application for grants  
24 under this Section.

25 (f) The administrative costs related to management of  
26 grants made from the Public Safety Diver Fund shall be paid

1 from the Public Safety Diver Fund to the Illinois Law  
2 Enforcement Training Standards Board.

3 (Source: P.A. 98-376, eff. 1-1-14; revised 10-16-13.)

4 (625 ILCS 5/3-699.10)

5 Sec. 3-699.10 ~~3-699~~. The H Foundation - Committed to a Cure  
6 for Cancer plates.

7 (a) The Secretary, upon receipt of all applicable fees and  
8 applications made in the form prescribed by the Secretary, may  
9 issue special registration plates designated as The H  
10 Foundation - Committed to a Cure for Cancer license plates. The  
11 special plates issued under this Section shall be affixed only  
12 to passenger vehicles of the first division or motor vehicles  
13 of the second division weighing not more than 8,000 pounds.  
14 Plates issued under this Section shall expire according to the  
15 multi-year procedure established by Section 3-414.1 of this  
16 Code.

17 (b) The design and color of the special plates shall be  
18 wholly within the discretion of the Secretary. Appropriate  
19 documentation, as determined by the Secretary, shall accompany  
20 each application.

21 (c) An applicant for the special plate shall be charged a  
22 \$40 fee for original issuance in addition to the appropriate  
23 registration fee. Of this fee, \$25 shall be deposited into the  
24 Committed to a Cure Fund and \$15 shall be deposited into the  
25 Secretary of State Special License Plate Fund, to be used by

1 the Secretary to help defray the administrative processing  
2 costs. For each registration renewal period, a \$27 fee, in  
3 addition to the appropriate registration fee, shall be charged.  
4 Of this fee, \$25 shall be deposited into the Committed to a  
5 Cure Fund and \$2 shall be deposited into the Secretary of State  
6 Special License Plate Fund.

7 (d) The Committed to a Cure Fund is created as a special  
8 fund in the State treasury. All money in the Committed to a  
9 Cure Fund shall be paid, subject to appropriation by the  
10 General Assembly and distribution by the Secretary, as grants  
11 to the Robert H. Lurie Comprehensive Cancer Center of  
12 Northwestern University for the purpose of funding scientific  
13 research on cancer.

14 (Source: P.A. 98-382, eff. 1-1-14; revised 10-16-13.)

15 (625 ILCS 5/3-699.11)

16 Sec. 3-699.11 ~~3-699~~. Retired Law Enforcement license  
17 plates.

18 (a) The Secretary, upon receipt of an application made in  
19 the form prescribed by the Secretary, may issue special  
20 registration plates designated as Retired Law Enforcement  
21 license plates to residents of Illinois who meet eligibility  
22 requirements prescribed by the Secretary of State. The special  
23 plates issued under this Section shall be affixed only to  
24 passenger vehicles of the first division and motor vehicles of  
25 the second division weighing not more than 8,000 pounds. Plates

1 issued under this Section shall expire according to the  
2 multi-year procedure established by Section 3-414.1 of this  
3 Code.

4 (b) The design and color of the plates is wholly within the  
5 discretion of the Secretary. The Secretary may allow the plates  
6 to be issued as vanity plates or personalized under Section  
7 3-405.1 of the Code. The Secretary shall prescribe stickers or  
8 decals as provided under Section 3-412 of this Code.

9 (c) An applicant for the special plate shall be charged a  
10 \$25 fee for original issuance in addition to the appropriate  
11 registration fee. Of this fee, \$10 shall be deposited into the  
12 Illinois Sheriffs' Association Scholarship and Training Fund  
13 and \$15 shall be deposited into the Secretary of State Special  
14 License Plate Fund, to be used by the Secretary to help defray  
15 the administrative processing costs.

16 For each registration renewal period, a \$25 fee, in  
17 addition to the appropriate registration fee, shall be charged.  
18 Of this fee, \$23 shall be deposited into the Illinois Sheriffs'  
19 Association Scholarship and Training Fund and \$2 shall be  
20 deposited into the Secretary of State Special License Plate  
21 Fund.

22 (d) The Illinois Sheriffs' Association Scholarship and  
23 Training Fund is created as a special fund in the State  
24 treasury. All money in the Illinois Sheriffs' Association  
25 Scholarship and Training Fund shall be paid, subject to  
26 appropriation by the General Assembly and distribution by the

1 Secretary, as grants to the Illinois Sheriffs' Association, for  
2 scholarships obtained in a competitive process to attend the  
3 Illinois Teen Institute or an accredited college or university,  
4 for programs designed to benefit the elderly and teens, and for  
5 law enforcement training.

6 (Source: P.A. 98-395, eff. 1-1-14; revised 10-16-13.)

7 (625 ILCS 5/3-699.12)

8 Sec. 3-699.12 ~~3-699~~. Legion of Merit plates. The Secretary,  
9 upon receipt of an application made in the form prescribed by  
10 the Secretary of State, may issue special registration plates  
11 designated as Legion of Merit license plates to recipients  
12 awarded the Legion of Merit by a branch of the armed forces of  
13 the United States who reside in Illinois. The special plates  
14 issued pursuant to this Section should be affixed only to  
15 passenger vehicles of the 1st division, including motorcycles,  
16 or motor vehicles of the 2nd division weighing not more than  
17 8,000 pounds. The Secretary may, in his or her discretion,  
18 allow the plates to be issued as vanity or personalized plates  
19 in accordance with Section 3-405.1 of this Code. The Secretary  
20 of State must make a version of the special registration plates  
21 authorized under this Section in a form appropriate for  
22 motorcycles.

23 The design and color of such plates shall be wholly within  
24 the discretion of the Secretary of State. No registration fee,  
25 including the fees established under Section 3-806 of this

1 Code, shall be charged for the issuance or renewal of any  
2 plates issued under this Section.

3 (Source: P.A. 98-406, eff. 1-1-14; revised 10-16-13.)

4 (625 ILCS 5/3-699.13)

5 Sec. 3-699.13 ~~3-699~~. Illinois State Police Memorial Park  
6 license plates.

7 (a) The Secretary, upon receipt of an application made in  
8 the form prescribed by the Secretary of State, may issue  
9 special registration plates designated as Illinois State  
10 Police Memorial Park license plates. The special plates issued  
11 under this Section shall be affixed only to passenger vehicles  
12 of the first division or motor vehicles of the second division  
13 weighing not more than 8,000 pounds. Plates issued under this  
14 Section shall expire according to the multi-year procedure  
15 established by Section 3-414.1 of this Code.

16 (b) The design and color of the plates shall be wholly  
17 within the discretion of the Secretary of State. The Secretary  
18 may, in his or her discretion, allow the plates to be issued as  
19 vanity or personalized plates in accordance with Section  
20 3-405.1 of this Code. The Secretary shall prescribe stickers or  
21 decals as provided under Section 3-412 of this Code.

22 (c) An applicant shall be charged a \$25 fee for original  
23 issuance in addition to the appropriate registration fee, if  
24 applicable. Of this fee, \$10 shall be deposited into the  
25 Illinois State Police Memorial Park Fund and \$15 shall be

1 deposited into the Secretary of State Special License Plate  
2 Fund. For each registration renewal period, a \$25 fee, in  
3 addition to the appropriate registration fee, shall be charged.  
4 Of this fee, \$23 shall be deposited into the Illinois State  
5 Police Memorial Park Fund and \$2 shall be deposited into the  
6 Secretary of State Special License Plate Fund.

7 (d) The Illinois State Police Memorial Park Fund is created  
8 as a special fund in the State treasury. All moneys in the  
9 Illinois State Police Memorial Park Fund shall be paid, subject  
10 to appropriation by the General Assembly and distribution by  
11 the Secretary, as grants to the Illinois State Police Heritage  
12 Foundation, Inc. for building and maintaining a memorial and  
13 park, holding an annual memorial commemoration, giving  
14 scholarships to children of State police officers killed or  
15 catastrophically injured in the line of duty, and providing  
16 financial assistance to police officers and their families when  
17 a police officer is killed or injured in the line of duty.

18 (Source: P.A. 98-469, eff. 8-16-13; revised 10-16-13.)

19 (625 ILCS 5/3-918)

20 Sec. 3-918. Vehicle registration and insurance. Beginning  
21 with the 2016 registration year, any remittance agent engaged  
22 in the business of remitting applications for the issuance or  
23 renewal of vehicle registration shall ask applicants for  
24 information relating to the insurance policy for the motor  
25 vehicle, including the name of the insurer that issued the

1 policy, the policy number, and the expiration date of the  
2 policy. This information shall be remitted to the Secretary of  
3 State as part of the application. Failure to obtain this  
4 information and supply it to the Secretary of State shall  
5 subject the remittance agent to suspension or revocation of the  
6 remittance agent's ~~their~~ license as described in Section 3-907  
7 of this Code.

8 (Source: P.A. 98-539, eff. 1-1-14; revised 11-19-13.)

9 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

10 Sec. 5-301. Automotive parts recyclers, scrap processors,  
11 repairers and rebuilders must be licensed.

12 (a) No person in this State shall, except as an incident to  
13 the servicing of vehicles, carry on or conduct the business of  
14 an ~~a~~ automotive parts recycler ~~recyclers~~, a scrap processor, a  
15 repairer, or a rebuilder, unless licensed to do so in writing  
16 by the Secretary of State under this Section. No person shall  
17 rebuild a salvage vehicle unless such person is licensed as a  
18 rebuilder by the Secretary of State under this Section. No  
19 person shall engage in the business of acquiring 5 or more  
20 previously owned vehicles in one calendar year for the primary  
21 purpose of disposing of those vehicles in the manner described  
22 in the definition of a "scrap processor" in this Code unless  
23 the person is licensed as an automotive parts recycler by the  
24 Secretary of State under this Section. Each license shall be  
25 applied for and issued separately, except that a license issued



1 to a new vehicle dealer under Section 5-101 of this Code shall  
2 also be deemed to be a repairer license.

3 (b) Any application filed with the Secretary of State,  
4 shall be duly verified by oath, in such form as the Secretary  
5 of State may by rule or regulation prescribe and shall contain:

6 1. The name and type of business organization of the  
7 applicant and his principal or additional places of  
8 business, if any, in this State.

9 2. The kind or kinds of business enumerated in  
10 subsection (a) of this Section to be conducted at each  
11 location.

12 3. If the applicant is a corporation, a list of its  
13 officers, directors, and shareholders having a ten percent  
14 or greater ownership interest in the corporation, setting  
15 forth the residence address of each; if the applicant is a  
16 sole proprietorship, a partnership, an unincorporated  
17 association, a trust, or any similar form of business  
18 organization, the names and residence address of the  
19 proprietor or of each partner, member, officer, director,  
20 trustee or manager.

21 4. A statement that the applicant's officers,  
22 directors, shareholders having a ten percent or greater  
23 ownership interest therein, proprietor, partner, member,  
24 officer, director, trustee, manager, or other principals  
25 in the business have not committed in the past three years  
26 any one violation as determined in any civil or criminal or

1 administrative proceedings of any one of the following  
2 Acts:

3 (a) The Anti-Theft ~~Anti-Theft~~ Laws of the Illinois  
4 Vehicle Code;

5 (b) The "Certificate of Title Laws" of the Illinois  
6 Vehicle Code;

7 (c) The "Offenses against Registration and  
8 Certificates of Title Laws" of the Illinois Vehicle  
9 Code;

10 (d) The "Dealers, Transporters, Wreckers and  
11 Rebuilders Laws" of the Illinois Vehicle Code;

12 (e) Section 21-2 of the Criminal Code of 1961 or  
13 the Criminal Code of 2012, Criminal Trespass to  
14 Vehicles; or

15 (f) The Retailers Occupation Tax Act.

16 5. A statement that the applicant's officers,  
17 directors, shareholders having a ten percent or greater  
18 ownership interest therein, proprietor, partner, member,  
19 officer, director, trustee, manager or other principals in  
20 the business have not committed in any calendar year 3 or  
21 more violations, as determined in any civil or criminal or  
22 administrative proceedings, of any one or more of the  
23 following Acts:

24 (a) The Consumer Finance Act;

25 (b) The Consumer Installment Loan Act;

26 (c) The Retail Installment Sales Act;

1 (d) The Motor Vehicle Retail Installment Sales  
2 Act;

3 (e) The Interest Act;

4 (f) The Illinois Wage Assignment Act;

5 (g) Part 8 of Article XII of the Code of Civil  
6 Procedure; or

7 (h) The Consumer Fraud Act.

8 6. An application for a license shall be accompanied by  
9 the following fees: \$50 for applicant's established place  
10 of business; \$25 for each additional place of business, if  
11 any, to which the application pertains; provided, however,  
12 that if such an application is made after June 15 of any  
13 year, the license fee shall be \$25 for applicant's  
14 established place of business plus \$12.50 for each  
15 additional place of business, if any, to which the  
16 application pertains. License fees shall be returnable  
17 only in the event that such application shall be denied by  
18 the Secretary of State.

19 7. A statement that the applicant understands Chapter 1  
20 through Chapter 5 of this Code.

21 8. A statement that the applicant shall comply with  
22 subsection (e) of this Section.

23 (c) Any change which renders no longer accurate any  
24 information contained in any application for a license filed  
25 with the Secretary of State shall be amended within 30 days  
26 after the occurrence of such change on such form as the

1 Secretary of State may prescribe by rule or regulation,  
2 accompanied by an amendatory fee of \$2.

3 (d) Anything in this chapter to the contrary,  
4 notwithstanding, no person shall be licensed under this Section  
5 unless such person shall maintain an established place of  
6 business as defined in this Chapter.

7 (e) The Secretary of State shall within a reasonable time  
8 after receipt thereof, examine an application submitted to him  
9 under this Section and unless he makes a determination that the  
10 application submitted to him does not conform with the  
11 requirements of this Section or that grounds exist for a denial  
12 of the application, as prescribed in Section 5-501 of this  
13 Chapter, grant the applicant an original license as applied for  
14 in writing for his established place of business and a  
15 supplemental license in writing for each additional place of  
16 business in such form as he may prescribe by rule or regulation  
17 which shall include the following:

18 1. The name of the person licensed;

19 2. If a corporation, the name and address of its  
20 officers or if a sole proprietorship, a partnership, an  
21 unincorporated association or any similar form of business  
22 organization, the name and address of the proprietor or of  
23 each partner, member, officer, director, trustee or  
24 manager;

25 3. A designation of the kind or kinds of business  
26 enumerated in subsection (a) of this Section to be

1 conducted at each location;

2 4. In the case of an original license, the established  
3 place of business of the licensee;

4 5. In the case of a supplemental license, the  
5 established place of business of the licensee and the  
6 additional place of business to which such supplemental  
7 license pertains.

8 (f) The appropriate instrument evidencing the license or a  
9 certified copy thereof, provided by the Secretary of State  
10 shall be kept, posted, conspicuously in the established place  
11 of business of the licensee and in each additional place of  
12 business, if any, maintained by such licensee. The licensee  
13 also shall post conspicuously in the established place of  
14 business and in each additional place of business a notice  
15 which states that such business is required to be licensed by  
16 the Secretary of State under Section 5-301, and which provides  
17 the license number of the business and the license expiration  
18 date. This notice also shall advise the consumer that any  
19 complaints as to the quality of service may be brought to the  
20 attention of the Attorney General. The information required on  
21 this notice also shall be printed conspicuously on all  
22 estimates and receipts for work by the licensee subject to this  
23 Section. The Secretary of State shall prescribe the specific  
24 format of this notice.

25 (g) Except as provided in subsection (h) hereof, licenses  
26 granted under this Section shall expire by operation of law on

1 December 31 of the calendar year for which they are granted  
2 unless sooner revoked or cancelled under the provisions of  
3 Section 5-501 of this Chapter.

4 (h) Any license granted under this Section may be renewed  
5 upon application and payment of the fee required herein as in  
6 the case of an original license, provided, however, that in  
7 case an application for the renewal of an effective license is  
8 made during the month of December, such effective license shall  
9 remain in force until such application is granted or denied by  
10 the Secretary of State.

11 (i) All automotive repairers and rebuilders shall, in  
12 addition to the requirements of subsections (a) through (h) of  
13 this Section, meet the following licensing requirements:

14 1. Provide proof that the property on which first time  
15 applicants plan to do business is in compliance with local  
16 zoning laws and regulations, and a listing of zoning  
17 classification;

18 2. Provide proof that the applicant for a repairer's  
19 license complies with the proper workers' compensation  
20 rate code or classification, and listing the code of  
21 classification for that industry;

22 3. Provide proof that the applicant for a rebuilder's  
23 license complies with the proper workers' compensation  
24 rate code or classification for the repair industry or the  
25 auto parts recycling industry and listing the code of  
26 classification;

1           4. Provide proof that the applicant has obtained or  
2 applied for a hazardous waste generator number, and listing  
3 the actual number if available or certificate of exemption;

4           5. Provide proof that applicant has proper liability  
5 insurance, and listing the name of the insurer and the  
6 policy number; and

7           6. Provide proof that the applicant has obtained or  
8 applied for the proper State sales tax classification and  
9 federal identification tax number, and listing the actual  
10 numbers if available.

11          (i-1) All automotive repairers shall provide proof that  
12 they comply with all requirements of the Automotive Collision  
13 Repair Act.

14          (j) All automotive parts recyclers shall, in addition to  
15 the requirements of subsections (a) through (h) of this  
16 Section, meet the following licensing requirements:

17           1. Provide a ~~A~~ statement that the applicant purchases 5  
18 vehicles per year or has 5 hulks or chassis in stock;

19           2. Provide proof that the property on which all first  
20 time applicants will do business does comply to the proper  
21 local zoning laws in existence, and a listing of zoning  
22 classifications;

23           3. Provide proof that applicant complies with the  
24 proper workers' compensation rate code or classification,  
25 and listing the code of classification; and

26           4. Provide proof that applicant has obtained or applied

1 for the proper State sales tax classification and federal  
2 identification tax number, and listing the actual numbers  
3 if available.

4 (Source: P.A. 97-832, eff. 7-20-12; 97-1150, eff. 1-25-13;  
5 revised 9-24-13.)

6 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

7 (Text of Section before amendment by P.A. 98-167)

8 Sec. 6-103. What persons shall not be licensed as drivers  
9 or granted permits. The Secretary of State shall not issue,  
10 renew, or allow the retention of any driver's license nor issue  
11 any permit under this Code:

12 1. To any person, as a driver, who is under the age of  
13 18 years except as provided in Section 6-107, and except  
14 that an instruction permit may be issued under Section  
15 6-107.1 to a child who is not less than 15 years of age if  
16 the child is enrolled in an approved driver education  
17 course as defined in Section 1-103 of this Code and  
18 requires an instruction permit to participate therein,  
19 except that an instruction permit may be issued under the  
20 provisions of Section 6-107.1 to a child who is 17 years  
21 and 3 months of age without the child having enrolled in an  
22 approved driver education course and except that an  
23 instruction permit may be issued to a child who is at least  
24 15 years and 3 months of age, is enrolled in school, meets  
25 the educational requirements of the Driver Education Act,



1 and has passed examinations the Secretary of State in his  
2 or her discretion may prescribe;

3 2. To any person who is under the age of 18 as an  
4 operator of a motorcycle other than a motor driven cycle  
5 unless the person has, in addition to meeting the  
6 provisions of Section 6-107 of this Code, successfully  
7 completed a motorcycle training course approved by the  
8 Illinois Department of Transportation and successfully  
9 completes the required Secretary of State's motorcycle  
10 driver's examination;

11 3. To any person, as a driver, whose driver's license  
12 or permit has been suspended, during the suspension, nor to  
13 any person whose driver's license or permit has been  
14 revoked, except as provided in Sections 6-205, 6-206, and  
15 6-208;

16 4. To any person, as a driver, who is a user of alcohol  
17 or any other drug to a degree that renders the person  
18 incapable of safely driving a motor vehicle;

19 5. To any person, as a driver, who has previously been  
20 adjudged to be afflicted with or suffering from any mental  
21 or physical disability or disease and who has not at the  
22 time of application been restored to competency by the  
23 methods provided by law;

24 6. To any person, as a driver, who is required by the  
25 Secretary of State to submit an alcohol and drug evaluation  
26 or take an examination provided for in this Code unless the

1 person has successfully passed the examination and  
2 submitted any required evaluation;

3 7. To any person who is required under the provisions  
4 of the laws of this State to deposit security or proof of  
5 financial responsibility and who has not deposited the  
6 security or proof;

7 8. To any person when the Secretary of State has good  
8 cause to believe that the person by reason of physical or  
9 mental disability would not be able to safely operate a  
10 motor vehicle upon the highways, unless the person shall  
11 furnish to the Secretary of State a verified written  
12 statement, acceptable to the Secretary of State, from a  
13 competent medical specialist, a licensed physician  
14 assistant who has been delegated the performance of medical  
15 examinations by his or her supervising physician, or a  
16 licensed advanced practice nurse who has a written  
17 collaborative agreement with a collaborating physician  
18 which authorizes him or her to perform medical  
19 examinations, to the effect that the operation of a motor  
20 vehicle by the person would not be inimical to the public  
21 safety;

22 9. To any person, as a driver, who is 69 years of age  
23 or older, unless the person has successfully complied with  
24 the provisions of Section 6-109;

25 10. To any person convicted, within 12 months of  
26 application for a license, of any of the sexual offenses

1 enumerated in paragraph 2 of subsection (b) of Section  
2 6-205;

3 11. To any person who is under the age of 21 years with  
4 a classification prohibited in paragraph (b) of Section  
5 6-104 and to any person who is under the age of 18 years  
6 with a classification prohibited in paragraph (c) of  
7 Section 6-104;

8 12. To any person who has been either convicted of or  
9 adjudicated under the Juvenile Court Act of 1987 based upon  
10 a violation of the Cannabis Control Act, the Illinois  
11 Controlled Substances Act, or the Methamphetamine Control  
12 and Community Protection Act while that person was in  
13 actual physical control of a motor vehicle. For purposes of  
14 this Section, any person placed on probation under Section  
15 10 of the Cannabis Control Act, Section 410 of the Illinois  
16 Controlled Substances Act, or Section 70 of the  
17 Methamphetamine Control and Community Protection Act shall  
18 not be considered convicted. Any person found guilty of  
19 this offense, while in actual physical control of a motor  
20 vehicle, shall have an entry made in the court record by  
21 the judge that this offense did occur while the person was  
22 in actual physical control of a motor vehicle and order the  
23 clerk of the court to report the violation to the Secretary  
24 of State as such. The Secretary of State shall not issue a  
25 new license or permit for a period of one year;

26 13. To any person who is under the age of 18 years and

1 who has committed the offense of operating a motor vehicle  
2 without a valid license or permit in violation of Section  
3 6-101 or a similar out of state offense;

4 14. To any person who is 90 days or more delinquent in  
5 court ordered child support payments or has been  
6 adjudicated in arrears in an amount equal to 90 days'  
7 obligation or more and who has been found in contempt of  
8 court for failure to pay the support, subject to the  
9 requirements and procedures of Article VII of Chapter 7 of  
10 the Illinois Vehicle Code;

11 14.5. To any person certified by the Illinois  
12 Department of Healthcare and Family Services as being 90  
13 days or more delinquent in payment of support under an  
14 order of support entered by a court or administrative body  
15 of this or any other State, subject to the requirements and  
16 procedures of Article VII of Chapter 7 of this Code  
17 regarding those certifications;

18 15. To any person released from a term of imprisonment  
19 for violating Section 9-3 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012, or a similar provision of a law  
21 of another state relating to reckless homicide or for  
22 violating subparagraph (F) of paragraph (1) of subsection  
23 (d) of Section 11-501 of this Code relating to aggravated  
24 driving under the influence of alcohol, other drug or  
25 drugs, intoxicating compound or compounds, or any  
26 combination thereof, if the violation was the proximate

1 cause of a death, within 24 months of release from a term  
2 of imprisonment;

3 16. To any person who, with intent to influence any act  
4 related to the issuance of any driver's license or permit,  
5 by an employee of the Secretary of State's Office, or the  
6 owner or employee of any commercial driver training school  
7 licensed by the Secretary of State, or any other individual  
8 authorized by the laws of this State to give driving  
9 instructions or administer all or part of a driver's  
10 license examination, promises or tenders to that person any  
11 property or personal advantage which that person is not  
12 authorized by law to accept. Any persons promising or  
13 tendering such property or personal advantage shall be  
14 disqualified from holding any class of driver's license or  
15 permit for 120 consecutive days. The Secretary of State  
16 shall establish by rule the procedures for implementing  
17 this period of disqualification and the procedures by which  
18 persons so disqualified may obtain administrative review  
19 of the decision to disqualify;

20 17. To any person for whom the Secretary of State  
21 cannot verify the accuracy of any information or  
22 documentation submitted in application for a driver's  
23 license; or

24 18. To any person who has been adjudicated under the  
25 Juvenile Court Act of 1987 based upon an offense that is  
26 determined by the court to have been committed in

1 furtherance of the criminal activities of an organized  
2 gang, as provided in Section 5-710 of that Act, and that  
3 involved the operation or use of a motor vehicle or the use  
4 of a driver's license or permit. The person shall be denied  
5 a license or permit for the period determined by the court.

6 The Secretary of State shall retain all conviction  
7 information, if the information is required to be held  
8 confidential under the Juvenile Court Act of 1987.

9 (Source: P.A. 96-607, eff. 8-24-09; 96-740, eff. 1-1-10;  
10 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 97-185, eff.  
11 7-22-11; 97-1150, eff. 1-25-13.)

12 (Text of Section after amendment by P.A. 98-167)

13 Sec. 6-103. What persons shall not be licensed as drivers  
14 or granted permits. The Secretary of State shall not issue,  
15 renew, or allow the retention of any driver's license nor issue  
16 any permit under this Code:

17 1. To any person, as a driver, who is under the age of  
18 18 years except as provided in Section 6-107, and except  
19 that an instruction permit may be issued under Section  
20 6-107.1 to a child who is not less than 15 years of age if  
21 the child is enrolled in an approved driver education  
22 course as defined in Section 1-103 of this Code and  
23 requires an instruction permit to participate therein,  
24 except that an instruction permit may be issued under the  
25 provisions of Section 6-107.1 to a child who is 17 years

1 and 3 months of age without the child having enrolled in an  
2 approved driver education course and except that an  
3 instruction permit may be issued to a child who is at least  
4 15 years and 3 months of age, is enrolled in school, meets  
5 the educational requirements of the Driver Education Act,  
6 and has passed examinations the Secretary of State in his  
7 or her discretion may prescribe;

8 1.5. To any person at least 18 years of age but less  
9 than 21 years of age unless the person has, in addition to  
10 any other requirements of this Code, successfully  
11 completed an adult driver education course as provided in  
12 Section 6-107.5 of this Code; ~~+~~

13 2. To any person who is under the age of 18 as an  
14 operator of a motorcycle other than a motor driven cycle  
15 unless the person has, in addition to meeting the  
16 provisions of Section 6-107 of this Code, successfully  
17 completed a motorcycle training course approved by the  
18 Illinois Department of Transportation and successfully  
19 completes the required Secretary of State's motorcycle  
20 driver's examination;

21 3. To any person, as a driver, whose driver's license  
22 or permit has been suspended, during the suspension, nor to  
23 any person whose driver's license or permit has been  
24 revoked, except as provided in Sections 6-205, 6-206, and  
25 6-208;

26 4. To any person, as a driver, who is a user of alcohol

1 or any other drug to a degree that renders the person  
2 incapable of safely driving a motor vehicle;

3 5. To any person, as a driver, who has previously been  
4 adjudged to be afflicted with or suffering from any mental  
5 or physical disability or disease and who has not at the  
6 time of application been restored to competency by the  
7 methods provided by law;

8 6. To any person, as a driver, who is required by the  
9 Secretary of State to submit an alcohol and drug evaluation  
10 or take an examination provided for in this Code unless the  
11 person has successfully passed the examination and  
12 submitted any required evaluation;

13 7. To any person who is required under the provisions  
14 of the laws of this State to deposit security or proof of  
15 financial responsibility and who has not deposited the  
16 security or proof;

17 8. To any person when the Secretary of State has good  
18 cause to believe that the person by reason of physical or  
19 mental disability would not be able to safely operate a  
20 motor vehicle upon the highways, unless the person shall  
21 furnish to the Secretary of State a verified written  
22 statement, acceptable to the Secretary of State, from a  
23 competent medical specialist, a licensed physician  
24 assistant who has been delegated the performance of medical  
25 examinations by his or her supervising physician, or a  
26 licensed advanced practice nurse who has a written



1 collaborative agreement with a collaborating physician  
2 which authorizes him or her to perform medical  
3 examinations, to the effect that the operation of a motor  
4 vehicle by the person would not be inimical to the public  
5 safety;

6 9. To any person, as a driver, who is 69 years of age  
7 or older, unless the person has successfully complied with  
8 the provisions of Section 6-109;

9 10. To any person convicted, within 12 months of  
10 application for a license, of any of the sexual offenses  
11 enumerated in paragraph 2 of subsection (b) of Section  
12 6-205;

13 11. To any person who is under the age of 21 years with  
14 a classification prohibited in paragraph (b) of Section  
15 6-104 and to any person who is under the age of 18 years  
16 with a classification prohibited in paragraph (c) of  
17 Section 6-104;

18 12. To any person who has been either convicted of or  
19 adjudicated under the Juvenile Court Act of 1987 based upon  
20 a violation of the Cannabis Control Act, the Illinois  
21 Controlled Substances Act, or the Methamphetamine Control  
22 and Community Protection Act while that person was in  
23 actual physical control of a motor vehicle. For purposes of  
24 this Section, any person placed on probation under Section  
25 10 of the Cannabis Control Act, Section 410 of the Illinois  
26 Controlled Substances Act, or Section 70 of the

1 Methamphetamine Control and Community Protection Act shall  
2 not be considered convicted. Any person found guilty of  
3 this offense, while in actual physical control of a motor  
4 vehicle, shall have an entry made in the court record by  
5 the judge that this offense did occur while the person was  
6 in actual physical control of a motor vehicle and order the  
7 clerk of the court to report the violation to the Secretary  
8 of State as such. The Secretary of State shall not issue a  
9 new license or permit for a period of one year;

10 13. To any person who is under the age of 18 years and  
11 who has committed the offense of operating a motor vehicle  
12 without a valid license or permit in violation of Section  
13 6-101 or a similar out of state offense;

14 14. To any person who is 90 days or more delinquent in  
15 court ordered child support payments or has been  
16 adjudicated in arrears in an amount equal to 90 days'  
17 obligation or more and who has been found in contempt of  
18 court for failure to pay the support, subject to the  
19 requirements and procedures of Article VII of Chapter 7 of  
20 the Illinois Vehicle Code;

21 14.5. To any person certified by the Illinois  
22 Department of Healthcare and Family Services as being 90  
23 days or more delinquent in payment of support under an  
24 order of support entered by a court or administrative body  
25 of this or any other State, subject to the requirements and  
26 procedures of Article VII of Chapter 7 of this Code

1 regarding those certifications;

2 15. To any person released from a term of imprisonment  
3 for violating Section 9-3 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012, or a similar provision of a law  
5 of another state relating to reckless homicide or for  
6 violating subparagraph (F) of paragraph (1) of subsection  
7 (d) of Section 11-501 of this Code relating to aggravated  
8 driving under the influence of alcohol, other drug or  
9 drugs, intoxicating compound or compounds, or any  
10 combination thereof, if the violation was the proximate  
11 cause of a death, within 24 months of release from a term  
12 of imprisonment;

13 16. To any person who, with intent to influence any act  
14 related to the issuance of any driver's license or permit,  
15 by an employee of the Secretary of State's Office, or the  
16 owner or employee of any commercial driver training school  
17 licensed by the Secretary of State, or any other individual  
18 authorized by the laws of this State to give driving  
19 instructions or administer all or part of a driver's  
20 license examination, promises or tenders to that person any  
21 property or personal advantage which that person is not  
22 authorized by law to accept. Any persons promising or  
23 tendering such property or personal advantage shall be  
24 disqualified from holding any class of driver's license or  
25 permit for 120 consecutive days. The Secretary of State  
26 shall establish by rule the procedures for implementing

1           this period of disqualification and the procedures by which  
2           persons so disqualified may obtain administrative review  
3           of the decision to disqualify;

4           17. To any person for whom the Secretary of State  
5           cannot verify the accuracy of any information or  
6           documentation submitted in application for a driver's  
7           license; or

8           18. To any person who has been adjudicated under the  
9           Juvenile Court Act of 1987 based upon an offense that is  
10          determined by the court to have been committed in  
11          furtherance of the criminal activities of an organized  
12          gang, as provided in Section 5-710 of that Act, and that  
13          involved the operation or use of a motor vehicle or the use  
14          of a driver's license or permit. The person shall be denied  
15          a license or permit for the period determined by the court.

16          The Secretary of State shall retain all conviction  
17          information, if the information is required to be held  
18          confidential under the Juvenile Court Act of 1987.

19          (Source: P.A. 97-185, eff. 7-22-11; 97-1150, eff. 1-25-13;  
20          98-167, eff. 7-1-14; revised 9-18-13.)

21                 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

22                 Sec. 6-106. Application for license or instruction permit.

23                 (a) Every application for any permit or license authorized  
24                 to be issued under this Code Act shall be made upon a form  
25                 furnished by the Secretary of State. Every application shall be

1 accompanied by the proper fee and payment of such fee shall  
2 entitle the applicant to not more than 3 attempts to pass the  
3 examination within a period of one ± year after the date of  
4 application.

5 (b) Every application shall state the legal name, social  
6 security number, zip code, date of birth, sex, and residence  
7 address of the applicant; briefly describe the applicant; state  
8 whether the applicant has theretofore been licensed as a  
9 driver, and, if so, when and by what state or country, and  
10 whether any such license has ever been cancelled, suspended,  
11 revoked or refused, and, if so, the date and reason for such  
12 cancellation, suspension, revocation or refusal; shall include  
13 an affirmation by the applicant that all information set forth  
14 is true and correct; and shall bear the applicant's signature.  
15 In addition to the residence address, the Secretary may allow  
16 the applicant to provide a mailing address. In the case of an  
17 applicant who is a judicial officer or peace officer, the  
18 Secretary may allow the applicant to provide an office or work  
19 address in lieu of a residence or mailing address. The  
20 application form may also require the statement of such  
21 additional relevant information as the Secretary of State shall  
22 deem necessary to determine the applicant's competency and  
23 eligibility. The Secretary of State may, in his discretion, by  
24 rule or regulation, provide that an application for a drivers  
25 license or permit may include a suitable photograph of the  
26 applicant in the form prescribed by the Secretary, and he may

1 further provide that each drivers license shall include a  
2 photograph of the driver. The Secretary of State may utilize a  
3 photograph process or system most suitable to deter alteration  
4 or improper reproduction of a drivers license and to prevent  
5 substitution of another photo thereon. For the purposes of this  
6 subsection (b), "peace officer" means any person who by virtue  
7 of his or her office or public employment is vested by law with  
8 a duty to maintain public order or to make arrests for a  
9 violation of any penal statute of this State, whether that duty  
10 extends to all violations or is limited to specific violations.

11 (c) The application form shall include a notice to the  
12 applicant of the registration obligations of sex offenders  
13 under the Sex Offender Registration Act. The notice shall be  
14 provided in a form and manner prescribed by the Secretary of  
15 State. For purposes of this subsection (c), "sex offender" has  
16 the meaning ascribed to it in Section 2 of the Sex Offender  
17 Registration Act.

18 (d) Any male United States citizen or immigrant who applies  
19 for any permit or license authorized to be issued under this  
20 Code Act or for a renewal of any permit or license, and who is  
21 at least 18 years of age but less than 26 years of age, must be  
22 registered in compliance with the requirements of the federal  
23 Military Selective Service Act. The Secretary of State must  
24 forward in an electronic format the necessary personal  
25 information regarding the applicants identified in this  
26 subsection (d) to the Selective Service System. The applicant's

1 signature on the application serves as an indication that the  
2 applicant either has already registered with the Selective  
3 Service System or that he is authorizing the Secretary to  
4 forward to the Selective Service System the necessary  
5 information for registration. The Secretary must notify the  
6 applicant at the time of application that his signature  
7 constitutes consent to registration with the Selective Service  
8 System, if he is not already registered.

9 (e) Beginning on or before July 1, 2015, for each original  
10 or renewal driver's license application under this Code Act,  
11 the Secretary shall inquire as to whether the applicant is a  
12 veteran for purposes of issuing a driver's license with a  
13 veteran designation under subsection (e-5) of Section 6-110 of  
14 this Code Chapter. The acceptable forms of proof shall include,  
15 but are not limited to, Department of Defense form DD-214. The  
16 Secretary shall determine by rule what other forms of proof of  
17 a person's status as a veteran are acceptable.

18 The Illinois Department of Veterans' Affairs shall confirm  
19 the status of the applicant as an honorably discharged veteran  
20 before the Secretary may issue the driver's license.

21 For purposes of this subsection (e):

22 "Active duty" means active duty under an executive order of  
23 the President of the United States, an Act of the Congress of  
24 the United States, or an order of the Governor.

25 "Armed forces" means any of the Armed Forces of the United  
26 States, including a member of any reserve component or National

1 Guard unit called to active duty.

2 "Veteran" means a person who has served on active duty in  
3 the armed forces and was discharged or separated under  
4 honorable conditions.

5 (Source: P.A. 97-263, eff. 8-5-11; 97-739, eff. 1-1-13; 97-847,  
6 eff. 1-1-13; 98-323, eff. 1-1-14; 98-463, eff. 8-16-13; revised  
7 11-19-13.)

8 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

9 Sec. 6-108. Cancellation of license issued to minor.

10 (a) The Secretary of State shall cancel the license or  
11 permit of any minor under the age of 18 years in any of the  
12 following events:

13 1. Upon the verified written request of the person who  
14 consented to the application of the minor that the license  
15 or permit be cancelled;

16 2. Upon receipt of satisfactory evidence of the death  
17 of the person who consented to the application of the  
18 minor;

19 3. Upon receipt of satisfactory evidence that the  
20 person who consented to the application of a minor no  
21 longer has legal custody of the minor;

22 4. Upon receipt of information, submitted on a form  
23 prescribed by the Secretary of State under Section 26-3a of  
24 the School Code and provided voluntarily by nonpublic  
25 schools, that a license-holding minor no longer meets the



1 school attendance requirements defined in Section 6-107 of  
2 this Code.

3 A minor who provides proof acceptable to the Secretary  
4 that the minor has resumed regular school attendance or  
5 home instruction or that his or her license or permit was  
6 cancelled in error shall have his or her license  
7 reinstated. The Secretary shall adopt rules for  
8 implementing this subdivision (a) ~~4~~.

9 5. Upon determination by the Secretary that at the time  
10 of license issuance, the minor held an instruction permit  
11 and had a traffic citation for which a disposition had not  
12 been rendered.

13 After cancellation, the Secretary of State shall not issue  
14 a new license or permit until the applicant meets the  
15 provisions of Section 6-107 of this Code.

16 (b) The Secretary of State shall cancel the license or  
17 permit of any person under the age of 18 years if he or she is  
18 convicted of violating the Cannabis Control Act, the Illinois  
19 Controlled Substances Act, or the Methamphetamine Control and  
20 Community Protection Act while that person was in actual  
21 physical control of a motor vehicle. For purposes of this  
22 Section, any person placed on probation under Section 10 of the  
23 Cannabis Control Act, Section 410 of the Illinois Controlled  
24 Substances Act, or Section 70 of the Methamphetamine Control  
25 and Community Protection Act shall not be considered convicted.  
26 Any person found guilty of this offense, while in actual

1 physical control of a motor vehicle, shall have an entry made  
2 in the court record by the judge that this offense did occur  
3 while the person was in actual physical control of a motor  
4 vehicle and order the clerk of the court to report the  
5 violation to the Secretary of State as such. After the  
6 cancellation, the Secretary of State shall not issue a new  
7 license or permit for a period of one year after the date of  
8 cancellation or until the minor attains the age of 18 years,  
9 whichever is longer. However, upon application, the Secretary  
10 of State may, if satisfied that the person applying will not  
11 endanger the public safety, or welfare, issue a restricted  
12 driving permit granting the privilege of driving a motor  
13 vehicle between the person's residence and person's place of  
14 employment or within the scope of the person's employment  
15 related duties, or to allow transportation for the person or a  
16 household member of the person's family for the receipt of  
17 necessary medical care or, if the professional evaluation  
18 indicates, provide transportation for the petitioner for  
19 alcohol remedial or rehabilitative activity, or for the person  
20 to attend classes, as a student, in an accredited educational  
21 institution; if the person is able to demonstrate that no  
22 alternative means of transportation is reasonably available;  
23 provided that the Secretary's discretion shall be limited to  
24 cases where undue hardship would result from a failure to issue  
25 such restricted driving permit. In each case the Secretary of  
26 State may issue a restricted driving permit for a period as he

1 deems appropriate, except that the permit shall expire within  
2 one year from the date of issuance. A restricted driving permit  
3 issued hereunder shall be subject to cancellation, revocation,  
4 and suspension by the Secretary of State in like manner and for  
5 like cause as a driver's license issued hereunder may be  
6 cancelled, revoked, or suspended; except that a conviction upon  
7 one or more offenses against laws or ordinances regulating the  
8 movement of traffic shall be deemed sufficient cause for the  
9 revocation, suspension, or cancellation of a restricted  
10 driving permit. The Secretary of State may, as a condition to  
11 the issuance of a restricted driving permit, require the  
12 applicant to participate in a driver remedial or rehabilitative  
13 program. Thereafter, upon reapplication for a license as  
14 provided in Section 6-106 of this Code or a permit as provided  
15 in Section 6-105 of this Code and upon payment of the  
16 appropriate application fee, the Secretary of State shall issue  
17 the applicant a license as provided in Section 6-106 of this  
18 Code or shall issue the applicant a permit as provided in  
19 Section 6-105.

20 (Source: P.A. 98-168, eff. 1-1-14; revised 11-19-13.)

21 (625 ILCS 5/6-118)

22 (Text of Section before amendment by P.A. 98-176)

23 Sec. 6-118. Fees.

24 (a) The fee for licenses and permits under this Article is  
25 as follows:

1 Original driver's license ..... \$30

2 Original or renewal driver's license

3 issued to 18, 19 and 20 year olds ..... 5

4 All driver's licenses for persons

5 age 69 through age 80 ..... 5

6 All driver's licenses for persons

7 age 81 through age 86 ..... 2

8 All driver's licenses for persons

9 age 87 or older ..... 0

10 Renewal driver's license (except for

11 applicants ages 18, 19 and 20 or

12 age 69 and older) ..... 30

13 Original instruction permit issued to

14 persons (except those age 69 and older)

15 who do not hold or have not previously

16 held an Illinois instruction permit or

17 driver's license ..... 20

18 Instruction permit issued to any person

19 holding an Illinois driver's license

20 who wishes a change in classifications,

21 other than at the time of renewal ..... 5

22 Any instruction permit issued to a person

23 age 69 and older ..... 5

24 Instruction permit issued to any person,

25 under age 69, not currently holding a

26 valid Illinois driver's license or

1 instruction permit but who has  
2 previously been issued either document  
3 in Illinois ..... 10  
4 Restricted driving permit ..... 8  
5 Monitoring device driving permit ..... 8  
6 Duplicate or corrected driver's license  
7 or permit ..... 5  
8 Duplicate or corrected restricted  
9 driving permit ..... 5  
10 Duplicate or corrected monitoring  
11 device driving permit ..... 5  
12 Duplicate driver's license or permit issued to  
13 an active-duty member of the  
14 United States Armed Forces,  
15 the member's spouse, or  
16 the dependent children living  
17 with the member ..... 0  
18 Original or renewal M or L endorsement..... 5

19 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

20 The fees for commercial driver licenses and permits  
21 under Article V shall be as follows:

22 Commercial driver's license:

- 23 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
- 24 (Commercial Driver's License Information
- 25 System/American Association of Motor Vehicle
- 26 Administrators network/National Motor Vehicle

1 Title Information Service Trust Fund);  
 2 \$20 for the Motor Carrier Safety Inspection Fund;  
 3 \$10 for the driver's license;  
 4 and \$24 for the CDL: ..... \$60

5 Renewal commercial driver's license:  
 6 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;  
 7 \$20 for the Motor Carrier Safety Inspection Fund;  
 8 \$10 for the driver's license; and  
 9 \$24 for the CDL: ..... \$60

10 Commercial driver instruction permit  
 11 issued to any person holding a valid  
 12 Illinois driver's license for the  
 13 purpose of changing to a  
 14 CDL classification: \$6 for the  
 15 CDLIS/AAMVAnet/NMVTIS Trust Fund;  
 16 \$20 for the Motor Carrier  
 17 Safety Inspection Fund; and  
 18 \$24 for the CDL classification ..... \$50

19 Commercial driver instruction permit  
 20 issued to any person holding a valid  
 21 Illinois CDL for the purpose of  
 22 making a change in a classification,  
 23 endorsement or restriction ..... \$5

24 CDL duplicate or corrected license ..... \$5

25 In order to ensure the proper implementation of the Uniform  
 26 Commercial Driver License Act, Article V of this Chapter, the

1 Secretary of State is empowered to pro-rate the \$24 fee for the  
2 commercial driver's license proportionate to the expiration  
3 date of the applicant's Illinois driver's license.

4 The fee for any duplicate license or permit shall be waived  
5 for any person who presents the Secretary of State's office  
6 with a police report showing that his license or permit was  
7 stolen.

8 The fee for any duplicate license or permit shall be waived  
9 for any person age 60 or older whose driver's license or permit  
10 has been lost or stolen.

11 No additional fee shall be charged for a driver's license,  
12 or for a commercial driver's license, when issued to the holder  
13 of an instruction permit for the same classification or type of  
14 license who becomes eligible for such license.

15 (b) Any person whose license or privilege to operate a  
16 motor vehicle in this State has been suspended or revoked under  
17 Section 3-707, any provision of Chapter 6, Chapter 11, or  
18 Section 7-205, 7-303, or 7-702 of the Family Financial  
19 Responsibility Law of this Code, shall in addition to any other  
20 fees required by this Code, pay a reinstatement fee as follows:

21	Suspension under Section 3-707 .....	\$100
22	Summary suspension under Section 11-501.1 .....	\$250
23	Summary revocation under Section 11-501.1 .....	\$500
24	Other suspension .....	\$70
25	Revocation .....	\$500

26 However, any person whose license or privilege to operate a

1 motor vehicle in this State has been suspended or revoked for a  
 2 second or subsequent time for a violation of Section 11-501 or  
 3 11-501.1 of this Code or a similar provision of a local  
 4 ordinance or a similar out-of-state offense or Section 9-3 of  
 5 the Criminal Code of 1961 or the Criminal Code of 2012 and each  
 6 suspension or revocation was for a violation of Section 11-501  
 7 or 11-501.1 of this Code or a similar provision of a local  
 8 ordinance or a similar out-of-state offense or Section 9-3 of  
 9 the Criminal Code of 1961 or the Criminal Code of 2012 shall  
 10 pay, in addition to any other fees required by this Code, a  
 11 reinstatement fee as follows:

12	Summary suspension under Section 11-501.1 .....	\$500
13	Summary revocation under Section 11-501.1 .....	\$500
14	Revocation .....	\$500

15 (c) All fees collected under the provisions of this Chapter  
 16 shall be paid into the Road Fund in the State Treasury except  
 17 as follows:

18 1. The following amounts shall be paid into the Driver  
 19 Education Fund:

20 (A) \$16 of the \$20 fee for an original driver's  
 21 instruction permit;

22 (B) \$5 of the \$30 fee for an original driver's  
 23 license;

24 (C) \$5 of the \$30 fee for a 4 year renewal driver's  
 25 license;

26 (D) \$4 of the \$8 fee for a restricted driving



1 permit; and

2 (E) \$4 of the \$8 fee for a monitoring device  
3 driving permit.

4 2. \$30 of the \$250 fee for reinstatement of a license  
5 summarily suspended under Section 11-501.1 shall be  
6 deposited into the Drunk and Drugged Driving Prevention  
7 Fund. However, for a person whose license or privilege to  
8 operate a motor vehicle in this State has been suspended or  
9 revoked for a second or subsequent time for a violation of  
10 Section 11-501 or 11-501.1 of this Code or Section 9-3 of  
11 the Criminal Code of 1961 or the Criminal Code of 2012,  
12 \$190 of the \$500 fee for reinstatement of a license  
13 summarily suspended under Section 11-501.1, and \$190 of the  
14 \$500 fee for reinstatement of a revoked license shall be  
15 deposited into the Drunk and Drugged Driving Prevention  
16 Fund. \$190 of the \$500 fee for reinstatement of a license  
17 summarily revoked pursuant to Section 11-501.1 shall be  
18 deposited into the Drunk and Drugged Driving Prevention  
19 Fund.

20 3. \$6 of such original or renewal fee for a commercial  
21 driver's license and \$6 of the commercial driver  
22 instruction permit fee when such permit is issued to any  
23 person holding a valid Illinois driver's license, shall be  
24 paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

25 4. \$30 of the \$70 fee for reinstatement of a license  
26 suspended under the Family Financial Responsibility Law

1 shall be paid into the Family Responsibility Fund.

2 5. The \$5 fee for each original or renewal M or L  
3 endorsement shall be deposited into the Cycle Rider Safety  
4 Training Fund.

5 6. \$20 of any original or renewal fee for a commercial  
6 driver's license or commercial driver instruction permit  
7 shall be paid into the Motor Carrier Safety Inspection  
8 Fund.

9 7. The following amounts shall be paid into the General  
10 Revenue Fund:

11 (A) \$190 of the \$250 reinstatement fee for a  
12 summary suspension under Section 11-501.1;

13 (B) \$40 of the \$70 reinstatement fee for any other  
14 suspension provided in subsection (b) of this Section;  
15 and

16 (C) \$440 of the \$500 reinstatement fee for a first  
17 offense revocation and \$310 of the \$500 reinstatement  
18 fee for a second or subsequent revocation.

19 (d) All of the proceeds of the additional fees imposed by  
20 this amendatory Act of the 96th General Assembly shall be  
21 deposited into the Capital Projects Fund.

22 (e) The additional fees imposed by this amendatory Act of  
23 the 96th General Assembly shall become effective 90 days after  
24 becoming law.

25 (f) As used in this Section, "active-duty member of the  
26 United States Armed Forces" means a member of the Armed

1 Services or Reserve Forces of the United States or a member of  
 2 the Illinois National Guard who is called to active duty  
 3 pursuant to an executive order of the President of the United  
 4 States, an act of the Congress of the United States, or an  
 5 order of the Governor.

6 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
 7 98-177, eff. 1-1-14.)

8 (Text of Section after amendment by P.A. 98-176)  
 9 Sec. 6-118. Fees.

10 (a) The fee for licenses and permits under this Article is  
 11 as follows:

12	Original driver's license .....	\$30
13	Original or renewal driver's license	
14	issued to 18, 19 and 20 year olds .....	5
15	All driver's licenses for persons	
16	age 69 through age 80 .....	5
17	All driver's licenses for persons	
18	age 81 through age 86 .....	2
19	All driver's licenses for persons	
20	age 87 or older .....	0
21	Renewal driver's license (except for	
22	applicants ages 18, 19 and 20 or	
23	age 69 and older) .....	30
24	Original instruction permit issued to	
25	persons (except those age 69 and older)	

1           who do not hold or have not previously  
2           held an Illinois instruction permit or  
3           driver's license ..... 20  
4    Instruction permit issued to any person  
5           holding an Illinois driver's license  
6           who wishes a change in classifications,  
7           other than at the time of renewal ..... 5  
8    Any instruction permit issued to a person  
9           age 69 and older ..... 5  
10   Instruction permit issued to any person,  
11           under age 69, not currently holding a  
12           valid Illinois driver's license or  
13           instruction permit but who has  
14           previously been issued either document  
15           in Illinois ..... 10  
16   Restricted driving permit ..... 8  
17   Monitoring device driving permit ..... 8  
18   Duplicate or corrected driver's license  
19           or permit ..... 5  
20   Duplicate or corrected restricted  
21           driving permit ..... 5  
22   Duplicate or corrected monitoring  
23           device driving permit ..... 5  
24   Duplicate driver's license or permit issued to  
25           an active-duty member of the  
26           United States Armed Forces,

1           the member's spouse, or  
 2           the dependent children living  
 3           with the member ..... 0  
 4       Original or renewal M or L endorsement..... 5

5 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

6           The fees for commercial driver licenses and permits  
 7       under Article V shall be as follows:

8       Commercial driver's license:

9           \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund  
 10          (Commercial Driver's License Information  
 11          System/American Association of Motor Vehicle  
 12          Administrators network/National Motor Vehicle  
 13          Title Information Service Trust Fund);  
 14          \$20 for the Motor Carrier Safety Inspection Fund;  
 15          \$10 for the driver's license;  
 16          and \$24 for the CDL: ..... \$60

17       Renewal commercial driver's license:

18          \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;  
 19          \$20 for the Motor Carrier Safety Inspection Fund;  
 20          \$10 for the driver's license; and  
 21          \$24 for the CDL: ..... \$60

22       Commercial learner's permit

23          issued to any person holding a valid  
 24          Illinois driver's license for the  
 25          purpose of changing to a  
 26          CDL classification: \$6 for the

1 CDLIS/AAMVAnet/NMVTIS Trust Fund;  
2 \$20 for the Motor Carrier  
3 Safety Inspection Fund; and  
4 \$24 for the CDL classification ..... \$50  
5 Commercial learner's permit  
6 issued to any person holding a valid  
7 Illinois CDL for the purpose of  
8 making a change in a classification,  
9 endorsement or restriction ..... \$5  
10 CDL duplicate or corrected license ..... \$5

11 In order to ensure the proper implementation of the Uniform  
12 Commercial Driver License Act, Article V of this Chapter, the  
13 Secretary of State is empowered to pro-rate the \$24 fee for the  
14 commercial driver's license proportionate to the expiration  
15 date of the applicant's Illinois driver's license.

16 The fee for any duplicate license or permit shall be waived  
17 for any person who presents the Secretary of State's office  
18 with a police report showing that his license or permit was  
19 stolen.

20 The fee for any duplicate license or permit shall be waived  
21 for any person age 60 or older whose driver's license or permit  
22 has been lost or stolen.

23 No additional fee shall be charged for a driver's license,  
24 or for a commercial driver's license, when issued to the holder  
25 of an instruction permit for the same classification or type of  
26 license who becomes eligible for such license.

1 (b) Any person whose license or privilege to operate a  
 2 motor vehicle in this State has been suspended or revoked under  
 3 Section 3-707, any provision of Chapter 6, Chapter 11, or  
 4 Section 7-205, 7-303, or 7-702 of the Family Financial  
 5 Responsibility Law of this Code, shall in addition to any other  
 6 fees required by this Code, pay a reinstatement fee as follows:

7	Suspension under Section 3-707 .....	\$100
8	Summary suspension under Section 11-501.1 .....	\$250
9	Summary revocation under Section 11-501.1 .....	\$500
10	Other suspension .....	\$70
11	Revocation .....	\$500

12 However, any person whose license or privilege to operate a  
 13 motor vehicle in this State has been suspended or revoked for a  
 14 second or subsequent time for a violation of Section 11-501 or  
 15 11-501.1 of this Code or a similar provision of a local  
 16 ordinance or a similar out-of-state offense or Section 9-3 of  
 17 the Criminal Code of 1961 or the Criminal Code of 2012 and each  
 18 suspension or revocation was for a violation of Section 11-501  
 19 or 11-501.1 of this Code or a similar provision of a local  
 20 ordinance or a similar out-of-state offense or Section 9-3 of  
 21 the Criminal Code of 1961 or the Criminal Code of 2012 shall  
 22 pay, in addition to any other fees required by this Code, a  
 23 reinstatement fee as follows:

24	Summary suspension under Section 11-501.1 .....	\$500
25	Summary revocation under Section 11-501.1 .....	\$500
26	Revocation .....	\$500

1 (c) All fees collected under the provisions of this Chapter  
2 6 shall be paid into the Road Fund in the State Treasury except  
3 as follows:

4 1. The following amounts shall be paid into the Driver  
5 Education Fund:

6 (A) \$16 of the \$20 fee for an original driver's  
7 instruction permit;

8 (B) \$5 of the \$30 fee for an original driver's  
9 license;

10 (C) \$5 of the \$30 fee for a 4 year renewal driver's  
11 license;

12 (D) \$4 of the \$8 fee for a restricted driving  
13 permit; and

14 (E) \$4 of the \$8 fee for a monitoring device  
15 driving permit.

16 2. \$30 of the \$250 fee for reinstatement of a license  
17 summarily suspended under Section 11-501.1 shall be  
18 deposited into the Drunk and Drugged Driving Prevention  
19 Fund. However, for a person whose license or privilege to  
20 operate a motor vehicle in this State has been suspended or  
21 revoked for a second or subsequent time for a violation of  
22 Section 11-501 or 11-501.1 of this Code or Section 9-3 of  
23 the Criminal Code of 1961 or the Criminal Code of 2012,  
24 \$190 of the \$500 fee for reinstatement of a license  
25 summarily suspended under Section 11-501.1, and \$190 of the  
26 \$500 fee for reinstatement of a revoked license shall be



1 deposited into the Drunk and Drugged Driving Prevention  
2 Fund. \$190 of the \$500 fee for reinstatement of a license  
3 summarily revoked pursuant to Section 11-501.1 shall be  
4 deposited into the Drunk and Drugged Driving Prevention  
5 Fund.

6 3. \$6 of the original or renewal fee for a commercial  
7 driver's license and \$6 of the commercial learner's permit  
8 fee when the permit is issued to any person holding a valid  
9 Illinois driver's license, shall be paid into the  
10 CDLIS/AAMVAnet/NMVTIS Trust Fund.

11 4. \$30 of the \$70 fee for reinstatement of a license  
12 suspended under the Family Financial Responsibility Law  
13 shall be paid into the Family Responsibility Fund.

14 5. The \$5 fee for each original or renewal M or L  
15 endorsement shall be deposited into the Cycle Rider Safety  
16 Training Fund.

17 6. \$20 of any original or renewal fee for a commercial  
18 driver's license or commercial learner's permit shall be  
19 paid into the Motor Carrier Safety Inspection Fund.

20 7. The following amounts shall be paid into the General  
21 Revenue Fund:

22 (A) \$190 of the \$250 reinstatement fee for a  
23 summary suspension under Section 11-501.1;

24 (B) \$40 of the \$70 reinstatement fee for any other  
25 suspension provided in subsection (b) of this Section;  
26 and

1 (C) \$440 of the \$500 reinstatement fee for a first  
2 offense revocation and \$310 of the \$500 reinstatement  
3 fee for a second or subsequent revocation.

4 (d) All of the proceeds of the additional fees imposed by  
5 this amendatory Act of the 96th General Assembly shall be  
6 deposited into the Capital Projects Fund.

7 (e) The additional fees imposed by this amendatory Act of  
8 the 96th General Assembly shall become effective 90 days after  
9 becoming law.

10 (f) As used in this Section, "active-duty member of the  
11 United States Armed Forces" means a member of the Armed  
12 Services or Reserve Forces of the United States or a member of  
13 the Illinois National Guard who is called to active duty  
14 pursuant to an executive order of the President of the United  
15 States, an act of the Congress of the United States, or an  
16 order of the Governor.

17 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
18 98-176, eff. 7-1-14; 98-177, eff. 1-1-14; revised 9-19-13.)

19 (625 ILCS 5/6-201)

20 (Text of Section before amendment by P.A. 98-176)

21 Sec. 6-201. Authority to cancel licenses and permits.

22 (a) The Secretary of State is authorized to cancel any  
23 license or permit upon determining that the holder thereof:

24 1. was not entitled to the issuance thereof hereunder;

25 or

1           2. failed to give the required or correct information  
2           in his application; or

3           3. failed to pay any fees, civil penalties owed to the  
4           Illinois Commerce Commission, or taxes due under this Act  
5           and upon reasonable notice and demand; or

6           4. committed any fraud in the making of such  
7           application; or

8           5. is ineligible therefor under the provisions of  
9           Section 6-103 of this Act, as amended; or

10          6. has refused or neglected to submit an alcohol, drug,  
11          and intoxicating compound evaluation or to submit to  
12          examination or re-examination as required under this Act;  
13          or

14          7. has been convicted of violating the Cannabis Control  
15          Act, the Illinois Controlled Substances Act, the  
16          Methamphetamine Control and Community Protection Act, or  
17          the Use of Intoxicating Compounds Act while that individual  
18          was in actual physical control of a motor vehicle. For  
19          purposes of this Section, any person placed on probation  
20          under Section 10 of the Cannabis Control Act, Section 410  
21          of the Illinois Controlled Substances Act, or Section 70 of  
22          the Methamphetamine Control and Community Protection Act  
23          shall not be considered convicted. Any person found guilty  
24          of this offense, while in actual physical control of a  
25          motor vehicle, shall have an entry made in the court record  
26          by the judge that this offense did occur while the person

1 was in actual physical control of a motor vehicle and order  
2 the clerk of the court to report the violation to the  
3 Secretary of State as such. After the cancellation, the  
4 Secretary of State shall not issue a new license or permit  
5 for a period of one year after the date of cancellation.  
6 However, upon application, the Secretary of State may, if  
7 satisfied that the person applying will not endanger the  
8 public safety, or welfare, issue a restricted driving  
9 permit granting the privilege of driving a motor vehicle  
10 between the petitioner's residence and petitioner's place  
11 of employment or within the scope of the petitioner's  
12 employment related duties, or to allow transportation for  
13 the petitioner or a household member of the petitioner's  
14 family for the receipt of necessary medical care, or  
15 provide transportation for the petitioner to and from  
16 alcohol or drug remedial or rehabilitative activity  
17 recommended by a licensed service provider, or for the  
18 petitioner to attend classes, as a student, in an  
19 accredited educational institution. The petitioner must  
20 demonstrate that no alternative means of transportation is  
21 reasonably available; provided that the Secretary's  
22 discretion shall be limited to cases where undue hardship,  
23 as defined by the rules of the Secretary of State, would  
24 result from a failure to issue such restricted driving  
25 permit. In each case the Secretary of State may issue such  
26 restricted driving permit for such period as he deems

1 appropriate, except that such permit shall expire within  
2 one year from the date of issuance. A restricted driving  
3 permit issued hereunder shall be subject to cancellation,  
4 revocation and suspension by the Secretary of State in like  
5 manner and for like cause as a driver's license issued  
6 hereunder may be cancelled, revoked or suspended; except  
7 that a conviction upon one or more offenses against laws or  
8 ordinances regulating the movement of traffic shall be  
9 deemed sufficient cause for the revocation, suspension or  
10 cancellation of a restricted driving permit. The Secretary  
11 of State may, as a condition to the issuance of a  
12 restricted driving permit, require the applicant to  
13 participate in a driver remedial or rehabilitative  
14 program. In accordance with 49 C.F.R. 384, the Secretary of  
15 State may not issue a restricted driving permit for the  
16 operation of a commercial motor vehicle to a person holding  
17 a CDL whose driving privileges have been revoked,  
18 suspended, cancelled, or disqualified under this Code; or

19 8. failed to submit a report as required by Section  
20 6-116.5 of this Code; or

21 9. has been convicted of a sex offense as defined in  
22 the Sex Offender Registration Act. The driver's license  
23 shall remain cancelled until the driver registers as a sex  
24 offender as required by the Sex Offender Registration Act,  
25 proof of the registration is furnished to the Secretary of  
26 State and the sex offender provides proof of current

1 address to the Secretary; or

2 10. is ineligible for a license or permit under Section  
3 6-107, 6-107.1, or 6-108 of this Code; or

4 11. refused or neglected to appear at a Driver Services  
5 facility to have the license or permit corrected and a new  
6 license or permit issued or to present documentation for  
7 verification of identity; or

8 12. failed to submit a medical examiner's certificate  
9 or medical variance as required by 49 C.F.R. 383.71 or  
10 submitted a fraudulent medical examiner's certificate or  
11 medical variance; or

12 13. has had his or her medical examiner's certificate,  
13 medical variance, or both removed or rescinded by the  
14 Federal Motor Carrier Safety Administration; or

15 14. failed to self-certify as to the type of driving in  
16 which the CDL driver engages or expects to engage; or

17 15. has submitted acceptable documentation indicating  
18 out-of-state residency to the Secretary of State to be  
19 released from the requirement of showing proof of financial  
20 responsibility in this State.

21 (b) Upon such cancellation the licensee or permittee must  
22 surrender the license or permit so cancelled to the Secretary  
23 of State.

24 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
25 Secretary of State shall have exclusive authority to grant,  
26 issue, deny, cancel, suspend and revoke driving privileges,

1 drivers' licenses and restricted driving permits.

2 (d) The Secretary of State may adopt rules to implement  
3 this Section.

4 (Source: P.A. 97-208, eff. 1-1-12; 97-229, eff. 7-28-11;  
5 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-178, eff.  
6 1-1-14.)

7 (Text of Section after amendment by P.A. 98-176)

8 Sec. 6-201. Authority to cancel licenses and permits.

9 (a) The Secretary of State is authorized to cancel any  
10 license or permit upon determining that the holder thereof:

11 1. was not entitled to the issuance thereof hereunder;

12 or

13 2. failed to give the required or correct information  
14 in his application; or

15 3. failed to pay any fees, civil penalties owed to the  
16 Illinois Commerce Commission, or taxes due under this Act  
17 and upon reasonable notice and demand; or

18 4. committed any fraud in the making of such  
19 application; or

20 5. is ineligible therefor under the provisions of  
21 Section 6-103 of this Act, as amended; or

22 6. has refused or neglected to submit an alcohol, drug,  
23 and intoxicating compound evaluation or to submit to  
24 examination or re-examination as required under this Act;

25 or

1           7. has been convicted of violating the Cannabis Control  
2 Act, the Illinois Controlled Substances Act, the  
3 Methamphetamine Control and Community Protection Act, or  
4 the Use of Intoxicating Compounds Act while that individual  
5 was in actual physical control of a motor vehicle. For  
6 purposes of this Section, any person placed on probation  
7 under Section 10 of the Cannabis Control Act, Section 410  
8 of the Illinois Controlled Substances Act, or Section 70 of  
9 the Methamphetamine Control and Community Protection Act  
10 shall not be considered convicted. Any person found guilty  
11 of this offense, while in actual physical control of a  
12 motor vehicle, shall have an entry made in the court record  
13 by the judge that this offense did occur while the person  
14 was in actual physical control of a motor vehicle and order  
15 the clerk of the court to report the violation to the  
16 Secretary of State as such. After the cancellation, the  
17 Secretary of State shall not issue a new license or permit  
18 for a period of one year after the date of cancellation.  
19 However, upon application, the Secretary of State may, if  
20 satisfied that the person applying will not endanger the  
21 public safety, or welfare, issue a restricted driving  
22 permit granting the privilege of driving a motor vehicle  
23 between the petitioner's residence and petitioner's place  
24 of employment or within the scope of the petitioner's  
25 employment related duties, or to allow transportation for  
26 the petitioner or a household member of the petitioner's



1 family for the receipt of necessary medical care, or  
2 provide transportation for the petitioner to and from  
3 alcohol or drug remedial or rehabilitative activity  
4 recommended by a licensed service provider, or for the  
5 petitioner to attend classes, as a student, in an  
6 accredited educational institution. The petitioner must  
7 demonstrate that no alternative means of transportation is  
8 reasonably available; provided that the Secretary's  
9 discretion shall be limited to cases where undue hardship,  
10 as defined by the rules of the Secretary of State, would  
11 result from a failure to issue such restricted driving  
12 permit. In each case the Secretary of State may issue such  
13 restricted driving permit for such period as he deems  
14 appropriate, except that such permit shall expire within  
15 one year from the date of issuance. A restricted driving  
16 permit issued hereunder shall be subject to cancellation,  
17 revocation and suspension by the Secretary of State in like  
18 manner and for like cause as a driver's license issued  
19 hereunder may be cancelled, revoked or suspended; except  
20 that a conviction upon one or more offenses against laws or  
21 ordinances regulating the movement of traffic shall be  
22 deemed sufficient cause for the revocation, suspension or  
23 cancellation of a restricted driving permit. The Secretary  
24 of State may, as a condition to the issuance of a  
25 restricted driving permit, require the applicant to  
26 participate in a driver remedial or rehabilitative

1 program. In accordance with 49 C.F.R. 384, the Secretary of  
2 State may not issue a restricted driving permit for the  
3 operation of a commercial motor vehicle to a person holding  
4 a CDL whose driving privileges have been revoked,  
5 suspended, cancelled, or disqualified under this Code; or

6 8. failed to submit a report as required by Section  
7 6-116.5 of this Code; or

8 9. has been convicted of a sex offense as defined in  
9 the Sex Offender Registration Act. The driver's license  
10 shall remain cancelled until the driver registers as a sex  
11 offender as required by the Sex Offender Registration Act,  
12 proof of the registration is furnished to the Secretary of  
13 State and the sex offender provides proof of current  
14 address to the Secretary; or

15 10. is ineligible for a license or permit under Section  
16 6-107, 6-107.1, or 6-108 of this Code; or

17 11. refused or neglected to appear at a Driver Services  
18 facility to have the license or permit corrected and a new  
19 license or permit issued or to present documentation for  
20 verification of identity; or

21 12. failed to submit a medical examiner's certificate  
22 or medical variance as required by 49 C.F.R. 383.71 or  
23 submitted a fraudulent medical examiner's certificate or  
24 medical variance; or

25 13. has had his or her medical examiner's certificate,  
26 medical variance, or both removed or rescinded by the

1 Federal Motor Carrier Safety Administration; or

2 14. failed to self-certify as to the type of driving in  
3 which the CDL driver engages or expects to engage; or

4 15. has submitted acceptable documentation indicating  
5 out-of-state residency to the Secretary of State to be  
6 released from the requirement of showing proof of financial  
7 responsibility in this State; or.

8 16. ~~15.~~ was convicted of fraud relating to the testing  
9 or issuance of a CDL or CLP, in which case only the CDL or  
10 CLP shall be cancelled. After cancellation, the Secretary  
11 shall not issue a CLP or CDL for a period of one year from  
12 the date of cancellation.

13 (b) Upon such cancellation the licensee or permittee must  
14 surrender the license or permit so cancelled to the Secretary  
15 of State.

16 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
17 Secretary of State shall have exclusive authority to grant,  
18 issue, deny, cancel, suspend and revoke driving privileges,  
19 drivers' licenses and restricted driving permits.

20 (d) The Secretary of State may adopt rules to implement  
21 this Section.

22 (Source: P.A. 97-208, eff. 1-1-12; 97-229; eff. 7-28-11;  
23 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-176, eff.  
24 7-1-14; 98-178, eff. 1-1-14; revised 9-19-13.)

1           Sec. 6-206. Discretionary authority to suspend or revoke  
2 license or permit; Right to a hearing.

3           (a) The Secretary of State is authorized to suspend or  
4 revoke the driving privileges of any person without preliminary  
5 hearing upon a showing of the person's records or other  
6 sufficient evidence that the person:

7           1. Has committed an offense for which mandatory  
8 revocation of a driver's license or permit is required upon  
9 conviction;

10           2. Has been convicted of not less than 3 offenses  
11 against traffic regulations governing the movement of  
12 vehicles committed within any 12 month period. No  
13 revocation or suspension shall be entered more than 6  
14 months after the date of last conviction;

15           3. Has been repeatedly involved as a driver in motor  
16 vehicle collisions or has been repeatedly convicted of  
17 offenses against laws and ordinances regulating the  
18 movement of traffic, to a degree that indicates lack of  
19 ability to exercise ordinary and reasonable care in the  
20 safe operation of a motor vehicle or disrespect for the  
21 traffic laws and the safety of other persons upon the  
22 highway;

23           4. Has by the unlawful operation of a motor vehicle  
24 caused or contributed to an accident resulting in injury  
25 requiring immediate professional treatment in a medical  
26 facility or doctor's office to any person, except that any

1 suspension or revocation imposed by the Secretary of State  
2 under the provisions of this subsection shall start no  
3 later than 6 months after being convicted of violating a  
4 law or ordinance regulating the movement of traffic, which  
5 violation is related to the accident, or shall start not  
6 more than one year after the date of the accident,  
7 whichever date occurs later;

8 5. Has permitted an unlawful or fraudulent use of a  
9 driver's license, identification card, or permit;

10 6. Has been lawfully convicted of an offense or  
11 offenses in another state, including the authorization  
12 contained in Section 6-203.1, which if committed within  
13 this State would be grounds for suspension or revocation;

14 7. Has refused or failed to submit to an examination  
15 provided for by Section 6-207 or has failed to pass the  
16 examination;

17 8. Is ineligible for a driver's license or permit under  
18 the provisions of Section 6-103;

19 9. Has made a false statement or knowingly concealed a  
20 material fact or has used false information or  
21 identification in any application for a license,  
22 identification card, or permit;

23 10. Has possessed, displayed, or attempted to  
24 fraudulently use any license, identification card, or  
25 permit not issued to the person;

26 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to  
2 obtain a driver's license or permit was revoked or  
3 suspended unless the operation was authorized by a  
4 monitoring device driving permit, judicial driving permit  
5 issued prior to January 1, 2009, probationary license to  
6 drive, or a restricted driving permit issued under this  
7 Code;

8 12. Has submitted to any portion of the application  
9 process for another person or has obtained the services of  
10 another person to submit to any portion of the application  
11 process for the purpose of obtaining a license,  
12 identification card, or permit for some other person;

13 13. Has operated a motor vehicle upon a highway of this  
14 State when the person's driver's license or permit was  
15 invalid under the provisions of Sections 6-107.1 and 6-110;

16 14. Has committed a violation of Section 6-301,  
17 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
18 of the Illinois Identification Card Act;

19 15. Has been convicted of violating Section 21-2 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012 relating  
21 to criminal trespass to vehicles in which case, the  
22 suspension shall be for one year;

23 16. Has been convicted of violating Section 11-204 of  
24 this Code relating to fleeing from a peace officer;

25 17. Has refused to submit to a test, or tests, as  
26 required under Section 11-501.1 of this Code and the person

1 has not sought a hearing as provided for in Section  
2 11-501.1;

3 18. Has, since issuance of a driver's license or  
4 permit, been adjudged to be afflicted with or suffering  
5 from any mental disability or disease;

6 19. Has committed a violation of paragraph (a) or (b)  
7 of Section 6-101 relating to driving without a driver's  
8 license;

9 20. Has been convicted of violating Section 6-104  
10 relating to classification of driver's license;

11 21. Has been convicted of violating Section 11-402 of  
12 this Code relating to leaving the scene of an accident  
13 resulting in damage to a vehicle in excess of \$1,000, in  
14 which case the suspension shall be for one year;

15 22. Has used a motor vehicle in violating paragraph  
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
17 the Criminal Code of 1961 or the Criminal Code of 2012  
18 relating to unlawful use of weapons, in which case the  
19 suspension shall be for one year;

20 23. Has, as a driver, been convicted of committing a  
21 violation of paragraph (a) of Section 11-502 of this Code  
22 for a second or subsequent time within one year of a  
23 similar violation;

24 24. Has been convicted by a court-martial or punished  
25 by non-judicial punishment by military authorities of the  
26 United States at a military installation in Illinois of or

1 for a traffic related offense that is the same as or  
2 similar to an offense specified under Section 6-205 or  
3 6-206 of this Code;

4 25. Has permitted any form of identification to be used  
5 by another in the application process in order to obtain or  
6 attempt to obtain a license, identification card, or  
7 permit;

8 26. Has altered or attempted to alter a license or has  
9 possessed an altered license, identification card, or  
10 permit;

11 27. Has violated Section 6-16 of the Liquor Control Act  
12 of 1934;

13 28. Has been convicted for a first time of the illegal  
14 possession, while operating or in actual physical control,  
15 as a driver, of a motor vehicle, of any controlled  
16 substance prohibited under the Illinois Controlled  
17 Substances Act, any cannabis prohibited under the Cannabis  
18 Control Act, or any methamphetamine prohibited under the  
19 Methamphetamine Control and Community Protection Act, in  
20 which case the person's driving privileges shall be  
21 suspended for one year. Any defendant found guilty of this  
22 offense while operating a motor vehicle, shall have an  
23 entry made in the court record by the presiding judge that  
24 this offense did occur while the defendant was operating a  
25 motor vehicle and order the clerk of the court to report  
26 the violation to the Secretary of State;



1           29. Has been convicted of the following offenses that  
2           were committed while the person was operating or in actual  
3           physical control, as a driver, of a motor vehicle: criminal  
4           sexual assault, predatory criminal sexual assault of a  
5           child, aggravated criminal sexual assault, criminal sexual  
6           abuse, aggravated criminal sexual abuse, juvenile pimping,  
7           soliciting for a juvenile prostitute, promoting juvenile  
8           prostitution as described in subdivision (a)(1), (a)(2),  
9           or (a)(3) of Section 11-14.4 of the Criminal Code of 1961  
10          or the Criminal Code of 2012, and the manufacture, sale or  
11          delivery of controlled substances or instruments used for  
12          illegal drug use or abuse in which case the driver's  
13          driving privileges shall be suspended for one year;

14          30. Has been convicted a second or subsequent time for  
15          any combination of the offenses named in paragraph 29 of  
16          this subsection, in which case the person's driving  
17          privileges shall be suspended for 5 years;

18          31. Has refused to submit to a test as required by  
19          Section 11-501.6 of this Code or Section 5-16c of the Boat  
20          Registration and Safety Act or has submitted to a test  
21          resulting in an alcohol concentration of 0.08 or more or  
22          any amount of a drug, substance, or compound resulting from  
23          the unlawful use or consumption of cannabis as listed in  
24          the Cannabis Control Act, a controlled substance as listed  
25          in the Illinois Controlled Substances Act, an intoxicating  
26          compound as listed in the Use of Intoxicating Compounds

1 Act, or methamphetamine as listed in the Methamphetamine  
2 Control and Community Protection Act, in which case the  
3 penalty shall be as prescribed in Section 6-208.1;

4 32. Has been convicted of Section 24-1.2 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012 relating  
6 to the aggravated discharge of a firearm if the offender  
7 was located in a motor vehicle at the time the firearm was  
8 discharged, in which case the suspension shall be for 3  
9 years;

10 33. Has as a driver, who was less than 21 years of age  
11 on the date of the offense, been convicted a first time of  
12 a violation of paragraph (a) of Section 11-502 of this Code  
13 or a similar provision of a local ordinance;

14 34. Has committed a violation of Section 11-1301.5 of  
15 this Code or a similar provision of a local ordinance;

16 35. Has committed a violation of Section 11-1301.6 of  
17 this Code or a similar provision of a local ordinance;

18 36. Is under the age of 21 years at the time of arrest  
19 and has been convicted of not less than 2 offenses against  
20 traffic regulations governing the movement of vehicles  
21 committed within any 24 month period. No revocation or  
22 suspension shall be entered more than 6 months after the  
23 date of last conviction;

24 37. Has committed a violation of subsection (c) of  
25 Section 11-907 of this Code that resulted in damage to the  
26 property of another or the death or injury of another;

1           38. Has been convicted of a violation of Section 6-20  
2 of the Liquor Control Act of 1934 or a similar provision of  
3 a local ordinance;

4           39. Has committed a second or subsequent violation of  
5 Section 11-1201 of this Code;

6           40. Has committed a violation of subsection (a-1) of  
7 Section 11-908 of this Code;

8           41. Has committed a second or subsequent violation of  
9 Section 11-605.1 of this Code, a similar provision of a  
10 local ordinance, or a similar violation in any other state  
11 within 2 years of the date of the previous violation, in  
12 which case the suspension shall be for 90 days;

13           42. Has committed a violation of subsection (a-1) of  
14 Section 11-1301.3 of this Code or a similar provision of a  
15 local ordinance;

16           43. Has received a disposition of court supervision for  
17 a violation of subsection (a), (d), or (e) of Section 6-20  
18 of the Liquor Control Act of 1934 or a similar provision of  
19 a local ordinance, in which case the suspension shall be  
20 for a period of 3 months;

21           44. Is under the age of 21 years at the time of arrest  
22 and has been convicted of an offense against traffic  
23 regulations governing the movement of vehicles after  
24 having previously had his or her driving privileges  
25 suspended or revoked pursuant to subparagraph 36 of this  
26 Section;

1           45. Has, in connection with or during the course of a  
2 formal hearing conducted under Section 2-118 of this Code:

3           (i) committed perjury; (ii) submitted fraudulent or  
4 falsified documents; (iii) submitted documents that have  
5 been materially altered; or (iv) submitted, as his or her  
6 own, documents that were in fact prepared or composed for  
7 another person;

8           46. Has committed a violation of subsection (j) of  
9 Section 3-413 of this Code; or

10          47. Has committed a violation of Section 11-502.1 of  
11 this Code.

12          For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
13 and 27 of this subsection, license means any driver's license,  
14 any traffic ticket issued when the person's driver's license is  
15 deposited in lieu of bail, a suspension notice issued by the  
16 Secretary of State, a duplicate or corrected driver's license,  
17 a probationary driver's license or a temporary driver's  
18 license.

19          (b) If any conviction forming the basis of a suspension or  
20 revocation authorized under this Section is appealed, the  
21 Secretary of State may rescind or withhold the entry of the  
22 order of suspension or revocation, as the case may be, provided  
23 that a certified copy of a stay order of a court is filed with  
24 the Secretary of State. If the conviction is affirmed on  
25 appeal, the date of the conviction shall relate back to the  
26 time the original judgment of conviction was entered and the 6

1 month limitation prescribed shall not apply.

2 (c) 1. Upon suspending or revoking the driver's license or  
3 permit of any person as authorized in this Section, the  
4 Secretary of State shall immediately notify the person in  
5 writing of the revocation or suspension. The notice to be  
6 deposited in the United States mail, postage prepaid, to the  
7 last known address of the person.

8 2. If the Secretary of State suspends the driver's  
9 license of a person under subsection 2 of paragraph (a) of  
10 this Section, a person's privilege to operate a vehicle as  
11 an occupation shall not be suspended, provided an affidavit  
12 is properly completed, the appropriate fee received, and a  
13 permit issued prior to the effective date of the  
14 suspension, unless 5 offenses were committed, at least 2 of  
15 which occurred while operating a commercial vehicle in  
16 connection with the driver's regular occupation. All other  
17 driving privileges shall be suspended by the Secretary of  
18 State. Any driver prior to operating a vehicle for  
19 occupational purposes only must submit the affidavit on  
20 forms to be provided by the Secretary of State setting  
21 forth the facts of the person's occupation. The affidavit  
22 shall also state the number of offenses committed while  
23 operating a vehicle in connection with the driver's regular  
24 occupation. The affidavit shall be accompanied by the  
25 driver's license. Upon receipt of a properly completed  
26 affidavit, the Secretary of State shall issue the driver a

1 permit to operate a vehicle in connection with the driver's  
2 regular occupation only. Unless the permit is issued by the  
3 Secretary of State prior to the date of suspension, the  
4 privilege to drive any motor vehicle shall be suspended as  
5 set forth in the notice that was mailed under this Section.  
6 If an affidavit is received subsequent to the effective  
7 date of this suspension, a permit may be issued for the  
8 remainder of the suspension period.

9 The provisions of this subparagraph shall not apply to  
10 any driver required to possess a CDL for the purpose of  
11 operating a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit  
13 required herein shall be guilty of perjury under Section  
14 6-302 and upon conviction thereof shall have all driving  
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118  
17 of this Code, the Secretary of State shall either rescind  
18 or continue an order of revocation or shall substitute an  
19 order of suspension; or, good cause appearing therefor,  
20 rescind, continue, change, or extend the order of  
21 suspension. If the Secretary of State does not rescind the  
22 order, the Secretary may upon application, to relieve undue  
23 hardship (as defined by the rules of the Secretary of  
24 State), issue a restricted driving permit granting the  
25 privilege of driving a motor vehicle between the  
26 petitioner's residence and petitioner's place of

1 employment or within the scope of the petitioner's  
2 employment related duties, or to allow the petitioner to  
3 transport himself or herself, or a family member of the  
4 petitioner's household to a medical facility, to receive  
5 necessary medical care, to allow the petitioner to  
6 transport himself or herself to and from alcohol or drug  
7 remedial or rehabilitative activity recommended by a  
8 licensed service provider, or to allow the petitioner to  
9 transport himself or herself or a family member of the  
10 petitioner's household to classes, as a student, at an  
11 accredited educational institution, or to allow the  
12 petitioner to transport children, elderly persons, or  
13 disabled persons who do not hold driving privileges and are  
14 living in the petitioner's household to and from daycare.  
15 The petitioner must demonstrate that no alternative means  
16 of transportation is reasonably available and that the  
17 petitioner will not endanger the public safety or welfare.  
18 Those multiple offenders identified in subdivision (b)4 of  
19 Section 6-208 of this Code, however, shall not be eligible  
20 for the issuance of a restricted driving permit.

21 (A) If a person's license or permit is revoked or  
22 suspended due to 2 or more convictions of violating  
23 Section 11-501 of this Code or a similar provision of a  
24 local ordinance or a similar out-of-state offense, or  
25 Section 9-3 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, where the use of alcohol or

1 other drugs is recited as an element of the offense, or  
2 a similar out-of-state offense, or a combination of  
3 these offenses, arising out of separate occurrences,  
4 that person, if issued a restricted driving permit, may  
5 not operate a vehicle unless it has been equipped with  
6 an ignition interlock device as defined in Section  
7 1-129.1.

8 (B) If a person's license or permit is revoked or  
9 suspended 2 or more times within a 10 year period due  
10 to any combination of:

11 (i) a single conviction of violating Section  
12 11-501 of this Code or a similar provision of a  
13 local ordinance or a similar out-of-state offense  
14 or Section 9-3 of the Criminal Code of 1961 or the  
15 Criminal Code of 2012, where the use of alcohol or  
16 other drugs is recited as an element of the  
17 offense, or a similar out-of-state offense; or

18 (ii) a statutory summary suspension or  
19 revocation under Section 11-501.1; or

20 (iii) a suspension under Section 6-203.1;  
21 arising out of separate occurrences; that person, if  
22 issued a restricted driving permit, may not operate a  
23 vehicle unless it has been equipped with an ignition  
24 interlock device as defined in Section 1-129.1.

25 (C) The person issued a permit conditioned upon the  
26 use of an ignition interlock device must pay to the



1 Secretary of State DUI Administration Fund an amount  
2 not to exceed \$30 per month. The Secretary shall  
3 establish by rule the amount and the procedures, terms,  
4 and conditions relating to these fees.

5 (D) If the restricted driving permit is issued for  
6 employment purposes, then the prohibition against  
7 operating a motor vehicle that is not equipped with an  
8 ignition interlock device does not apply to the  
9 operation of an occupational vehicle owned or leased by  
10 that person's employer when used solely for employment  
11 purposes.

12 (E) In each case the Secretary may issue a  
13 restricted driving permit for a period deemed  
14 appropriate, except that all permits shall expire  
15 within one year from the date of issuance. The  
16 Secretary may not, however, issue a restricted driving  
17 permit to any person whose current revocation is the  
18 result of a second or subsequent conviction for a  
19 violation of Section 11-501 of this Code or a similar  
20 provision of a local ordinance or any similar  
21 out-of-state offense, or Section 9-3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012, where the  
23 use of alcohol or other drugs is recited as an element  
24 of the offense, or any similar out-of-state offense, or  
25 any combination of those offenses, until the  
26 expiration of at least one year from the date of the

1 revocation. A restricted driving permit issued under  
2 this Section shall be subject to cancellation,  
3 revocation, and suspension by the Secretary of State in  
4 like manner and for like cause as a driver's license  
5 issued under this Code may be cancelled, revoked, or  
6 suspended; except that a conviction upon one or more  
7 offenses against laws or ordinances regulating the  
8 movement of traffic shall be deemed sufficient cause  
9 for the revocation, suspension, or cancellation of a  
10 restricted driving permit. The Secretary of State may,  
11 as a condition to the issuance of a restricted driving  
12 permit, require the applicant to participate in a  
13 designated driver remedial or rehabilitative program.  
14 The Secretary of State is authorized to cancel a  
15 restricted driving permit if the permit holder does not  
16 successfully complete the program.

17 (c-3) In the case of a suspension under paragraph 43 of  
18 subsection (a), reports received by the Secretary of State  
19 under this Section shall, except during the actual time the  
20 suspension is in effect, be privileged information and for use  
21 only by the courts, police officers, prosecuting authorities,  
22 the driver licensing administrator of any other state, the  
23 Secretary of State, or the parent or legal guardian of a driver  
24 under the age of 18. However, beginning January 1, 2008, if the  
25 person is a CDL holder, the suspension shall also be made  
26 available to the driver licensing administrator of any other

1 state, the U.S. Department of Transportation, and the affected  
2 driver or motor carrier or prospective motor carrier upon  
3 request.

4 (c-4) In the case of a suspension under paragraph 43 of  
5 subsection (a), the Secretary of State shall notify the person  
6 by mail that his or her driving privileges and driver's license  
7 will be suspended one month after the date of the mailing of  
8 the notice.

9 (c-5) The Secretary of State may, as a condition of the  
10 reissuance of a driver's license or permit to an applicant  
11 whose driver's license or permit has been suspended before he  
12 or she reached the age of 21 years pursuant to any of the  
13 provisions of this Section, require the applicant to  
14 participate in a driver remedial education course and be  
15 retested under Section 6-109 of this Code.

16 (d) This Section is subject to the provisions of the  
17 Drivers License Compact.

18 (e) The Secretary of State shall not issue a restricted  
19 driving permit to a person under the age of 16 years whose  
20 driving privileges have been suspended or revoked under any  
21 provisions of this Code.

22 (f) In accordance with 49 C.F.R. 384, the Secretary of  
23 State may not issue a restricted driving permit for the  
24 operation of a commercial motor vehicle to a person holding a  
25 CDL whose driving privileges have been suspended, revoked,  
26 cancelled, or disqualified under any provisions of this Code.

1 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;  
2 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;  
3 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.  
4 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)

5 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

6 Sec. 6-303. Driving while driver's license, permit or  
7 privilege to operate a motor vehicle is suspended or revoked.

8 (a) Except as otherwise provided in subsection (a-5), any  
9 person who drives or is in actual physical control of a motor  
10 vehicle on any highway of this State at a time when such  
11 person's driver's license, permit or privilege to do so or the  
12 privilege to obtain a driver's license or permit is revoked or  
13 suspended as provided by this Code or the law of another state,  
14 except as may be specifically allowed by a judicial driving  
15 permit issued prior to January 1, 2009, monitoring device  
16 driving permit, family financial responsibility driving  
17 permit, probationary license to drive, or a restricted driving  
18 permit issued pursuant to this Code or under the law of another  
19 state, shall be guilty of a Class A misdemeanor.

20 (a-3) A second or subsequent violation of subsection (a) of  
21 this Section is a Class 4 felony if committed by a person whose  
22 driving or operation of a motor vehicle is the proximate cause  
23 of a motor vehicle accident that causes personal injury or  
24 death to another. For purposes of this subsection, a personal  
25 injury includes any Type A injury as indicated on the traffic

1 accident report completed by a law enforcement officer that  
2 requires immediate professional attention in either a doctor's  
3 office or a medical facility. A Type A injury includes severe  
4 bleeding wounds, distorted extremities, and injuries that  
5 require the injured party to be carried from the scene.

6 (a-5) Any person who violates this Section as provided in  
7 subsection (a) while his or her driver's license, permit or  
8 privilege is revoked because of a violation of Section 9-3 of  
9 the Criminal Code of 1961 or the Criminal Code of 2012,  
10 relating to the offense of reckless homicide or a similar  
11 provision of a law of another state, is guilty of a Class 4  
12 felony. The person shall be required to undergo a professional  
13 evaluation, as provided in Section 11-501 of this Code, to  
14 determine if an alcohol, drug, or intoxicating compound problem  
15 exists and the extent of the problem, and to undergo the  
16 imposition of treatment as appropriate.

17 (a-10) A person's driver's license, permit, or privilege to  
18 obtain a driver's license or permit may be subject to multiple  
19 revocations, multiple suspensions, or any combination of both  
20 simultaneously. No revocation or suspension shall serve to  
21 negate, invalidate, cancel, postpone, or in any way lessen the  
22 effect of any other revocation or suspension entered prior or  
23 subsequent to any other revocation or suspension.

24 (b) (Blank).

25 (b-1) Upon receiving a report of the conviction of any  
26 violation indicating a person was operating a motor vehicle

1 during the time when the person's driver's license, permit or  
2 privilege was suspended by the Secretary of State or the  
3 driver's licensing administrator of another state, except as  
4 specifically allowed by a probationary license, judicial  
5 driving permit, restricted driving permit or monitoring device  
6 driving permit the Secretary shall extend the suspension for  
7 the same period of time as the originally imposed suspension  
8 unless the suspension has already expired, in which case the  
9 Secretary shall be authorized to suspend the person's driving  
10 privileges for the same period of time as the originally  
11 imposed suspension.

12 (b-2) Except as provided in subsection (b-6), upon  
13 receiving a report of the conviction of any violation  
14 indicating a person was operating a motor vehicle when the  
15 person's driver's license, permit or privilege was revoked by  
16 the Secretary of State or the driver's license administrator of  
17 any other state, except as specifically allowed by a restricted  
18 driving permit issued pursuant to this Code or the law of  
19 another state, the Secretary shall not issue a driver's license  
20 for an additional period of one year from the date of such  
21 conviction indicating such person was operating a vehicle  
22 during such period of revocation.

23 (b-3) (Blank).

24 (b-4) When the Secretary of State receives a report of a  
25 conviction of any violation indicating a person was operating a  
26 motor vehicle that was not equipped with an ignition interlock

1 device during a time when the person was prohibited from  
2 operating a motor vehicle not equipped with such a device, the  
3 Secretary shall not issue a driver's license to that person for  
4 an additional period of one year from the date of the  
5 conviction.

6 (b-5) Any person convicted of violating this Section shall  
7 serve a minimum term of imprisonment of 30 consecutive days or  
8 300 hours of community service when the person's driving  
9 privilege was revoked or suspended as a result of a violation  
10 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
11 Code of 2012, relating to the offense of reckless homicide, or  
12 a similar provision of a law of another state.

13 (b-6) Upon receiving a report of a first conviction of  
14 operating a motor vehicle while the person's driver's license,  
15 permit or privilege was revoked where the revocation was for a  
16 violation of Section 9-3 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012 relating to the offense of reckless  
18 homicide or a similar out-of-state offense, the Secretary shall  
19 not issue a driver's license for an additional period of three  
20 years from the date of such conviction.

21 (c) Except as provided in subsections (c-3) and (c-4), any  
22 person convicted of violating this Section shall serve a  
23 minimum term of imprisonment of 10 consecutive days or 30 days  
24 of community service when the person's driving privilege was  
25 revoked or suspended as a result of:

26 (1) a violation of Section 11-501 of this Code or a

1 similar provision of a local ordinance relating to the  
2 offense of operating or being in physical control of a  
3 vehicle while under the influence of alcohol, any other  
4 drug or any combination thereof; or

5 (2) a violation of paragraph (b) of Section 11-401 of  
6 this Code or a similar provision of a local ordinance  
7 relating to the offense of leaving the scene of a motor  
8 vehicle accident involving personal injury or death; or

9 (3) a statutory summary suspension or revocation under  
10 Section 11-501.1 of this Code.

11 Such sentence of imprisonment or community service shall  
12 not be subject to suspension in order to reduce such sentence.

13 (c-1) Except as provided in subsections (c-5) and (d), any  
14 person convicted of a second violation of this Section shall be  
15 ordered by the court to serve a minimum of 100 hours of  
16 community service.

17 (c-2) In addition to other penalties imposed under this  
18 Section, the court may impose on any person convicted a fourth  
19 time of violating this Section any of the following:

20 (1) Seizure of the license plates of the person's  
21 vehicle.

22 (2) Immobilization of the person's vehicle for a period  
23 of time to be determined by the court.

24 (c-3) Any person convicted of a violation of this Section  
25 during a period of summary suspension imposed pursuant to  
26 Section 11-501.1 when the person was eligible for a MDDP shall



1 be guilty of a Class 4 felony and shall serve a minimum term of  
2 imprisonment of 30 days.

3 (c-4) Any person who has been issued a MDDP and who is  
4 convicted of a violation of this Section as a result of  
5 operating or being in actual physical control of a motor  
6 vehicle not equipped with an ignition interlock device at the  
7 time of the offense shall be guilty of a Class 4 felony and  
8 shall serve a minimum term of imprisonment of 30 days.

9 (c-5) Any person convicted of a second violation of this  
10 Section is guilty of a Class 2 felony, is not eligible for  
11 probation or conditional discharge, and shall serve a mandatory  
12 term of imprisonment, if:

13 (1) the current violation occurred when the person's  
14 driver's license was suspended or revoked for a violation  
15 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
16 Code of 2012, relating to the offense of reckless homicide,  
17 or a similar out-of-state offense; and

18 (2) the prior conviction under this Section occurred  
19 while the person's driver's license was suspended or  
20 revoked for a violation of Section 9-3 of the Criminal Code  
21 of 1961 or the Criminal Code of 2012 relating to the  
22 offense of reckless homicide, or a similar out-of-state  
23 offense, or was suspended or revoked for a violation of  
24 Section 11-401 or 11-501 of this Code, a similar  
25 out-of-state offense, a similar provision of a local  
26 ordinance, or a statutory summary suspension or revocation

1 under Section 11-501.1 of this Code.

2 (d) Any person convicted of a second violation of this  
3 Section shall be guilty of a Class 4 felony and shall serve a  
4 minimum term of imprisonment of 30 days or 300 hours of  
5 community service, as determined by the court, if:

6 (1) the current violation occurred when the person's  
7 driver's license was suspended or revoked for a violation  
8 of Section 11-401 or 11-501 of this Code, a similar  
9 out-of-state offense, a similar provision of a local  
10 ordinance, or a statutory summary suspension or revocation  
11 under Section 11-501.1 of this Code; and

12 (2) the prior conviction under this Section occurred  
13 while the person's driver's license was suspended or  
14 revoked for a violation of Section 11-401 or 11-501 of this  
15 Code, a similar out-of-state offense, a similar provision  
16 of a local ordinance, or a statutory summary suspension or  
17 revocation under Section 11-501.1 of this Code, or for a  
18 violation of Section 9-3 of the Criminal Code of 1961 or  
19 the Criminal Code of 2012, relating to the offense of  
20 reckless homicide, or a similar out-of-state offense.

21 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
22 (d-3), any person convicted of a third or subsequent violation  
23 of this Section shall serve a minimum term of imprisonment of  
24 30 days or 300 hours of community service, as determined by the  
25 court.

26 (d-2) Any person convicted of a third violation of this

1 Section is guilty of a Class 4 felony and must serve a minimum  
2 term of imprisonment of 30 days, if:

3 (1) the current violation occurred when the person's  
4 driver's license was suspended or revoked for a violation  
5 of Section 11-401 or 11-501 of this Code, or a similar  
6 out-of-state offense, or a similar provision of a local  
7 ordinance, or a statutory summary suspension or revocation  
8 under Section 11-501.1 of this Code; and

9 (2) the prior convictions under this Section occurred  
10 while the person's driver's license was suspended or  
11 revoked for a violation of Section 11-401 or 11-501 of this  
12 Code, a similar out-of-state offense, a similar provision  
13 of a local ordinance, or a statutory summary suspension or  
14 revocation under Section 11-501.1 of this Code, or for a  
15 violation of Section 9-3 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012, relating to the offense of  
17 reckless homicide, or a similar out-of-state offense.

18 (d-2.5) Any person convicted of a third violation of this  
19 Section is guilty of a Class 1 felony, is not eligible for  
20 probation or conditional discharge, and must serve a mandatory  
21 term of imprisonment, if:

22 (1) the current violation occurred while the person's  
23 driver's license was suspended or revoked for a violation  
24 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, relating to the offense of reckless homicide,  
26 or a similar out-of-state offense. The person's driving

1 privileges shall be revoked for the remainder of the  
2 person's life; and

3 (2) the prior convictions under this Section occurred  
4 while the person's driver's license was suspended or  
5 revoked for a violation of Section 9-3 of the Criminal Code  
6 of 1961 or the Criminal Code of 2012, relating to the  
7 offense of reckless homicide, or a similar out-of-state  
8 offense, or was suspended or revoked for a violation of  
9 Section 11-401 or 11-501 of this Code, a similar  
10 out-of-state offense, a similar provision of a local  
11 ordinance, or a statutory summary suspension or revocation  
12 under Section 11-501.1 of this Code.

13 (d-3) Any person convicted of a fourth, fifth, sixth,  
14 seventh, eighth, or ninth violation of this Section is guilty  
15 of a Class 4 felony and must serve a minimum term of  
16 imprisonment of 180 days, if:

17 (1) the current violation occurred when the person's  
18 driver's license was suspended or revoked for a violation  
19 of Section 11-401 or 11-501 of this Code, a similar  
20 out-of-state offense, a similar provision of a local  
21 ordinance, or a statutory summary suspension or revocation  
22 under Section 11-501.1 of this Code; and

23 (2) the prior convictions under this Section occurred  
24 while the person's driver's license was suspended or  
25 revoked for a violation of Section 11-401 or 11-501 of this  
26 Code, a similar out-of-state offense, a similar provision

1 of a local ordinance, or a statutory summary suspension or  
2 revocation under Section 11-501.1 of this Code, or for a  
3 violation of Section 9-3 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012, relating to the offense of  
5 reckless homicide, or a similar out-of-state offense.

6 (d-3.5) Any person convicted of a fourth or subsequent  
7 violation of this Section is guilty of a Class 1 felony, is not  
8 eligible for probation or conditional discharge, and must serve  
9 a mandatory term of imprisonment, and is eligible for an  
10 extended term, if:

11 (1) the current violation occurred when the person's  
12 driver's license was suspended or revoked for a violation  
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012, relating to the offense of reckless homicide,  
15 or a similar out-of-state offense; and

16 (2) the prior convictions under this Section occurred  
17 while the person's driver's license was suspended or  
18 revoked for a violation of Section 9-3 of the Criminal Code  
19 of 1961 or the Criminal Code of 2012, relating to the  
20 offense of reckless homicide, or a similar out-of-state  
21 offense, or was suspended or revoked for a violation of  
22 Section 11-401 or 11-501 of this Code, a similar  
23 out-of-state offense, a similar provision of a local  
24 ordinance, or a statutory summary suspension or revocation  
25 under Section 11-501.1 of this Code.

26 (d-4) Any person convicted of a tenth, eleventh, twelfth,

1 thirteenth, or fourteenth violation of this Section is guilty  
2 of a Class 3 felony, and is not eligible for probation or  
3 conditional discharge, if:

4 (1) the current violation occurred when the person's  
5 driver's license was suspended or revoked for a violation  
6 of Section 11-401 or 11-501 of this Code, or a similar  
7 out-of-state offense, or a similar provision of a local  
8 ordinance, or a statutory summary suspension or revocation  
9 under Section 11-501.1 of this Code; and

10 (2) the prior convictions under this Section occurred  
11 while the person's driver's license was suspended or  
12 revoked for a violation of Section 11-401 or 11-501 of this  
13 Code, a similar out-of-state offense, a similar provision  
14 of a local ordinance, or a statutory suspension or  
15 revocation under Section 11-501.1 of this Code, or for a  
16 violation of Section 9-3 of the Criminal Code of 1961 or  
17 the Criminal Code of 2012, relating to the offense of  
18 reckless homicide, or a similar out-of-state offense.

19 (d-5) Any person convicted of a fifteenth or subsequent  
20 violation of this Section is guilty of a Class 2 felony, and is  
21 not eligible for probation or conditional discharge, if:

22 (1) the current violation occurred when the person's  
23 driver's license was suspended or revoked for a violation  
24 of Section 11-401 or 11-501 of this Code, or a similar  
25 out-of-state offense, or a similar provision of a local  
26 ordinance, or a statutory summary suspension or revocation

1 under Section 11-501.1 of this Code; and

2 (2) the prior convictions under this Section occurred  
3 while the person's driver's license was suspended or  
4 revoked for a violation of Section 11-401 or 11-501 of this  
5 Code, a similar out-of-state offense, a similar provision  
6 of a local ordinance, or a statutory summary suspension or  
7 revocation under Section 11-501.1 of this Code, or for a  
8 violation of Section 9-3 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012, relating to the offense of  
10 reckless homicide, or a similar out-of-state offense.

11 (e) Any person in violation of this Section who is also in  
12 violation of Section 7-601 of this Code relating to mandatory  
13 insurance requirements, in addition to other penalties imposed  
14 under this Section, shall have his or her motor vehicle  
15 immediately impounded by the arresting law enforcement  
16 officer. The motor vehicle may be released to any licensed  
17 driver upon a showing of proof of insurance for the vehicle  
18 that was impounded and the notarized written consent for the  
19 release by the vehicle owner.

20 (f) For any prosecution under this Section, a certified  
21 copy of the driving abstract of the defendant shall be admitted  
22 as proof of any prior conviction.

23 (g) The motor vehicle used in a violation of this Section  
24 is subject to seizure and forfeiture as provided in Sections  
25 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
26 driving privilege was revoked or suspended as a result of:

1 (1) a violation of Section 11-501 of this Code, a  
2 similar provision of a local ordinance, or a similar  
3 provision of a law of another state;

4 (2) a violation of paragraph (b) of Section 11-401 of  
5 this Code, a similar provision of a local ordinance, or a  
6 similar provision of a law of another state;

7 (3) a statutory summary suspension or revocation under  
8 Section 11-501.1 of this Code or a similar provision of a  
9 law of another state; or

10 (4) a violation of Section 9-3 of the Criminal Code of  
11 1961 or the Criminal Code of 2012 relating to the offense  
12 of reckless homicide, or a similar provision of a law of  
13 another state.

14 (Source: P.A. 97-984, eff. 1-1-13; 97-1150, eff. 1-25-13;  
15 98-285, eff. 1-1-14; 98-418, eff. 8-16-13; 98-573, eff.  
16 8-27-13; revised 9-19-13.)

17 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

18 (Text of Section before amendment by P.A. 98-176)

19 Sec. 6-508. Commercial Driver's License (CDL) -  
20 qualification standards.

21 (a) Testing.

22 (1) General. No person shall be issued an original or  
23 renewal CDL unless that person is domiciled in this State.  
24 The Secretary shall cause to be administered such tests as  
25 the Secretary deems necessary to meet the requirements of



1 49 C.F.R. Part 383, subparts F, G, H, and J.

2 (2) Third party testing. The Secretary of State ~~state~~  
3 may authorize a "third party tester", pursuant to 49 C.F.R.  
4 ~~Part~~ 383.75, to administer the skills test or tests  
5 specified by the Federal Motor Carrier Safety  
6 Administration pursuant to the Commercial Motor Vehicle  
7 Safety Act of 1986 and any appropriate federal rule.

8 (b) Waiver of Skills Test. The Secretary of State may waive  
9 the skills test specified in this Section for a driver  
10 applicant for a commercial driver license who meets the  
11 requirements of 49 C.F.R. ~~Part~~ 383.77 and ~~Part~~ 383.123. The  
12 Secretary of State shall waive the skills tests specified in  
13 this Section for a driver applicant who has military commercial  
14 motor vehicle experience, subject to the requirements of 49  
15 C.F.R. 383.77.

16 (b-1) No person shall be issued a commercial driver  
17 instruction permit or CDL unless the person certifies to the  
18 Secretary one of the following types of driving operations in  
19 which he or she will be engaged:

- 20 (1) non-excepted interstate;  
21 (2) non-excepted intrastate;  
22 (3) excepted interstate; or  
23 (4) excepted intrastate.

24 (b-2) Persons who hold a commercial driver instruction  
25 permit or CDL on January 30, 2012 must certify to the Secretary  
26 no later than January 30, 2014 one of the following applicable

1 self-certifications:

2 (1) non-excepted interstate;

3 (2) non-excepted intrastate;

4 (3) excepted interstate; or

5 (4) excepted intrastate.

6 (c) Limitations on issuance of a CDL. A CDL, or a  
7 commercial driver instruction permit, shall not be issued to a  
8 person while the person is subject to a disqualification from  
9 driving a commercial motor vehicle, or unless otherwise  
10 permitted by this Code, while the person's driver's license is  
11 suspended, revoked or cancelled in any state, or any territory  
12 or province of Canada; nor may a CDL be issued to a person who  
13 has a CDL issued by any other state, or foreign jurisdiction,  
14 unless the person first surrenders all such licenses. No CDL  
15 shall be issued to or renewed for a person who does not meet  
16 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
17 met with the aid of a hearing aid.

18 (c-1) The Secretary may issue a CDL with a school bus  
19 driver endorsement to allow a person to drive the type of bus  
20 described in subsection (d-5) of Section 6-104 of this Code.  
21 The CDL with a school bus driver endorsement may be issued only  
22 to a person meeting the following requirements:

23 (1) the person has submitted his or her fingerprints to  
24 the Department of State Police in the form and manner  
25 prescribed by the Department of State Police. These  
26 fingerprints shall be checked against the fingerprint

1 records now and hereafter filed in the Department of State  
2 Police and Federal Bureau of Investigation criminal  
3 history records databases;

4 (2) the person has passed a written test, administered  
5 by the Secretary of State, on charter bus operation,  
6 charter bus safety, and certain special traffic laws  
7 relating to school buses determined by the Secretary of  
8 State to be relevant to charter buses, and submitted to a  
9 review of the driver applicant's driving habits by the  
10 Secretary of State at the time the written test is given;

11 (3) the person has demonstrated physical fitness to  
12 operate school buses by submitting the results of a medical  
13 examination, including tests for drug use; and

14 (4) the person has not been convicted of committing or  
15 attempting to commit any one or more of the following  
16 offenses: (i) those offenses defined in Sections 8-1.2,  
17 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
18 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
19 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
20 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
21 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
22 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
23 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
24 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
25 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
26 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,

1 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
2 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,  
3 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,  
4 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,  
5 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,  
6 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection  
7 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),  
8 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of  
9 Section 12-3.05, and in subsection (a) and subsection (b),  
10 clause (1), of Section 12-4, and in subsection (A), clauses  
11 (a) and (b), of Section 24-3, and those offenses contained  
12 in Article 29D of the Criminal Code of 1961 or the Criminal  
13 Code of 2012; (ii) those offenses defined in the Cannabis  
14 Control Act except those offenses defined in subsections  
15 (a) and (b) of Section 4, and subsection (a) of Section 5  
16 of the Cannabis Control Act; (iii) those offenses defined  
17 in the Illinois Controlled Substances Act; (iv) those  
18 offenses defined in the Methamphetamine Control and  
19 Community Protection Act; (v) any offense committed or  
20 attempted in any other state or against the laws of the  
21 United States, which if committed or attempted in this  
22 State would be punishable as one or more of the foregoing  
23 offenses; (vi) the offenses defined in Sections 4.1 and 5.1  
24 of the Wrongs to Children Act or Section 11-9.1A of the  
25 Criminal Code of 1961 or the Criminal Code of 2012; (vii)  
26 those offenses defined in Section 6-16 of the Liquor

1 Control Act of 1934; and (viii) those offenses defined in  
2 the Methamphetamine Precursor Control Act.

3 The Department of State Police shall charge a fee for  
4 conducting the criminal history records check, which shall be  
5 deposited into the State Police Services Fund and may not  
6 exceed the actual cost of the records check.

7 (c-2) The Secretary shall issue a CDL with a school bus  
8 endorsement to allow a person to drive a school bus as defined  
9 in this Section. The CDL shall be issued according to the  
10 requirements outlined in 49 C.F.R. 383. A person may not  
11 operate a school bus as defined in this Section without a  
12 school bus endorsement. The Secretary of State may adopt rules  
13 consistent with Federal guidelines to implement this  
14 subsection (c-2).

15 (d) Commercial driver instruction permit. A commercial  
16 driver instruction permit may be issued to any person holding a  
17 valid Illinois driver's license if such person successfully  
18 passes such tests as the Secretary determines to be necessary.  
19 A commercial driver instruction permit shall not be issued to a  
20 person who does not meet the requirements of 49 CFR 391.41  
21 (b)(11), except for the renewal of a commercial driver  
22 instruction permit for a person who possesses a commercial  
23 instruction permit prior to the effective date of this  
24 amendatory Act of 1999.

25 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;  
26 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.

1 1-1-14; revised 9-19-13.)

2 (Text of Section after amendment by P.A. 98-176)

3 Sec. 6-508. Commercial Driver's License (CDL) -  
4 qualification standards.

5 (a) Testing.

6 (1) General. No person shall be issued an original or  
7 renewal CDL unless that person is domiciled in this State  
8 or is applying for a non-domiciled CDL under Sections 6-509  
9 and 6-510 of this Code. The Secretary shall cause to be  
10 administered such tests as the Secretary deems necessary to  
11 meet the requirements of 49 C.F.R. Part 383, subparts F, G,  
12 H, and J.

13 (1.5) Effective July 1, 2014, no person shall be issued  
14 an original CDL or an upgraded CDL that requires a skills  
15 test unless that person has held a CLP, for a minimum of 14  
16 calendar days, for the classification of vehicle and  
17 endorsement, if any, for which the person is seeking a CDL.

18 (2) Third party testing. The Secretary of State ~~state~~  
19 may authorize a "third party tester", pursuant to 49 C.F.R.  
20 ~~Part~~ 383.75 and 49 C.F.R. 384.228 and 384.229, to  
21 administer the skills test or tests specified by the  
22 Federal Motor Carrier Safety Administration pursuant to  
23 the Commercial Motor Vehicle Safety Act of 1986 and any  
24 appropriate federal rule.

25 (b) Waiver of Skills Test. The Secretary of State may waive

1 the skills test specified in this Section for a driver  
2 applicant for a commercial driver license who meets the  
3 requirements of 49 C.F.R. ~~Part~~ 383.77. The Secretary of State  
4 shall waive the skills tests specified in this Section for a  
5 driver applicant who has military commercial motor vehicle  
6 experience, subject to the requirements of 49 C.F.R. 383.77.

7 (b-1) No person shall be issued a CDL unless the person  
8 certifies to the Secretary one of the following types of  
9 driving operations in which he or she will be engaged:

10 (1) non-excepted interstate;

11 (2) non-excepted intrastate;

12 (3) excepted interstate; or

13 (4) excepted intrastate.

14 (b-2) (Blank).

15 (c) Limitations on issuance of a CDL. A CDL shall not be  
16 issued to a person while the person is subject to a  
17 disqualification from driving a commercial motor vehicle, or  
18 unless otherwise permitted by this Code, while the person's  
19 driver's license is suspended, revoked or cancelled in any  
20 state, or any territory or province of Canada; nor may a CLP or  
21 CDL be issued to a person who has a CLP or CDL issued by any  
22 other state, or foreign jurisdiction, nor may a CDL be issued  
23 to a person who has an Illinois CLP unless the person first  
24 surrenders all of these licenses or permits. However, a person  
25 may hold an Illinois CLP and an Illinois CDL providing the CLP  
26 is necessary to train or practice for an endorsement or vehicle

1 classification not present on the current CDL. No CDL shall be  
2 issued to or renewed for a person who does not meet the  
3 requirement of 49 CFR 391.41(b) (11). The requirement may be met  
4 with the aid of a hearing aid.

5 (c-1) The Secretary may issue a CDL with a school bus  
6 driver endorsement to allow a person to drive the type of bus  
7 described in subsection (d-5) of Section 6-104 of this Code.  
8 The CDL with a school bus driver endorsement may be issued only  
9 to a person meeting the following requirements:

10 (1) the person has submitted his or her fingerprints to  
11 the Department of State Police in the form and manner  
12 prescribed by the Department of State Police. These  
13 fingerprints shall be checked against the fingerprint  
14 records now and hereafter filed in the Department of State  
15 Police and Federal Bureau of Investigation criminal  
16 history records databases;

17 (2) the person has passed a written test, administered  
18 by the Secretary of State, on charter bus operation,  
19 charter bus safety, and certain special traffic laws  
20 relating to school buses determined by the Secretary of  
21 State to be relevant to charter buses, and submitted to a  
22 review of the driver applicant's driving habits by the  
23 Secretary of State at the time the written test is given;

24 (3) the person has demonstrated physical fitness to  
25 operate school buses by submitting the results of a medical  
26 examination, including tests for drug use; and



1           (4) the person has not been convicted of committing or  
2 attempting to commit any one or more of the following  
3 offenses: (i) those offenses defined in Sections 8-1.2,  
4 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
5 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
6 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
7 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
8 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
9 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
10 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
11 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
12 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
13 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
14 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
15 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,  
16 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6,  
17 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,  
18 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8,  
19 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection  
20 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),  
21 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of  
22 Section 12-3.05, and in subsection (a) and subsection (b),  
23 clause (1), of Section 12-4, and in subsection (A), clauses  
24 (a) and (b), of Section 24-3, and those offenses contained  
25 in Article 29D of the Criminal Code of 1961 or the Criminal  
26 Code of 2012; (ii) those offenses defined in the Cannabis

1 Control Act except those offenses defined in subsections  
2 (a) and (b) of Section 4, and subsection (a) of Section 5  
3 of the Cannabis Control Act; (iii) those offenses defined  
4 in the Illinois Controlled Substances Act; (iv) those  
5 offenses defined in the Methamphetamine Control and  
6 Community Protection Act; (v) any offense committed or  
7 attempted in any other state or against the laws of the  
8 United States, which if committed or attempted in this  
9 State would be punishable as one or more of the foregoing  
10 offenses; (vi) the offenses defined in Sections 4.1 and 5.1  
11 of the Wrongs to Children Act or Section 11-9.1A of the  
12 Criminal Code of 1961 or the Criminal Code of 2012; (vii)  
13 those offenses defined in Section 6-16 of the Liquor  
14 Control Act of 1934; and (viii) those offenses defined in  
15 the Methamphetamine Precursor Control Act.

16 The Department of State Police shall charge a fee for  
17 conducting the criminal history records check, which shall be  
18 deposited into the State Police Services Fund and may not  
19 exceed the actual cost of the records check.

20 (c-2) The Secretary shall issue a CDL with a school bus  
21 endorsement to allow a person to drive a school bus as defined  
22 in this Section. The CDL shall be issued according to the  
23 requirements outlined in 49 C.F.R. 383. A person may not  
24 operate a school bus as defined in this Section without a  
25 school bus endorsement. The Secretary of State may adopt rules  
26 consistent with Federal guidelines to implement this

1 subsection (c-2).

2 (d) (Blank).

3 (Source: P.A. 97-208, eff. 1-1-12; 97-1108, eff. 1-1-13;  
4 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-52, eff.  
5 1-1-14; 98-176, eff. 7-1-14; revised 9-19-13.)

6 (625 ILCS 5/6-514) (from Ch. 95 1/2, par. 6-514)

7 (Text of Section before amendment by P.A. 98-176)

8 Sec. 6-514. Commercial Driver's License (CDL) -  
9 Disqualifications.

10 (a) A person shall be disqualified from driving a  
11 commercial motor vehicle for a period of not less than 12  
12 months for the first violation of:

13 (1) Refusing to submit to or failure to complete a test  
14 or tests authorized under Section 11-501.1 while driving a  
15 commercial motor vehicle or, if the driver is a CDL holder,  
16 while driving a non-CMV; or

17 (2) Operating a commercial motor vehicle while the  
18 alcohol concentration of the person's blood, breath or  
19 urine is at least 0.04, or any amount of a drug, substance,  
20 or compound in the person's blood or urine resulting from  
21 the unlawful use or consumption of cannabis listed in the  
22 Cannabis Control Act, a controlled substance listed in the  
23 Illinois Controlled Substances Act, or methamphetamine as  
24 listed in the Methamphetamine Control and Community  
25 Protection Act as indicated by a police officer's sworn

1 report or other verified evidence; or operating a  
2 non-commercial motor vehicle while the alcohol  
3 concentration of the person's blood, breath, or urine was  
4 above the legal limit defined in Section 11-501.1 or  
5 11-501.8 or any amount of a drug, substance, or compound in  
6 the person's blood or urine resulting from the unlawful use  
7 or consumption of cannabis listed in the Cannabis Control  
8 Act, a controlled substance listed in the Illinois  
9 Controlled Substances Act, or methamphetamine as listed in  
10 the Methamphetamine Control and Community Protection Act  
11 as indicated by a police officer's sworn report or other  
12 verified evidence while holding a commercial driver's  
13 license; or

14 (3) Conviction for a first violation of:

15 (i) Driving a commercial motor vehicle or, if the  
16 driver is a CDL holder, driving a non-CMV while under  
17 the influence of alcohol, or any other drug, or  
18 combination of drugs to a degree which renders such  
19 person incapable of safely driving; or

20 (ii) Knowingly leaving the scene of an accident  
21 while operating a commercial motor vehicle or, if the  
22 driver is a CDL holder, while driving a non-CMV; or

23 (iii) Driving a commercial motor vehicle or, if the  
24 driver is a CDL holder, driving a non-CMV while  
25 committing any felony; or

26 (iv) Driving a commercial motor vehicle while the

1 person's driving privileges or driver's license or  
2 permit is revoked, suspended, or cancelled or the  
3 driver is disqualified from operating a commercial  
4 motor vehicle; or

5 (v) Causing a fatality through the negligent  
6 operation of a commercial motor vehicle, including but  
7 not limited to the crimes of motor vehicle  
8 manslaughter, homicide by a motor vehicle, and  
9 negligent homicide.

10 As used in this subdivision (a)(3)(v), "motor  
11 vehicle manslaughter" means the offense of involuntary  
12 manslaughter if committed by means of a vehicle;  
13 "homicide by a motor vehicle" means the offense of  
14 first degree murder or second degree murder, if either  
15 offense is committed by means of a vehicle; and  
16 "negligent homicide" means reckless homicide under  
17 Section 9-3 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012 and aggravated driving under the  
19 influence of alcohol, other drug or drugs,  
20 intoxicating compound or compounds, or any combination  
21 thereof under subdivision (d)(1)(F) of Section 11-501  
22 of this Code.

23 If any of the above violations or refusals occurred  
24 while transporting hazardous material(s) required to be  
25 placarded, the person shall be disqualified for a period of  
26 not less than 3 years; or

1           (4) If the person is a qualifying patient licensed  
2           under the Compassionate Use of Medical Cannabis Pilot  
3           Program Act who is in possession of a valid registry card  
4           issued under that Act, operating a commercial motor vehicle  
5           under impairment resulting from the consumption of  
6           cannabis, as determined by failure of standardized field  
7           sobriety tests administered by a law enforcement officer as  
8           directed by subsection (a-5) of Section 11-501.2.

9           (b) A person is disqualified for life for a second  
10          conviction of any of the offenses specified in paragraph (a),  
11          or any combination of those offenses, arising from 2 or more  
12          separate incidents.

13          (c) A person is disqualified from driving a commercial  
14          motor vehicle for life if the person either (i) uses a  
15          commercial motor vehicle in the commission of any felony  
16          involving the manufacture, distribution, or dispensing of a  
17          controlled substance, or possession with intent to  
18          manufacture, distribute or dispense a controlled substance or  
19          (ii) if the person is a CDL holder, uses a non-CMV in the  
20          commission of a felony involving any of those activities.

21          (d) The Secretary of State may, when the United States  
22          Secretary of Transportation so authorizes, issue regulations  
23          in which a disqualification for life under paragraph (b) may be  
24          reduced to a period of not less than 10 years. If a reinstated  
25          driver is subsequently convicted of another disqualifying  
26          offense, as specified in subsection (a) of this Section, he or

1 she shall be permanently disqualified for life and shall be  
2 ineligible to again apply for a reduction of the lifetime  
3 disqualification.

4 (e) A person is disqualified from driving a commercial  
5 motor vehicle for a period of not less than 2 months if  
6 convicted of 2 serious traffic violations, committed in a  
7 commercial motor vehicle, non-CMV while holding a CDL, or any  
8 combination thereof, arising from separate incidents,  
9 occurring within a 3 year period, provided the serious traffic  
10 violation committed in a non-CMV would result in the suspension  
11 or revocation of the CDL holder's non-CMV privileges. However,  
12 a person will be disqualified from driving a commercial motor  
13 vehicle for a period of not less than 4 months if convicted of  
14 3 serious traffic violations, committed in a commercial motor  
15 vehicle, non-CMV while holding a CDL, or any combination  
16 thereof, arising from separate incidents, occurring within a 3  
17 year period, provided the serious traffic violation committed  
18 in a non-CMV would result in the suspension or revocation of  
19 the CDL holder's non-CMV privileges. If all the convictions  
20 occurred in a non-CMV, the disqualification shall be entered  
21 only if the convictions would result in the suspension or  
22 revocation of the CDL holder's non-CMV privileges.

23 (e-1) (Blank).

24 (f) Notwithstanding any other provision of this Code, any  
25 driver disqualified from operating a commercial motor vehicle,  
26 pursuant to this UCCLA, shall not be eligible for restoration

1 of commercial driving privileges during any such period of  
2 disqualification.

3 (g) After suspending, revoking, or cancelling a commercial  
4 driver's license, the Secretary of State must update the  
5 driver's records to reflect such action within 10 days. After  
6 suspending or revoking the driving privilege of any person who  
7 has been issued a CDL or commercial driver instruction permit  
8 from another jurisdiction, the Secretary shall originate  
9 notification to such issuing jurisdiction within 10 days.

10 (h) The "disqualifications" referred to in this Section  
11 shall not be imposed upon any commercial motor vehicle driver,  
12 by the Secretary of State, unless the prohibited action(s)  
13 occurred after March 31, 1992.

14 (i) A person is disqualified from driving a commercial  
15 motor vehicle in accordance with the following:

16 (1) For 6 months upon a first conviction of paragraph  
17 (2) of subsection (b) or subsection (b-3) of Section 6-507  
18 of this Code.

19 (2) For 2 years upon a second conviction of paragraph  
20 (2) of subsection (b) or subsection (b-3) or any  
21 combination of paragraphs (2) or (3) of subsection (b) or  
22 subsections (b-3) or (b-5) of Section 6-507 of this Code  
23 within a 10-year period if the second conviction is a  
24 violation of paragraph (2) of subsection (b) or subsection  
25 (b-3).

26 (3) For 3 years upon a third or subsequent conviction



1 of paragraph (2) of subsection (b) or subsection (b-3) or  
2 any combination of paragraphs (2) or (3) of subsection (b)  
3 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
4 within a 10-year period if the third or subsequent  
5 conviction is a violation of paragraph (2) of subsection  
6 (b) or subsection (b-3).

7 (4) For one year upon a first conviction of paragraph  
8 (3) of subsection (b) or subsection (b-5) of Section 6-507  
9 of this Code.

10 (5) For 3 years upon a second conviction of paragraph  
11 (3) of subsection (b) or subsection (b-5) or any  
12 combination of paragraphs (2) or (3) of subsection (b) or  
13 subsections (b-3) or (b-5) of Section 6-507 of this Code  
14 within a 10-year period if the second conviction is a  
15 violation of paragraph (3) of subsection (b) or (b-5).

16 (6) For 5 years upon a third or subsequent conviction  
17 of paragraph (3) of subsection (b) or subsection (b-5) or  
18 any combination of paragraphs (2) or (3) of subsection (b)  
19 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
20 within a 10-year period if the third or subsequent  
21 conviction is a violation of paragraph (3) of subsection  
22 (b) or (b-5).

23 (j) Disqualification for railroad-highway grade crossing  
24 violation.

25 (1) General rule. A driver who is convicted of a  
26 violation of a federal, State, or local law or regulation

1           pertaining to one of the following 6 offenses at a  
2           railroad-highway grade crossing must be disqualified from  
3           operating a commercial motor vehicle for the period of time  
4           specified in paragraph (2) of this subsection (j) if the  
5           offense was committed while operating a commercial motor  
6           vehicle:

7                   (i) For drivers who are not required to always  
8                   stop, failing to slow down and check that the tracks  
9                   are clear of an approaching train or railroad track  
10                  equipment, as described in subsection (a-5) of Section  
11                  11-1201 of this Code;

12                  (ii) For drivers who are not required to always  
13                  stop, failing to stop before reaching the crossing, if  
14                  the tracks are not clear, as described in subsection  
15                  (a) of Section 11-1201 of this Code;

16                  (iii) For drivers who are always required to stop,  
17                  failing to stop before driving onto the crossing, as  
18                  described in Section 11-1202 of this Code;

19                  (iv) For all drivers, failing to have sufficient  
20                  space to drive completely through the crossing without  
21                  stopping, as described in subsection (b) of Section  
22                  11-1425 of this Code;

23                  (v) For all drivers, failing to obey a traffic  
24                  control device or the directions of an enforcement  
25                  official at the crossing, as described in subdivision  
26                  (a)2 of Section 11-1201 of this Code;

1           (vi) For all drivers, failing to negotiate a  
2 crossing because of insufficient undercarriage  
3 clearance, as described in subsection (d-1) of Section  
4 11-1201 of this Code.

5           (2) Duration of disqualification for railroad-highway  
6 grade crossing violation.

7           (i) First violation. A driver must be disqualified  
8 from operating a commercial motor vehicle for not less  
9 than 60 days if the driver is convicted of a violation  
10 described in paragraph (1) of this subsection (j) and,  
11 in the three-year period preceding the conviction, the  
12 driver had no convictions for a violation described in  
13 paragraph (1) of this subsection (j).

14           (ii) Second violation. A driver must be  
15 disqualified from operating a commercial motor vehicle  
16 for not less than 120 days if the driver is convicted  
17 of a violation described in paragraph (1) of this  
18 subsection (j) and, in the three-year period preceding  
19 the conviction, the driver had one other conviction for  
20 a violation described in paragraph (1) of this  
21 subsection (j) that was committed in a separate  
22 incident.

23           (iii) Third or subsequent violation. A driver must  
24 be disqualified from operating a commercial motor  
25 vehicle for not less than one year if the driver is  
26 convicted of a violation described in paragraph (1) of

1           this subsection (j) and, in the three-year period  
2           preceding the conviction, the driver had 2 or more  
3           other convictions for violations described in  
4           paragraph (1) of this subsection (j) that were  
5           committed in separate incidents.

6           (k) Upon notification of a disqualification of a driver's  
7           commercial motor vehicle privileges imposed by the U.S.  
8           Department of Transportation, Federal Motor Carrier Safety  
9           Administration, in accordance with 49 C.F.R. 383.52, the  
10          Secretary of State shall immediately record to the driving  
11          record the notice of disqualification and confirm to the driver  
12          the action that has been taken.

13          (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
14          98-122, eff. 1-1-14.)

15           (Text of Section after amendment by P.A. 98-176)

16           Sec. 6-514. Commercial driver's license (CDL); commercial  
17          learner's permit (CLP); disqualifications. ~~Commercial Driver's~~  
18          ~~License (CDL) — Disqualifications.~~

19           (a) A person shall be disqualified from driving a  
20          commercial motor vehicle for a period of not less than 12  
21          months for the first violation of:

22           (1) Refusing to submit to or failure to complete a test  
23          or tests authorized under Section 11-501.1 while driving a  
24          commercial motor vehicle or, if the driver is a CLP or CDL  
25          holder, while driving a non-CMV; or

1           (2) Operating a commercial motor vehicle while the  
2 alcohol concentration of the person's blood, breath or  
3 urine is at least 0.04, or any amount of a drug, substance,  
4 or compound in the person's blood or urine resulting from  
5 the unlawful use or consumption of cannabis listed in the  
6 Cannabis Control Act, a controlled substance listed in the  
7 Illinois Controlled Substances Act, or methamphetamine as  
8 listed in the Methamphetamine Control and Community  
9 Protection Act as indicated by a police officer's sworn  
10 report or other verified evidence; or operating a  
11 non-commercial motor vehicle while the alcohol  
12 concentration of the person's blood, breath, or urine was  
13 above the legal limit defined in Section 11-501.1 or  
14 11-501.8 or any amount of a drug, substance, or compound in  
15 the person's blood or urine resulting from the unlawful use  
16 or consumption of cannabis listed in the Cannabis Control  
17 Act, a controlled substance listed in the Illinois  
18 Controlled Substances Act, or methamphetamine as listed in  
19 the Methamphetamine Control and Community Protection Act  
20 as indicated by a police officer's sworn report or other  
21 verified evidence while holding a CLP or CDL; or

22           (3) Conviction for a first violation of:

23           (i) Driving a commercial motor vehicle or, if the  
24 driver is a CLP or CDL holder, driving a non-CMV while  
25 under the influence of alcohol, or any other drug, or  
26 combination of drugs to a degree which renders such

1 person incapable of safely driving; or

2 (ii) Knowingly leaving the scene of an accident  
3 while operating a commercial motor vehicle or, if the  
4 driver is a CLP or CDL holder, while driving a non-CMV;  
5 or

6 (iii) Driving a commercial motor vehicle or, if the  
7 driver is a CLP or CDL holder, driving a non-CMV while  
8 committing any felony; or

9 (iv) Driving a commercial motor vehicle while the  
10 person's driving privileges or driver's license or  
11 permit is revoked, suspended, or cancelled or the  
12 driver is disqualified from operating a commercial  
13 motor vehicle; or

14 (v) Causing a fatality through the negligent  
15 operation of a commercial motor vehicle, including but  
16 not limited to the crimes of motor vehicle  
17 manslaughter, homicide by a motor vehicle, and  
18 negligent homicide.

19 As used in this subdivision (a)(3)(v), "motor  
20 vehicle manslaughter" means the offense of involuntary  
21 manslaughter if committed by means of a vehicle;  
22 "homicide by a motor vehicle" means the offense of  
23 first degree murder or second degree murder, if either  
24 offense is committed by means of a vehicle; and  
25 "negligent homicide" means reckless homicide under  
26 Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012 and aggravated driving under the  
2 influence of alcohol, other drug or drugs,  
3 intoxicating compound or compounds, or any combination  
4 thereof under subdivision (d)(1)(F) of Section 11-501  
5 of this Code.

6 If any of the above violations or refusals occurred  
7 while transporting hazardous material(s) required to be  
8 placarded, the person shall be disqualified for a period of  
9 not less than 3 years; or

10 (4) If the person is a qualifying patient licensed  
11 under the Compassionate Use of Medical Cannabis Pilot  
12 Program Act who is in possession of a valid registry card  
13 issued under that Act, operating a commercial motor vehicle  
14 under impairment resulting from the consumption of  
15 cannabis, as determined by failure of standardized field  
16 sobriety tests administered by a law enforcement officer as  
17 directed by subsection (a-5) of Section 11-501.2.

18 (b) A person is disqualified for life for a second  
19 conviction of any of the offenses specified in paragraph (a),  
20 or any combination of those offenses, arising from 2 or more  
21 separate incidents.

22 (c) A person is disqualified from driving a commercial  
23 motor vehicle for life if the person either (i) uses a  
24 commercial motor vehicle in the commission of any felony  
25 involving the manufacture, distribution, or dispensing of a  
26 controlled substance, or possession with intent to

1 manufacture, distribute or dispense a controlled substance or  
2 (ii) if the person is a CLP or CDL holder, uses a non-CMV in the  
3 commission of a felony involving any of those activities.

4 (d) The Secretary of State may, when the United States  
5 Secretary of Transportation so authorizes, issue regulations  
6 in which a disqualification for life under paragraph (b) may be  
7 reduced to a period of not less than 10 years. If a reinstated  
8 driver is subsequently convicted of another disqualifying  
9 offense, as specified in subsection (a) of this Section, he or  
10 she shall be permanently disqualified for life and shall be  
11 ineligible to again apply for a reduction of the lifetime  
12 disqualification.

13 (e) A person is disqualified from driving a commercial  
14 motor vehicle for a period of not less than 2 months if  
15 convicted of 2 serious traffic violations, committed in a  
16 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
17 or any combination thereof, arising from separate incidents,  
18 occurring within a 3 year period, provided the serious traffic  
19 violation committed in a non-CMV would result in the suspension  
20 or revocation of the CLP or CDL holder's non-CMV privileges.  
21 However, a person will be disqualified from driving a  
22 commercial motor vehicle for a period of not less than 4 months  
23 if convicted of 3 serious traffic violations, committed in a  
24 commercial motor vehicle, non-CMV while holding a CLP or CDL,  
25 or any combination thereof, arising from separate incidents,  
26 occurring within a 3 year period, provided the serious traffic



1 violation committed in a non-CMV would result in the suspension  
2 or revocation of the CLP or CDL holder's non-CMV privileges. If  
3 all the convictions occurred in a non-CMV, the disqualification  
4 shall be entered only if the convictions would result in the  
5 suspension or revocation of the CLP or CDL holder's non-CMV  
6 privileges.

7 (e-1) (Blank).

8 (f) Notwithstanding any other provision of this Code, any  
9 driver disqualified from operating a commercial motor vehicle,  
10 pursuant to this UCDLA, shall not be eligible for restoration  
11 of commercial driving privileges during any such period of  
12 disqualification.

13 (g) After suspending, revoking, or cancelling a CLP or CDL,  
14 the Secretary of State must update the driver's records to  
15 reflect such action within 10 days. After suspending or  
16 revoking the driving privilege of any person who has been  
17 issued a CLP or CDL from another jurisdiction, the Secretary  
18 shall originate notification to such issuing jurisdiction  
19 within 10 days.

20 (h) The "disqualifications" referred to in this Section  
21 shall not be imposed upon any commercial motor vehicle driver,  
22 by the Secretary of State, unless the prohibited action(s)  
23 occurred after March 31, 1992.

24 (i) A person is disqualified from driving a commercial  
25 motor vehicle in accordance with the following:

26 (1) For 6 months upon a first conviction of paragraph

1 (2) of subsection (b) or subsection (b-3) of Section 6-507  
2 of this Code.

3 (2) For 2 years upon a second conviction of paragraph  
4 (2) of subsection (b) or subsection (b-3) or any  
5 combination of paragraphs (2) or (3) of subsection (b) or  
6 subsections (b-3) or (b-5) of Section 6-507 of this Code  
7 within a 10-year period if the second conviction is a  
8 violation of paragraph (2) of subsection (b) or subsection  
9 (b-3).

10 (3) For 3 years upon a third or subsequent conviction  
11 of paragraph (2) of subsection (b) or subsection (b-3) or  
12 any combination of paragraphs (2) or (3) of subsection (b)  
13 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
14 within a 10-year period if the third or subsequent  
15 conviction is a violation of paragraph (2) of subsection  
16 (b) or subsection (b-3).

17 (4) For one year upon a first conviction of paragraph  
18 (3) of subsection (b) or subsection (b-5) of Section 6-507  
19 of this Code.

20 (5) For 3 years upon a second conviction of paragraph  
21 (3) of subsection (b) or subsection (b-5) or any  
22 combination of paragraphs (2) or (3) of subsection (b) or  
23 subsections (b-3) or (b-5) of Section 6-507 of this Code  
24 within a 10-year period if the second conviction is a  
25 violation of paragraph (3) of subsection (b) or (b-5).

26 (6) For 5 years upon a third or subsequent conviction

1 of paragraph (3) of subsection (b) or subsection (b-5) or  
2 any combination of paragraphs (2) or (3) of subsection (b)  
3 or subsections (b-3) or (b-5) of Section 6-507 of this Code  
4 within a 10-year period if the third or subsequent  
5 conviction is a violation of paragraph (3) of subsection  
6 (b) or (b-5).

7 (j) Disqualification for railroad-highway grade crossing  
8 violation.

9 (1) General rule. A driver who is convicted of a  
10 violation of a federal, State, or local law or regulation  
11 pertaining to one of the following 6 offenses at a  
12 railroad-highway grade crossing must be disqualified from  
13 operating a commercial motor vehicle for the period of time  
14 specified in paragraph (2) of this subsection (j) if the  
15 offense was committed while operating a commercial motor  
16 vehicle:

17 (i) For drivers who are not required to always  
18 stop, failing to slow down and check that the tracks  
19 are clear of an approaching train or railroad track  
20 equipment, as described in subsection (a-5) of Section  
21 11-1201 of this Code;

22 (ii) For drivers who are not required to always  
23 stop, failing to stop before reaching the crossing, if  
24 the tracks are not clear, as described in subsection  
25 (a) of Section 11-1201 of this Code;

26 (iii) For drivers who are always required to stop,

1 failing to stop before driving onto the crossing, as  
2 described in Section 11-1202 of this Code;

3 (iv) For all drivers, failing to have sufficient  
4 space to drive completely through the crossing without  
5 stopping, as described in subsection (b) of Section  
6 11-1425 of this Code;

7 (v) For all drivers, failing to obey a traffic  
8 control device or the directions of an enforcement  
9 official at the crossing, as described in subdivision  
10 (a)2 of Section 11-1201 of this Code;

11 (vi) For all drivers, failing to negotiate a  
12 crossing because of insufficient undercarriage  
13 clearance, as described in subsection (d-1) of Section  
14 11-1201 of this Code.

15 (2) Duration of disqualification for railroad-highway  
16 grade crossing violation.

17 (i) First violation. A driver must be disqualified  
18 from operating a commercial motor vehicle for not less  
19 than 60 days if the driver is convicted of a violation  
20 described in paragraph (1) of this subsection (j) and,  
21 in the three-year period preceding the conviction, the  
22 driver had no convictions for a violation described in  
23 paragraph (1) of this subsection (j).

24 (ii) Second violation. A driver must be  
25 disqualified from operating a commercial motor vehicle  
26 for not less than 120 days if the driver is convicted

1 of a violation described in paragraph (1) of this  
2 subsection (j) and, in the three-year period preceding  
3 the conviction, the driver had one other conviction for  
4 a violation described in paragraph (1) of this  
5 subsection (j) that was committed in a separate  
6 incident.

7 (iii) Third or subsequent violation. A driver must  
8 be disqualified from operating a commercial motor  
9 vehicle for not less than one year if the driver is  
10 convicted of a violation described in paragraph (1) of  
11 this subsection (j) and, in the three-year period  
12 preceding the conviction, the driver had 2 or more  
13 other convictions for violations described in  
14 paragraph (1) of this subsection (j) that were  
15 committed in separate incidents.

16 (k) Upon notification of a disqualification of a driver's  
17 commercial motor vehicle privileges imposed by the U.S.  
18 Department of Transportation, Federal Motor Carrier Safety  
19 Administration, in accordance with 49 C.F.R. 383.52, the  
20 Secretary of State shall immediately record to the driving  
21 record the notice of disqualification and confirm to the driver  
22 the action that has been taken.

23 (Source: P.A. 97-333, eff. 8-12-11; 97-1150, eff. 1-25-13;  
24 98-122, eff. 1-1-14; 98-176, eff. 7-1-14; revised 8-8-13.)

1           Sec. 11-208. Powers of local authorities.

2           (a) The provisions of this Code shall not be deemed to  
3 prevent local authorities with respect to streets and highways  
4 under their jurisdiction and within the reasonable exercise of  
5 the police power from:

6           1. Regulating the standing or parking of vehicles,  
7 except as limited by Sections 11-1306 and 11-1307 of this  
8 Act;

9           2. Regulating traffic by means of police officers or  
10 traffic control signals;

11           3. Regulating or prohibiting processions or  
12 assemblages on the highways; and certifying persons to  
13 control traffic for processions or assemblages;

14           4. Designating particular highways as one-way highways  
15 and requiring that all vehicles thereon be moved in one  
16 specific direction;

17           5. Regulating the speed of vehicles in public parks  
18 subject to the limitations set forth in Section 11-604;

19           6. Designating any highway as a through highway, as  
20 authorized in Section 11-302, and requiring that all  
21 vehicles stop before entering or crossing the same or  
22 designating any intersection as a stop intersection or a  
23 yield right-of-way intersection and requiring all vehicles  
24 to stop or yield the right-of-way at one or more entrances  
25 to such intersections;

26           7. Restricting the use of highways as authorized in

1 Chapter 15;

2 8. Regulating the operation of bicycles and requiring  
3 the registration and licensing of same, including the  
4 requirement of a registration fee;

5 9. Regulating or prohibiting the turning of vehicles or  
6 specified types of vehicles at intersections;

7 10. Altering the speed limits as authorized in Section  
8 11-604;

9 11. Prohibiting U-turns;

10 12. Prohibiting pedestrian crossings at other than  
11 designated and marked crosswalks or at intersections;

12 13. Prohibiting parking during snow removal operation;

13 14. Imposing fines in accordance with Section  
14 11-1301.3 as penalties for use of any parking place  
15 reserved for persons with disabilities, as defined by  
16 Section 1-159.1, or disabled veterans by any person using a  
17 motor vehicle not bearing registration plates specified in  
18 Section 11-1301.1 or a special decal or device as defined  
19 in Section 11-1301.2 as evidence that the vehicle is  
20 operated by or for a person with disabilities or disabled  
21 veteran;

22 15. Adopting such other traffic regulations as are  
23 specifically authorized by this Code; or

24 16. Enforcing the provisions of subsection (f) of  
25 Section 3-413 of this Code or a similar local ordinance.

26 (b) No ordinance or regulation enacted under subsections 1,

1 4, 5, 6, 7, 9, 10, 11 or 13 of paragraph (a) shall be effective  
2 until signs giving reasonable notice of such local traffic  
3 regulations are posted.

4 (c) The provisions of this Code shall not prevent any  
5 municipality having a population of 500,000 or more inhabitants  
6 from prohibiting any person from driving or operating any motor  
7 vehicle upon the roadways of such municipality with headlamps  
8 on high beam or bright.

9 (d) The provisions of this Code shall not be deemed to  
10 prevent local authorities within the reasonable exercise of  
11 their police power from prohibiting, on private property, the  
12 unauthorized use of parking spaces reserved for persons with  
13 disabilities.

14 (e) No unit of local government, including a home rule  
15 unit, may enact or enforce an ordinance that applies only to  
16 motorcycles if the principal purpose for that ordinance is to  
17 restrict the access of motorcycles to any highway or portion of  
18 a highway for which federal or State funds have been used for  
19 the planning, design, construction, or maintenance of that  
20 highway. No unit of local government, including a home rule  
21 unit, may enact an ordinance requiring motorcycle users to wear  
22 protective headgear. Nothing in this subsection (e) shall  
23 affect the authority of a unit of local government to regulate  
24 motorcycles for traffic control purposes or in accordance with  
25 Section 12-602 of this Code. No unit of local government,  
26 including a home rule unit, may regulate motorcycles in a



1 manner inconsistent with this Code. This subsection (e) is a  
2 limitation under subsection (i) of Section 6 of Article VII of  
3 the Illinois Constitution on the concurrent exercise by home  
4 rule units of powers and functions exercised by the State.

5 (f) A municipality or county designated in Section 11-208.6  
6 may enact an ordinance providing for an automated traffic law  
7 enforcement system to enforce violations of this Code or a  
8 similar provision of a local ordinance and imposing liability  
9 on a registered owner or lessee of a vehicle used in such a  
10 violation.

11 (g) A municipality or county, as provided in Section  
12 11-1201.1, may enact an ordinance providing for an automated  
13 traffic law enforcement system to enforce violations of Section  
14 11-1201 of this Code or a similar provision of a local  
15 ordinance and imposing liability on a registered owner of a  
16 vehicle used in such a violation.

17 (h) A municipality designated in Section 11-208.8 may enact  
18 an ordinance providing for an automated speed enforcement  
19 system to enforce violations of Article VI of Chapter 11 of  
20 this Code or a similar provision of a local ordinance.

21 (i) A municipality or county designated in Section 11-208.9  
22 may enact an ordinance providing for an automated traffic law  
23 enforcement system to enforce violations of Section 11-1414 of  
24 this Code or a similar provision of a local ordinance and  
25 imposing liability on a registered owner or lessee of a vehicle  
26 used in such a violation.

1 (Source: P.A. 97-29, eff. 1-1-12; 97-672, eff. 7-1-12; 98-396,  
2 eff. 1-1-14; 98-556, eff. 1-1-14; revised 9-19-13.)

3 (625 ILCS 5/11-208.7)

4 Sec. 11-208.7. Administrative fees and procedures for  
5 impounding vehicles for specified violations.

6 (a) Any municipality may, consistent with this Section,  
7 provide by ordinance procedures for the release of properly  
8 impounded vehicles and for the imposition of a reasonable  
9 administrative fee related to its administrative and  
10 processing costs associated with the investigation, arrest,  
11 and detention of an offender, or the removal, impoundment,  
12 storage, and release of the vehicle. The administrative fee  
13 imposed by the municipality may be in addition to any fees  
14 charged for the towing and storage of an impounded vehicle. The  
15 administrative fee shall be waived by the municipality upon  
16 verifiable proof that the vehicle was stolen at the time the  
17 vehicle was impounded.

18 (b) Any ordinance establishing procedures for the release  
19 of properly impounded vehicles under this Section may impose  
20 fees for the following violations:

21 (1) operation or use of a motor vehicle in the  
22 commission of, or in the attempt to commit, an offense for  
23 which a motor vehicle may be seized and forfeited pursuant  
24 to Section 36-1 of the Criminal Code of 2012; or

25 (2) driving under the influence of alcohol, another

1 drug or drugs, an intoxicating compound or compounds, or  
2 any combination thereof, in violation of Section 11-501 of  
3 this Code; or

4 (3) operation or use of a motor vehicle in the  
5 commission of, or in the attempt to commit, a felony or in  
6 violation of the Cannabis Control Act; or

7 (4) operation or use of a motor vehicle in the  
8 commission of, or in the attempt to commit, an offense in  
9 violation of the Illinois Controlled Substances Act; or

10 (5) operation or use of a motor vehicle in the  
11 commission of, or in the attempt to commit, an offense in  
12 violation of Section 24-1, 24-1.5, or 24-3.1 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012; or

14 (6) driving while a driver's license, permit, or  
15 privilege to operate a motor vehicle is suspended or  
16 revoked pursuant to Section 6-303 of this Code; except that  
17 vehicles shall not be subjected to seizure or impoundment  
18 if the suspension is for an unpaid citation (parking or  
19 moving) or due to failure to comply with emission testing;  
20 or

21 (7) operation or use of a motor vehicle while  
22 soliciting, possessing, or attempting to solicit or  
23 possess cannabis or a controlled substance, as defined by  
24 the Cannabis Control Act or the Illinois Controlled  
25 Substances Act; or

26 (8) operation or use of a motor vehicle with an expired

1 driver's license, in violation of Section 6-101 of this  
2 Code, if the period of expiration is greater than one year;  
3 or

4 (9) operation or use of a motor vehicle without ever  
5 having been issued a driver's license or permit, in  
6 violation of Section 6-101 of this Code, or operating a  
7 motor vehicle without ever having been issued a driver's  
8 license or permit due to a person's age; or

9 (10) operation or use of a motor vehicle by a person  
10 against whom a warrant has been issued by a circuit clerk  
11 in Illinois for failing to answer charges that the driver  
12 violated Section 6-101, 6-303, or 11-501 of this Code; or

13 (11) operation or use of a motor vehicle in the  
14 commission of, or in the attempt to commit, an offense in  
15 violation of Article 16 or 16A of the Criminal Code of 1961  
16 or the Criminal Code of 2012; or

17 (12) operation or use of a motor vehicle in the  
18 commission of, or in the attempt to commit, any other  
19 misdemeanor or felony offense in violation of the Criminal  
20 Code of 1961 or the Criminal Code of 2012, when so provided  
21 by local ordinance; or

22 (13) operation or use of a motor vehicle in violation  
23 of Section 11-503 of this Code:

24 (A) while the vehicle is part of a funeral  
25 procession; or

26 (B) in a manner that interferes with a funeral

1            procession.

2            (c) The following shall apply to any fees imposed for  
3 administrative and processing costs pursuant to subsection  
4 (b):

5            (1) All administrative fees and towing and storage  
6 charges shall be imposed on the registered owner of the  
7 motor vehicle or the agents of that owner.

8            (2) The fees shall be in addition to (i) any other  
9 penalties that may be assessed by a court of law for the  
10 underlying violations; and (ii) any towing or storage fees,  
11 or both, charged by the towing company.

12            (3) The fees shall be uniform for all similarly  
13 situated vehicles.

14            (4) The fees shall be collected by and paid to the  
15 municipality imposing the fees.

16            (5) The towing or storage fees, or both, shall be  
17 collected by and paid to the person, firm, or entity that  
18 tows and stores the impounded vehicle.

19            (d) Any ordinance establishing procedures for the release  
20 of properly impounded vehicles under this Section shall provide  
21 for an opportunity for a hearing, as provided in subdivision  
22 (b) (4) of Section 11-208.3 of this Code, and for the release of  
23 the vehicle to the owner of record, lessee, or a lienholder of  
24 record upon payment of all administrative fees and towing and  
25 storage fees.

26            (e) Any ordinance establishing procedures for the

1 impoundment and release of vehicles under this Section shall  
2 include the following provisions concerning notice of  
3 impoundment:

4 (1) Whenever a police officer has cause to believe that  
5 a motor vehicle is subject to impoundment, the officer  
6 shall provide for the towing of the vehicle to a facility  
7 authorized by the municipality.

8 (2) At the time the vehicle is towed, the municipality  
9 shall notify or make a reasonable attempt to notify the  
10 owner, lessee, or person identifying himself or herself as  
11 the owner or lessee of the vehicle, or any person who is  
12 found to be in control of the vehicle at the time of the  
13 alleged offense, of the fact of the seizure, and of the  
14 vehicle owner's or lessee's right to an administrative  
15 hearing.

16 (3) The municipality shall also provide notice that the  
17 motor vehicle will remain impounded pending the completion  
18 of an administrative hearing, unless the owner or lessee of  
19 the vehicle or a lienholder posts with the municipality a  
20 bond equal to the administrative fee as provided by  
21 ordinance and pays for all towing and storage charges.

22 (f) Any ordinance establishing procedures for the  
23 impoundment and release of vehicles under this Section shall  
24 include a provision providing that the registered owner or  
25 lessee of the vehicle and any lienholder of record shall be  
26 provided with a notice of hearing. The notice shall:

1           (1) be served upon the owner, lessee, and any  
2           lienholder of record either by personal service or by first  
3           class mail to the interested party's address as registered  
4           with the Secretary of State;

5           (2) be served upon interested parties within 10 days  
6           after a vehicle is impounded by the municipality; and

7           (3) contain the date, time, and location of the  
8           administrative hearing. An initial hearing shall be  
9           scheduled and convened no later than 45 days after the date  
10          of the mailing of the notice of hearing.

11          (g) In addition to the requirements contained in  
12          subdivision (b) (4) of Section 11-208.3 of this Code relating to  
13          administrative hearings, any ordinance providing for the  
14          impoundment and release of vehicles under this Section shall  
15          include the following requirements concerning administrative  
16          hearings:

17               (1) administrative hearings shall be conducted by a  
18               hearing officer who is an attorney licensed to practice law  
19               in this State for a minimum of 3 years;

20               (2) at the conclusion of the administrative hearing,  
21               the hearing officer shall issue a written decision either  
22               sustaining or overruling the vehicle impoundment;

23               (3) if the basis for the vehicle impoundment is  
24               sustained by the administrative hearing officer, any  
25               administrative fee posted to secure the release of the  
26               vehicle shall be forfeited to the municipality;

1           (4) all final decisions of the administrative hearing  
2           officer shall be subject to review under the provisions of  
3           the Administrative Review Law; and

4           (5) unless the administrative hearing officer  
5           overturns the basis for the vehicle impoundment, no vehicle  
6           shall be released to the owner, lessee, or lienholder of  
7           record until all administrative fees and towing and storage  
8           charges are paid.

9           (h) Vehicles not retrieved from the towing facility or  
10          storage facility within 35 days after the administrative  
11          hearing officer issues a written decision shall be deemed  
12          abandoned and disposed of in accordance with the provisions of  
13          Article II of Chapter 4 of this Code.

14          (i) Unless stayed by a court of competent jurisdiction, any  
15          fine, penalty, or administrative fee imposed under this Section  
16          which remains unpaid in whole or in part after the expiration  
17          of the deadline for seeking judicial review under the  
18          Administrative Review Law may be enforced in the same manner as  
19          a judgment entered by a court of competent jurisdiction.

20          (Source: P.A. 97-109, eff. 1-1-12; 97-1150, eff. 1-25-13;  
21          98-518, eff. 8-22-13; revised 9-19-13.)

22                 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

23                 Sec. 11-501. Driving while under the influence of alcohol,  
24                 other drug or drugs, intoxicating compound or compounds or any  
25                 combination thereof.



1 (a) A person shall not drive or be in actual physical  
2 control of any vehicle within this State while:

3 (1) the alcohol concentration in the person's blood or  
4 breath is 0.08 or more based on the definition of blood and  
5 breath units in Section 11-501.2;

6 (2) under the influence of alcohol;

7 (3) under the influence of any intoxicating compound or  
8 combination of intoxicating compounds to a degree that  
9 renders the person incapable of driving safely;

10 (4) under the influence of any other drug or  
11 combination of drugs to a degree that renders the person  
12 incapable of safely driving;

13 (5) under the combined influence of alcohol, other drug  
14 or drugs, or intoxicating compound or compounds to a degree  
15 that renders the person incapable of safely driving; or

16 (6) there is any amount of a drug, substance, or  
17 compound in the person's breath, blood, or urine resulting  
18 from the unlawful use or consumption of cannabis listed in  
19 the Cannabis Control Act, a controlled substance listed in  
20 the Illinois Controlled Substances Act, an intoxicating  
21 compound listed in the Use of Intoxicating Compounds Act,  
22 or methamphetamine as listed in the Methamphetamine  
23 Control and Community Protection Act. Subject to all other  
24 requirements and provisions under this Section, this  
25 paragraph (6) does not apply to the lawful consumption of  
26 cannabis by a qualifying patient licensed under the

1           Compassionate Use of Medical Cannabis Pilot Program Act who  
2           is in possession of a valid registry card issued under that  
3           Act, unless that person is impaired by the use of cannabis.

4           (b) The fact that any person charged with violating this  
5           Section is or has been legally entitled to use alcohol,  
6           cannabis under the Compassionate Use of Medical Cannabis Pilot  
7           Program Act, other drug or drugs, or intoxicating compound or  
8           compounds, or any combination thereof, shall not constitute a  
9           defense against any charge of violating this Section.

10          (c) Penalties.

11               (1) Except as otherwise provided in this Section, any  
12               person convicted of violating subsection (a) of this  
13               Section is guilty of a Class A misdemeanor.

14               (2) A person who violates subsection (a) or a similar  
15               provision a second time shall be sentenced to a mandatory  
16               minimum term of either 5 days of imprisonment or 240 hours  
17               of community service in addition to any other criminal or  
18               administrative sanction.

19               (3) A person who violates subsection (a) is subject to  
20               6 months of imprisonment, an additional mandatory minimum  
21               fine of \$1,000, and 25 days of community service in a  
22               program benefiting children if the person was transporting  
23               a person under the age of 16 at the time of the violation.

24               (4) A person who violates subsection (a) a first time,  
25               if the alcohol concentration in his or her blood, breath,  
26               or urine was 0.16 or more based on the definition of blood,

1 breath, or urine units in Section 11-501.2, shall be  
2 subject, in addition to any other penalty that may be  
3 imposed, to a mandatory minimum of 100 hours of community  
4 service and a mandatory minimum fine of \$500.

5 (5) A person who violates subsection (a) a second time,  
6 if at the time of the second violation the alcohol  
7 concentration in his or her blood, breath, or urine was  
8 0.16 or more based on the definition of blood, breath, or  
9 urine units in Section 11-501.2, shall be subject, in  
10 addition to any other penalty that may be imposed, to a  
11 mandatory minimum of 2 days of imprisonment and a mandatory  
12 minimum fine of \$1,250.

13 (d) Aggravated driving under the influence of alcohol,  
14 other drug or drugs, or intoxicating compound or compounds, or  
15 any combination thereof.

16 (1) Every person convicted of committing a violation of  
17 this Section shall be guilty of aggravated driving under  
18 the influence of alcohol, other drug or drugs, or  
19 intoxicating compound or compounds, or any combination  
20 thereof if:

21 (A) the person committed a violation of subsection  
22 (a) or a similar provision for the third or subsequent  
23 time;

24 (B) the person committed a violation of subsection  
25 (a) while driving a school bus with one or more  
26 passengers on board;

1 (C) the person in committing a violation of  
2 subsection (a) was involved in a motor vehicle accident  
3 that resulted in great bodily harm or permanent  
4 disability or disfigurement to another, when the  
5 violation was a proximate cause of the injuries;

6 (D) the person committed a violation of subsection  
7 (a) and has been previously convicted of violating  
8 Section 9-3 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012 or a similar provision of a law  
10 of another state relating to reckless homicide in which  
11 the person was determined to have been under the  
12 influence of alcohol, other drug or drugs, or  
13 intoxicating compound or compounds as an element of the  
14 offense or the person has previously been convicted  
15 under subparagraph (C) or subparagraph (F) of this  
16 paragraph (1);

17 (E) the person, in committing a violation of  
18 subsection (a) while driving at any speed in a school  
19 speed zone at a time when a speed limit of 20 miles per  
20 hour was in effect under subsection (a) of Section  
21 11-605 of this Code, was involved in a motor vehicle  
22 accident that resulted in bodily harm, other than great  
23 bodily harm or permanent disability or disfigurement,  
24 to another person, when the violation of subsection (a)  
25 was a proximate cause of the bodily harm;

26 (F) the person, in committing a violation of

1 subsection (a), was involved in a motor vehicle,  
2 snowmobile, all-terrain vehicle, or watercraft  
3 accident that resulted in the death of another person,  
4 when the violation of subsection (a) was a proximate  
5 cause of the death;

6 (G) the person committed a violation of subsection  
7 (a) during a period in which the defendant's driving  
8 privileges are revoked or suspended, where the  
9 revocation or suspension was for a violation of  
10 subsection (a) or a similar provision, Section  
11 11-501.1, paragraph (b) of Section 11-401, or for  
12 reckless homicide as defined in Section 9-3 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012;

14 (H) the person committed the violation while he or  
15 she did not possess a driver's license or permit or a  
16 restricted driving permit or a judicial driving permit  
17 or a monitoring device driving permit;

18 (I) the person committed the violation while he or  
19 she knew or should have known that the vehicle he or  
20 she was driving was not covered by a liability  
21 insurance policy;

22 (J) the person in committing a violation of  
23 subsection (a) was involved in a motor vehicle accident  
24 that resulted in bodily harm, but not great bodily  
25 harm, to the child under the age of 16 being  
26 transported by the person, if the violation was the

1 proximate cause of the injury;

2 (K) the person in committing a second violation of  
3 subsection (a) or a similar provision was transporting  
4 a person under the age of 16; or

5 (L) the person committed a violation of subsection  
6 (a) of this Section while transporting one or more  
7 passengers in a vehicle for-hire.

8 (2) (A) Except as provided otherwise, a person  
9 convicted of aggravated driving under the influence of  
10 alcohol, other drug or drugs, or intoxicating compound or  
11 compounds, or any combination thereof is guilty of a Class  
12 4 felony.

13 (B) A third violation of this Section or a similar  
14 provision is a Class 2 felony. If at the time of the third  
15 violation the alcohol concentration in his or her blood,  
16 breath, or urine was 0.16 or more based on the definition  
17 of blood, breath, or urine units in Section 11-501.2, a  
18 mandatory minimum of 90 days of imprisonment and a  
19 mandatory minimum fine of \$2,500 shall be imposed in  
20 addition to any other criminal or administrative sanction.  
21 If at the time of the third violation, the defendant was  
22 transporting a person under the age of 16, a mandatory fine  
23 of \$25,000 and 25 days of community service in a program  
24 benefiting children shall be imposed in addition to any  
25 other criminal or administrative sanction.

26 (C) A fourth violation of this Section or a similar

1 provision is a Class 2 felony, for which a sentence of  
2 probation or conditional discharge may not be imposed. If  
3 at the time of the violation, the alcohol concentration in  
4 the defendant's blood, breath, or urine was 0.16 or more  
5 based on the definition of blood, breath, or urine units in  
6 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
7 be imposed in addition to any other criminal or  
8 administrative sanction. If at the time of the fourth  
9 violation, the defendant was transporting a person under  
10 the age of 16 a mandatory fine of \$25,000 and 25 days of  
11 community service in a program benefiting children shall be  
12 imposed in addition to any other criminal or administrative  
13 sanction.

14 (D) A fifth violation of this Section or a similar  
15 provision is a Class 1 felony, for which a sentence of  
16 probation or conditional discharge may not be imposed. If  
17 at the time of the violation, the alcohol concentration in  
18 the defendant's blood, breath, or urine was 0.16 or more  
19 based on the definition of blood, breath, or urine units in  
20 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
21 be imposed in addition to any other criminal or  
22 administrative sanction. If at the time of the fifth  
23 violation, the defendant was transporting a person under  
24 the age of 16, a mandatory fine of \$25,000, and 25 days of  
25 community service in a program benefiting children shall be  
26 imposed in addition to any other criminal or administrative

1 sanction.

2 (E) A sixth or subsequent violation of this Section or  
3 similar provision is a Class X felony. If at the time of  
4 the violation, the alcohol concentration in the  
5 defendant's blood, breath, or urine was 0.16 or more based  
6 on the definition of blood, breath, or urine units in  
7 Section 11-501.2, a mandatory minimum fine of \$5,000 shall  
8 be imposed in addition to any other criminal or  
9 administrative sanction. If at the time of the violation,  
10 the defendant was transporting a person under the age of  
11 16, a mandatory fine of \$25,000 and 25 days of community  
12 service in a program benefiting children shall be imposed  
13 in addition to any other criminal or administrative  
14 sanction.

15 (F) For a violation of subparagraph (C) of paragraph  
16 (1) of this subsection (d), the defendant, if sentenced to  
17 a term of imprisonment, shall be sentenced to not less than  
18 one year nor more than 12 years.

19 (G) A violation of subparagraph (F) of paragraph (1) of  
20 this subsection (d) is a Class 2 felony, for which the  
21 defendant, unless the court determines that extraordinary  
22 circumstances exist and require probation, shall be  
23 sentenced to: (i) a term of imprisonment of not less than 3  
24 years and not more than 14 years if the violation resulted  
25 in the death of one person; or (ii) a term of imprisonment  
26 of not less than 6 years and not more than 28 years if the



1 violation resulted in the deaths of 2 or more persons.

2 (H) For a violation of subparagraph (J) of paragraph  
3 (1) of this subsection (d), a mandatory fine of \$2,500, and  
4 25 days of community service in a program benefiting  
5 children shall be imposed in addition to any other criminal  
6 or administrative sanction.

7 (I) A violation of subparagraph (K) of paragraph (1) of  
8 this subsection (d), is a Class 2 felony and a mandatory  
9 fine of \$2,500, and 25 days of community service in a  
10 program benefiting children shall be imposed in addition to  
11 any other criminal or administrative sanction. If the child  
12 being transported suffered bodily harm, but not great  
13 bodily harm, in a motor vehicle accident, and the violation  
14 was the proximate cause of that injury, a mandatory fine of  
15 \$5,000 and 25 days of community service in a program  
16 benefiting children shall be imposed in addition to any  
17 other criminal or administrative sanction.

18 (J) A violation of subparagraph (D) of paragraph (1) of  
19 this subsection (d) is a Class 3 felony, for which a  
20 sentence of probation or conditional discharge may not be  
21 imposed.

22 (3) Any person sentenced under this subsection (d) who  
23 receives a term of probation or conditional discharge must  
24 serve a minimum term of either 480 hours of community  
25 service or 10 days of imprisonment as a condition of the  
26 probation or conditional discharge in addition to any other

1 criminal or administrative sanction.

2 (e) Any reference to a prior violation of subsection (a) or  
3 a similar provision includes any violation of a provision of a  
4 local ordinance or a provision of a law of another state or an  
5 offense committed on a military installation that is similar to  
6 a violation of subsection (a) of this Section.

7 (f) The imposition of a mandatory term of imprisonment or  
8 assignment of community service for a violation of this Section  
9 shall not be suspended or reduced by the court.

10 (g) Any penalty imposed for driving with a license that has  
11 been revoked for a previous violation of subsection (a) of this  
12 Section shall be in addition to the penalty imposed for any  
13 subsequent violation of subsection (a).

14 (h) For any prosecution under this Section, a certified  
15 copy of the driving abstract of the defendant shall be admitted  
16 as proof of any prior conviction.

17 (Source: P.A. 97-1150, eff. 1-25-13; 98-122, eff. 1-1-14;  
18 98-573, eff. 8-27-13; revised 9-19-13.)

19 (625 ILCS 5/11-709.2)

20 Sec. 11-709.2. Bus on shoulder pilot program.

21 (a) For purposes of this Section, "bus on shoulders" is the  
22 use of specifically designated shoulders of roadways by  
23 authorized transit buses. The shoulders may be used by transit  
24 buses at times and locations as set by the Department in  
25 cooperation with the Regional Transportation Authority and the

1 Suburban Bus Division of the Regional Transportation  
2 Authority.

3 (b) Commencing on the effective date of this amendatory Act  
4 of the 97th General Assembly, the Department along with the  
5 Regional Transportation Authority and Suburban Bus Division of  
6 the Regional Transportation Authority in cooperation with the  
7 Illinois State Police shall establish a 5-year pilot program  
8 within the boundaries of the Regional Transportation Authority  
9 for transit buses on highways and shoulders. The pilot program  
10 may be implemented on shoulders of highways as designated by  
11 the Department in cooperation with the Regional Transportation  
12 Authority and Suburban Bus Division of the Regional  
13 Transportation Authority. The Department may adopt rules  
14 necessary for transit buses to use roadway shoulders.

15 (c) After the pilot program established under subsection  
16 (b) of this Section has been operating for 2 years, the  
17 Department in cooperation with the Regional Transportation  
18 ~~Transit~~ Authority, the Suburban Bus Division of the Regional  
19 Transportation Authority, and the Illinois State Police shall  
20 issue a report to the General Assembly on the effectiveness of  
21 the bus on shoulders pilot program.

22 (Source: P.A. 97-292, eff. 8-11-11; revised 11-19-13.)

23 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

24 Sec. 12-215. Oscillating, rotating or flashing lights on  
25 motor vehicles. Except as otherwise provided in this Code:

1 (a) The use of red or white oscillating, rotating or  
2 flashing lights, whether lighted or unlighted, is prohibited  
3 except on:

4 1. Law enforcement vehicles of State, Federal or local  
5 authorities;

6 2. A vehicle operated by a police officer or county  
7 coroner and designated or authorized by local authorities,  
8 in writing, as a law enforcement vehicle; however, such  
9 designation or authorization must be carried in the  
10 vehicle;

11 2.1. A vehicle operated by a fire chief who has  
12 completed an emergency vehicle operation training course  
13 approved by the Office of the State Fire Marshal and  
14 designated or authorized by local authorities, in writing,  
15 as a fire department, fire protection district, or township  
16 fire department vehicle; however, the designation or  
17 authorization must be carried in the vehicle, and the  
18 lights may be visible or activated only when responding to  
19 a bona fide emergency;

20 3. Vehicles of local fire departments and State or  
21 federal firefighting vehicles;

22 4. Vehicles which are designed and used exclusively as  
23 ambulances or rescue vehicles; furthermore, such lights  
24 shall not be lighted except when responding to an emergency  
25 call for and while actually conveying the sick or injured;

26 5. Tow trucks licensed in a state that requires such

1 lights; furthermore, such lights shall not be lighted on  
2 any such tow truck while the tow truck is operating in the  
3 State of Illinois;

4 6. Vehicles of the Illinois Emergency Management  
5 Agency, vehicles of the Office of the Illinois State Fire  
6 Marshal, vehicles of the Illinois Department of Public  
7 Health, vehicles of the Illinois Department of  
8 Corrections, and vehicles of the Illinois Department of  
9 Juvenile Justice;

10 7. Vehicles operated by a local or county emergency  
11 management services agency as defined in the Illinois  
12 Emergency Management Agency Act;

13 8. School buses operating alternately flashing head  
14 lamps as permitted under Section 12-805 of this Code;

15 9. Vehicles that are equipped and used exclusively as  
16 organ transplant vehicles when used in combination with  
17 blue oscillating, rotating, or flashing lights;  
18 furthermore, these lights shall be lighted only when the  
19 transportation is declared an emergency by a member of the  
20 transplant team or a representative of the organ  
21 procurement organization; ~~and~~

22 10. Vehicles of the Illinois Department of Natural  
23 Resources that are used for mine rescue and explosives  
24 emergency response; and.

25 11. Vehicles of the Illinois Department of  
26 Transportation identified as Emergency Traffic Patrol; the

1       ~~The~~ lights shall not be lighted except when responding to  
2       an emergency call or when parked or stationary while  
3       engaged in motor vehicle assistance or at the scene of the  
4       emergency.

5       (b) The use of amber oscillating, rotating or flashing  
6       lights, whether lighted or unlighted, is prohibited except on:

7           1. Second division vehicles designed and used for  
8           towing or hoisting vehicles; furthermore, such lights  
9           shall not be lighted except as required in this paragraph  
10          1; such lights shall be lighted when such vehicles are  
11          actually being used at the scene of an accident or  
12          disablement; if the towing vehicle is equipped with a flat  
13          bed that supports all wheels of the vehicle being  
14          transported, the lights shall not be lighted while the  
15          vehicle is engaged in towing on a highway; if the towing  
16          vehicle is not equipped with a flat bed that supports all  
17          wheels of a vehicle being transported, the lights shall be  
18          lighted while the towing vehicle is engaged in towing on a  
19          highway during all times when the use of headlights is  
20          required under Section 12-201 of this Code; in addition,  
21          these vehicles may use white oscillating, rotating, or  
22          flashing lights in combination with amber oscillating,  
23          rotating, or flashing lights as provided in this paragraph;

24          2. Motor vehicles or equipment of the State of  
25          Illinois, local authorities and contractors; furthermore,  
26          such lights shall not be lighted except while such vehicles

1 are engaged in maintenance or construction operations  
2 within the limits of construction projects;

3 3. Vehicles or equipment used by engineering or survey  
4 crews; furthermore, such lights shall not be lighted except  
5 while such vehicles are actually engaged in work on a  
6 highway;

7 4. Vehicles of public utilities, municipalities, or  
8 other construction, maintenance or automotive service  
9 vehicles except that such lights shall be lighted only as a  
10 means for indicating the presence of a vehicular traffic  
11 hazard requiring unusual care in approaching, overtaking  
12 or passing while such vehicles are engaged in maintenance,  
13 service or construction on a highway;

14 5. Oversized vehicle or load; however, such lights  
15 shall only be lighted when moving under permit issued by  
16 the Department under Section 15-301 of this Code;

17 6. The front and rear of motorized equipment owned and  
18 operated by the State of Illinois or any political  
19 subdivision thereof, which is designed and used for removal  
20 of snow and ice from highways;

21 6.1. ~~(6.1)~~ The front and rear of motorized equipment or  
22 vehicles that (i) are not owned by the State of Illinois or  
23 any political subdivision of the State, (ii) are designed  
24 and used for removal of snow and ice from highways and  
25 parking lots, and (iii) are equipped with a snow plow that  
26 is 12 feet in width; these lights may not be lighted except

1 when the motorized equipment or vehicle is actually being  
2 used for those purposes on behalf of a unit of government;

3 7. Fleet safety vehicles registered in another state,  
4 furthermore, such lights shall not be lighted except as  
5 provided for in Section 12-212 of this Code;

6 8. Such other vehicles as may be authorized by local  
7 authorities;

8 9. Law enforcement vehicles of State or local  
9 authorities when used in combination with red oscillating,  
10 rotating or flashing lights;

11 9.5. Propane delivery trucks;

12 10. Vehicles used for collecting or delivering mail for  
13 the United States Postal Service provided that such lights  
14 shall not be lighted except when such vehicles are actually  
15 being used for such purposes;

16 10.5. Vehicles of the Office of the Illinois State Fire  
17 Marshal, provided that such lights shall not be lighted  
18 except for when such vehicles are engaged in work for the  
19 Office of the Illinois State Fire Marshal;

20 11. Any vehicle displaying a slow-moving vehicle  
21 emblem as provided in Section 12-205.1;

22 12. All trucks equipped with self-compactors or  
23 roll-off hoists and roll-on containers for garbage or  
24 refuse hauling. Such lights shall not be lighted except  
25 when such vehicles are actually being used for such  
26 purposes;



1           13. Vehicles used by a security company, alarm  
2 responder, control agency, or the Illinois Department of  
3 Corrections;

4           14. Security vehicles of the Department of Human  
5 Services; however, the lights shall not be lighted except  
6 when being used for security related purposes under the  
7 direction of the superintendent of the facility where the  
8 vehicle is located; and

9           15. Vehicles of union representatives, except that the  
10 lights shall be lighted only while the vehicle is within  
11 the limits of a construction project.

12           (c) The use of blue oscillating, rotating or flashing  
13 lights, whether lighted or unlighted, is prohibited except on:

14           1. Rescue squad vehicles not owned by a fire department  
15 and vehicles owned or operated by a:

16                   voluntary firefighter;

17                   paid firefighter;

18                   part-paid firefighter;

19                   call firefighter;

20                   member of the board of trustees of a fire  
21 protection district;

22                   paid or unpaid member of a rescue squad;

23                   paid or unpaid member of a voluntary ambulance  
24 unit; or

25                   paid or unpaid members of a local or county  
26 emergency management services agency as defined in the

1 Illinois Emergency Management Agency Act, designated  
2 or authorized by local authorities, in writing, and  
3 carrying that designation or authorization in the  
4 vehicle.

5 However, such lights are not to be lighted except when  
6 responding to a bona fide emergency or when parked or  
7 stationary at the scene of a fire, rescue call, ambulance  
8 call, or motor vehicle accident.

9 Any person using these lights in accordance with this  
10 subdivision (c)1 must carry on his or her person an  
11 identification card or letter identifying the bona fide  
12 member of a fire department, fire protection district,  
13 rescue squad, ambulance unit, or emergency management  
14 services agency that owns or operates that vehicle. The  
15 card or letter must include:

16 (A) the name of the fire department, fire  
17 protection district, rescue squad, ambulance unit, or  
18 emergency management services agency;

19 (B) the member's position within the fire  
20 department, fire protection district, rescue squad,  
21 ambulance unit, or emergency management services  
22 agency;

23 (C) the member's term of service; and

24 (D) the name of a person within the fire  
25 department, fire protection district, rescue squad,  
26 ambulance unit, or emergency management services

1 agency to contact to verify the information provided.

2 2. Police department vehicles in cities having a  
3 population of 500,000 or more inhabitants.

4 3. Law enforcement vehicles of State or local  
5 authorities when used in combination with red oscillating,  
6 rotating or flashing lights.

7 4. Vehicles of local fire departments and State or  
8 federal firefighting vehicles when used in combination  
9 with red oscillating, rotating or flashing lights.

10 5. Vehicles which are designed and used exclusively as  
11 ambulances or rescue vehicles when used in combination with  
12 red oscillating, rotating or flashing lights; furthermore,  
13 such lights shall not be lighted except when responding to  
14 an emergency call.

15 6. Vehicles that are equipped and used exclusively as  
16 organ transport vehicles when used in combination with red  
17 oscillating, rotating, or flashing lights; furthermore,  
18 these lights shall only be lighted when the transportation  
19 is declared an emergency by a member of the transplant team  
20 or a representative of the organ procurement organization.

21 7. Vehicles of the Illinois Emergency Management  
22 Agency, vehicles of the Office of the Illinois State Fire  
23 Marshal, vehicles of the Illinois Department of Public  
24 Health, vehicles of the Illinois Department of  
25 Corrections, and vehicles of the Illinois Department of  
26 Juvenile Justice, when used in combination with red

1           oscillating, rotating, or flashing lights.

2           8. Vehicles operated by a local or county emergency  
3 management services agency as defined in the Illinois  
4 Emergency Management Agency Act, when used in combination  
5 with red oscillating, rotating, or flashing lights.

6           9. Vehicles of the Illinois Department of Natural  
7 Resources that are used for mine rescue and explosives  
8 emergency response, when used in combination with red  
9 oscillating, rotating, or flashing lights.

10          (c-1) In addition to the blue oscillating, rotating, or  
11 flashing lights permitted under subsection (c), and  
12 notwithstanding subsection (a), a vehicle operated by a  
13 voluntary firefighter, a voluntary member of a rescue squad, or  
14 a member of a voluntary ambulance unit may be equipped with  
15 flashing white headlights and blue grill lights, which may be  
16 used only in responding to an emergency call or when parked or  
17 stationary at the scene of a fire, rescue call, ambulance call,  
18 or motor vehicle accident.

19          (c-2) In addition to the blue oscillating, rotating, or  
20 flashing lights permitted under subsection (c), and  
21 notwithstanding subsection (a), a vehicle operated by a paid or  
22 unpaid member of a local or county emergency management  
23 services agency as defined in the Illinois Emergency Management  
24 Agency Act, may be equipped with white oscillating, rotating,  
25 or flashing lights to be used in combination with blue  
26 oscillating, rotating, or flashing lights, if authorization by

1 local authorities is in writing and carried in the vehicle.

2 (d) The use of a combination of amber and white  
3 oscillating, rotating or flashing lights, whether lighted or  
4 unlighted, is prohibited except on second division vehicles  
5 designed and used for towing or hoisting vehicles or motor  
6 vehicles or equipment of the State of Illinois, local  
7 authorities, contractors, and union representatives;  
8 furthermore, such lights shall not be lighted on second  
9 division vehicles designed and used for towing or hoisting  
10 vehicles or vehicles of the State of Illinois, local  
11 authorities, and contractors except while such vehicles are  
12 engaged in a tow operation, highway maintenance, or  
13 construction operations within the limits of highway  
14 construction projects, and shall not be lighted on the vehicles  
15 of union representatives except when those vehicles are within  
16 the limits of a construction project.

17 (e) All oscillating, rotating or flashing lights referred  
18 to in this Section shall be of sufficient intensity, when  
19 illuminated, to be visible at 500 feet in normal sunlight.

20 (f) Nothing in this Section shall prohibit a manufacturer  
21 of oscillating, rotating or flashing lights or his  
22 representative or authorized vendor from temporarily mounting  
23 such lights on a vehicle for demonstration purposes only. If  
24 the lights are not covered while the vehicle is operated upon a  
25 highway, the vehicle shall display signage indicating that the  
26 vehicle is out of service or not an emergency vehicle. The

1 signage shall be displayed on all sides of the vehicle in  
2 letters at least 2 inches tall and one-half inch wide. A  
3 vehicle authorized to have oscillating, rotating, or flashing  
4 lights mounted for demonstration purposes may not activate the  
5 lights while the vehicle is operated upon a highway.

6 (g) Any person violating the provisions of subsections (a),  
7 (b), (c) or (d) of this Section who without lawful authority  
8 stops or detains or attempts to stop or detain another person  
9 shall be guilty of a Class 2 felony.

10 (h) Except as provided in subsection (g) above, any person  
11 violating the provisions of subsections (a) or (c) of this  
12 Section shall be guilty of a Class A misdemeanor.

13 (Source: P.A. 97-39, eff. 1-1-12; 97-149, eff. 7-14-11; 97-813,  
14 eff. 7-13-12; 97-1173, eff. 1-1-14; 98-80, eff. 7-15-13;  
15 98-123, eff. 1-1-14; 98-468, eff. 8-16-13; revised 10-17-13.)

16 (625 ILCS 5/12-610.2)

17 Sec. 12-610.2. Electronic communication devices.

18 (a) As used in this Section:

19 "Electronic communication device" means an electronic  
20 device, including but not limited to a hand-held wireless  
21 telephone, hand-held personal digital assistant, or a portable  
22 or mobile computer, but does not include a global positioning  
23 system or navigation system or a device that is physically or  
24 electronically integrated into the motor vehicle.

25 (b) A person may not operate a motor vehicle on a roadway

1 while using an electronic communication device.

2 (b-5) A person commits aggravated use of an electronic  
3 communication device when he or she violates subsection (b) and  
4 in committing the violation he or she was involved in a motor  
5 vehicle accident that results in great bodily harm, permanent  
6 disability, disfigurement, or death to another and the  
7 violation was a proximate cause of the injury or death.

8 (c) A second or subsequent violation of this Section is an  
9 offense against traffic regulations governing the movement of  
10 vehicles. A person who violates this Section shall be fined a  
11 maximum of \$75 for a first offense, \$100 for a second offense,  
12 \$125 for a third offense, and \$150 for a fourth or subsequent  
13 offense.

14 (d) This Section does not apply to:

15 (1) a law enforcement officer or operator of an  
16 emergency vehicle while performing his or her official  
17 duties;

18 (2) a driver using an electronic communication device  
19 for the sole purpose of reporting an emergency situation  
20 and continued communication with emergency personnel  
21 during the emergency situation;

22 (3) a driver using an electronic communication device  
23 in hands-free or voice-operated mode, which may include the  
24 use of a headset;

25 (4) a driver of a commercial motor vehicle reading a  
26 message displayed on a permanently installed communication

1 device designed for a commercial motor vehicle with a  
2 screen that does not exceed 10 inches tall by 10 inches  
3 wide in size;

4 (5) a driver using an electronic communication device  
5 while parked on the shoulder of a roadway;

6 (6) a driver using an electronic communication device  
7 when the vehicle is stopped due to normal traffic being  
8 obstructed and the driver has the motor vehicle  
9 transmission in neutral or park;

10 (7) a driver using two-way or citizens band radio  
11 services;

12 (8) a driver using two-way mobile radio transmitters or  
13 receivers for licensees of the Federal Communications  
14 Commission in the amateur radio service;

15 (9) a driver using an electronic communication device  
16 by pressing a single button to initiate or terminate a  
17 voice communication; or

18 (10) a driver using an electronic communication device  
19 capable of performing multiple functions, other than a  
20 hand-held wireless telephone or hand-held personal digital  
21 assistant (for example, a fleet management system,  
22 dispatching device, citizens band radio, or music player)  
23 for a purpose that is not otherwise prohibited by this  
24 Section.

25 (e) A person convicted of violating subsection (b-5)  
26 commits a Class A misdemeanor if the violation resulted in



1 great bodily harm, permanent disability, or disfigurement to  
2 another. A person convicted of violating subsection (b-5)  
3 commits a Class 4 felony if the violation resulted in the death  
4 of another person.

5 (Source: P.A. 97-828, eff. 7-20-12; 98-506, eff. 1-1-14;  
6 98-507, eff. 1-1-14; revised 9-19-13.)

7 (625 ILCS 5/15-111) (from Ch. 95 1/2, par. 15-111)

8 Sec. 15-111. Wheel and axle loads and gross weights.

9 (a) No vehicle or combination of vehicles with pneumatic  
10 tires may be operated, unladen or with load, when the total  
11 weight on the road surface exceeds the following: 20,000 pounds  
12 on a single axle; 34,000 pounds on a tandem axle with no axle  
13 within the tandem exceeding 20,000 pounds; 80,000 pounds gross  
14 weight for vehicle combinations of 5 or more axles; or a total  
15 weight on a group of 2 or more consecutive axles in excess of  
16 that weight produced by the application of the following  
17 formula:  $W = 500 \text{ times the sum of } (LN \text{ divided by } N-1) + 12N +$   
18  $36$ , where "W" equals overall total weight on any group of 2 or  
19 more consecutive axles to the nearest 500 pounds, "L" equals  
20 the distance measured to the nearest foot between extremes of  
21 any group of 2 or more consecutive axles, and "N" equals the  
22 number of axles in the group under consideration.

23 The above formula when expressed in tabular form results in  
24 allowable loads as follows:

1	Distance measured					
2	to the nearest					
3	foot between the					
4	extremes of any		Maximum weight in pounds			
5	group of 2 or		of any group of			
6	more consecutive		2 or more consecutive axles			
7	axles					
8	feet	2 axles	3 axles	4 axles	5 axles	6 axles
9	4	34,000				
10	5	34,000				
11	6	34,000				
12	7	34,000				
13	8	38,000*	42,000			
14	9	39,000	42,500			
15	10	40,000	43,500			
16	11		44,000			
17	12		45,000	50,000		
18	13		45,500	50,500		
19	14		46,500	51,500		
20	15		47,000	52,000		
21	16		48,000	52,500	58,000	
22	17		48,500	53,500	58,500	
23	18		49,500	54,000	59,000	
24	19		50,000	54,500	60,000	
25	20		51,000	55,500	60,500	66,000
26	21		51,500	56,000	61,000	66,500

1	22	52,500	56,500	61,500	67,000
2	23	53,000	57,500	62,500	68,000
3	24	54,000	58,000	63,000	68,500
4	25	54,500	58,500	63,500	69,000
5	26	55,500	59,500	64,000	69,500
6	27	56,000	60,000	65,000	70,000
7	28	57,000	60,500	65,500	71,000
8	29	57,500	61,500	66,000	71,500
9	30	58,500	62,000	66,500	72,000
10	31	59,000	62,500	67,500	72,500
11	32	60,000	63,500	68,000	73,000
12	33		64,000	68,500	74,000
13	34		64,500	69,000	74,500
14	35		65,500	70,000	75,000
15	36		66,000	70,500	75,500
16	37		66,500	71,000	76,000
17	38		67,500	72,000	77,000
18	39		68,000	72,500	77,500
19	40		68,500	73,000	78,000
20	41		69,500	73,500	78,500
21	42		70,000	74,000	79,000
22	43		70,500	75,000	80,000
23	44		71,500	75,500	
24	45		72,000	76,000	
25	46		72,500	76,500	
26	47		73,500	77,500	

1	48	74,000	78,000
2	49	74,500	78,500
3	50	75,500	79,000
4	51	76,000	80,000
5	52	76,500	
6	53	77,500	
7	54	78,000	
8	55	78,500	
9	56	79,500	
10	57	80,000	

11 \*If the distance between 2 axles is 96 inches or less, the 2  
12 axles are tandem axles and the maximum total weight may not  
13 exceed 34,000 pounds, notwithstanding the higher limit  
14 resulting from the application of the formula.

15 Vehicles not in a combination having more than 4 axles may  
16 not exceed the weight in the table in this subsection (a) for 4  
17 axles measured between the extreme axles of the vehicle.

18 Vehicles in a combination having more than 6 axles may not  
19 exceed the weight in the table in this subsection (a) for 6  
20 axles measured between the extreme axles of the combination.

21 Local authorities, with respect to streets and highways  
22 under their jurisdiction, without additional fees, may also by  
23 ordinance or resolution allow the weight limitations of this  
24 subsection, provided the maximum gross weight on any one axle  
25 shall not exceed 20,000 pounds and the maximum total weight on  
26 any tandem axle shall not exceed 34,000 pounds, on designated

1 highways when appropriate regulatory signs giving notice are  
2 erected upon the street or highway or portion of any street or  
3 highway affected by the ordinance or resolution.

4 The following are exceptions to the above formula:

5 (1) Vehicles for which a different limit is established  
6 and posted in accordance with Section 15-316 of this Code.

7 (2) Vehicles for which the Department of  
8 Transportation and local authorities issue overweight  
9 permits under authority of Section 15-301 of this Code.  
10 These vehicles are not subject to the bridge formula.

11 (3) Cities having a population of more than 50,000 may  
12 permit by ordinance axle loads on 2 axle motor vehicles 33  
13 1/2% above those provided for herein, but the increase  
14 shall not become effective until the city has officially  
15 notified the Department of the passage of the ordinance and  
16 shall not apply to those vehicles when outside of the  
17 limits of the city, nor shall the gross weight of any 2  
18 axle motor vehicle operating over any street of the city  
19 exceed 40,000 pounds.

20 (4) Weight limitations shall not apply to vehicles  
21 (including loads) operated by a public utility when  
22 transporting equipment required for emergency repair of  
23 public utility facilities or properties or water wells.

24 (5) Two consecutive sets of tandem axles may carry a  
25 total weight of 34,000 pounds each if the overall distance  
26 between the first and last axles of the consecutive sets of

1 tandem axles is 36 feet or more, notwithstanding the lower  
2 limit resulting from the application of the above formula.

3 (6) A truck, not in combination and used exclusively  
4 for the collection of rendering materials, may, when laden,  
5 transmit upon the road surface, except when on part of the  
6 National System of Interstate and Defense Highways, the  
7 following maximum weights: 22,000 pounds on a single axle;  
8 40,000 pounds on a tandem axle.

9 (7) A truck not in combination, equipped with a self  
10 compactor or an industrial roll-off hoist and roll-off  
11 container, used exclusively for garbage, refuse, or  
12 recycling operations, may, when laden, transmit upon the  
13 road surface, except when on part of the National System of  
14 Interstate and Defense Highways, the following maximum  
15 weights: 22,000 pounds on a single axle; 40,000 pounds on a  
16 tandem axle; 40,000 pounds gross weight on a 2-axle  
17 vehicle; 54,000 pounds gross weight on a 3-axle vehicle.  
18 This vehicle is not subject to the bridge formula.

19 (7.5) A 3-axle rear discharge truck mixer registered as  
20 a Special Hauling Vehicle, used exclusively for the mixing  
21 and transportation of concrete in the plastic state, may,  
22 when laden, transmit upon the road surface, except when on  
23 part of the National System of Interstate and Defense  
24 Highways, the following maximum weights: 22,000 pounds on  
25 single axle; 40,000 pounds on a tandem axle; 54,000 pounds  
26 gross weight on a 3-axle vehicle. This vehicle is not

1 subject to the bridge formula.

2 (8) Except as provided in paragraph (7.5) of this  
3 subsection (a), tandem axles on a 3-axle truck registered  
4 as a Special Hauling Vehicle, manufactured prior to or in  
5 the model year of 2024 and first registered in Illinois  
6 prior to January 1, 2025, with a distance greater than 72  
7 inches but not more than 96 inches between any series of 2  
8 axles, is allowed a combined weight on the series not to  
9 exceed 36,000 pounds and neither axle of the series may  
10 exceed 20,000 pounds. Any vehicle of this type manufactured  
11 after the model year of 2024 or first registered in  
12 Illinois after December 31, 2024 may not exceed a combined  
13 weight of 34,000 pounds through the series of 2 axles and  
14 neither axle of the series may exceed 20,000 pounds.

15 A 3-axle combination sewer cleaning jetting vacuum  
16 truck registered as a Special Hauling Vehicle, used  
17 exclusively for the transportation of non-hazardous solid  
18 waste, manufactured before or in the model year of 2014,  
19 first registered in Illinois before January 1, 2015, may,  
20 when laden, transmit upon the road surface, except when on  
21 part of the National System of Interstate and Defense  
22 Highways, the following maximum weights: 22,000 pounds on a  
23 single axle; 40,000 pounds on a tandem axle; 54,000 pounds  
24 gross weight on a 3-axle vehicle. This vehicle is not  
25 subject to the bridge formula.

26 (9) A 4-axle truck mixer registered as a Special

1 Hauling Vehicle, used exclusively for the mixing and  
2 transportation of concrete in the plastic state, ~~2024-2025~~  
3 and not operated on a highway that is part of the National  
4 System of Interstate Highways, is allowed the following  
5 maximum weights: 20,000 pounds on any single axle; 36,000  
6 pounds on a series of axles greater than 72 inches but not  
7 more than 96 inches; and 34,000 pounds on any series of 2  
8 axles greater than 40 inches but not more than 72 inches.  
9 The gross weight of this vehicle may not exceed the weights  
10 allowed by the bridge formula for 4 axles. The bridge  
11 formula does not apply to any series of 3 axles while the  
12 vehicle is transporting concrete in the plastic state, but  
13 no axle or tandem axle of the series may exceed the maximum  
14 weight permitted under this paragraph (9) of subsection  
15 (a).

16 (10) Combinations of vehicles, registered as Special  
17 Hauling Vehicles that include a semitrailer manufactured  
18 prior to or in the model year of 2024, and registered in  
19 Illinois prior to January 1, 2025, having 5 axles with a  
20 distance of 42 feet or less between extreme axles, may not  
21 exceed the following maximum weights: 20,000 pounds on a  
22 single axle; 34,000 pounds on a tandem axle; and 72,000  
23 pounds gross weight. This combination of vehicles is not  
24 subject to the bridge formula. For all those combinations  
25 of vehicles that include a semitrailer manufactured after  
26 the effective date of P.A. 92-0417, the overall distance



1           between the first and last axles of the 2 sets of tandems  
2           must be 18 feet 6 inches or more. Any combination of  
3           vehicles that has had its cargo container replaced in its  
4           entirety after December 31, 2024 may not exceed the weights  
5           allowed by the bridge formula.

6           (11) The maximum weight allowed on a vehicle with  
7           crawler type tracks is 40,000 pounds.

8           (12) A combination of vehicles, including a tow truck  
9           and a disabled vehicle or disabled combination of vehicles,  
10          that exceeds the weight restriction imposed by this Code,  
11          may be operated on a public highway in this State provided  
12          that neither the disabled vehicle nor any vehicle being  
13          towed nor the tow truck itself shall exceed the weight  
14          limitations permitted under this Chapter. During the  
15          towing operation, neither the tow truck nor the vehicle  
16          combination shall exceed 24,000 pounds on a single rear  
17          axle and 44,000 pounds on a tandem rear axle, provided the  
18          towing vehicle:

19                 (i) is specifically designed as a tow truck having  
20                 a gross vehicle weight rating of at least 18,000 pounds  
21                 and is equipped with air brakes, provided that air  
22                 brakes are required only if the towing vehicle is  
23                 towing a vehicle, semitrailer, or tractor-trailer  
24                 combination that is equipped with air brakes;

25                 (ii) is equipped with flashing, rotating, or  
26                 oscillating amber lights, visible for at least 500 feet

1           in all directions;

2           (iii) is capable of utilizing the lighting and  
3           braking systems of the disabled vehicle or combination  
4           of vehicles; and

5           (iv) does not engage in a tow exceeding 20 miles  
6           from the initial point of wreck or disablement. Any  
7           additional movement of the vehicles may occur only upon  
8           issuance of authorization for that movement under the  
9           provisions of Sections 15-301 through 15-319 of this  
10          Code. The towing vehicle, however, may tow any disabled  
11          vehicle to a point where repairs are actually to occur.  
12          This movement shall be valid only on State routes. The  
13          tower must abide by posted bridge weight limits.

14          Gross weight limits shall not apply to the combination of  
15          the tow truck and vehicles being towed. The tow truck license  
16          plate must cover the operating empty weight of the tow truck  
17          only. The weight of each vehicle being towed shall be covered  
18          by a valid license plate issued to the owner or operator of the  
19          vehicle being towed and displayed on that vehicle. If no valid  
20          plate issued to the owner or operator of that vehicle is  
21          displayed on that vehicle, or the plate displayed on that  
22          vehicle does not cover the weight of the vehicle, the weight of  
23          the vehicle shall be covered by the third tow truck plate  
24          issued to the owner or operator of the tow truck and  
25          temporarily affixed to the vehicle being towed. If a roll-back  
26          carrier is registered and being used as a tow truck, however,

1 the license plate or plates for the tow truck must cover the  
2 gross vehicle weight, including any load carried on the bed of  
3 the roll-back carrier.

4 The Department may by rule or regulation prescribe  
5 additional requirements. However, nothing in this Code shall  
6 prohibit a tow truck under instructions of a police officer  
7 from legally clearing a disabled vehicle, that may be in  
8 violation of weight limitations of this Chapter, from the  
9 roadway to the berm or shoulder of the highway. If in the  
10 opinion of the police officer that location is unsafe, the  
11 officer is authorized to have the disabled vehicle towed to the  
12 nearest place of safety.

13 For the purpose of this subsection, gross vehicle weight  
14 rating, or GVWR, means the value specified by the manufacturer  
15 as the loaded weight of the tow truck.

16 (b) As used in this Section, "recycling haul" or "recycling  
17 operation" means the hauling of non-hazardous, non-special,  
18 non-putrescible materials, such as paper, glass, cans, or  
19 plastic, for subsequent use in the secondary materials market.

20 (c) No vehicle or combination of vehicles equipped with  
21 pneumatic tires shall be operated, unladen or with load, upon  
22 the highways of this State in violation of the provisions of  
23 any permit issued under the provisions of Sections 15-301  
24 through 15-319 of this Chapter.

25 (d) No vehicle or combination of vehicles equipped with  
26 other than pneumatic tires may be operated, unladen or with

1 load, upon the highways of this State when the gross weight on  
2 the road surface through any wheel exceeds 800 pounds per inch  
3 width of tire tread or when the gross weight on the road  
4 surface through any axle exceeds 16,000 pounds.

5 (e) No person shall operate a vehicle or combination of  
6 vehicles over a bridge or other elevated structure constituting  
7 part of a highway with a gross weight that is greater than the  
8 maximum weight permitted by the Department, when the structure  
9 is sign posted as provided in this Section.

10 (f) The Department upon request from any local authority  
11 shall, or upon its own initiative may, conduct an investigation  
12 of any bridge or other elevated structure constituting a part  
13 of a highway, and if it finds that the structure cannot with  
14 safety to itself withstand the weight of vehicles otherwise  
15 permissible under this Code the Department shall determine and  
16 declare the maximum weight of vehicles that the structures can  
17 withstand, and shall cause or permit suitable signs stating  
18 maximum weight to be erected and maintained before each end of  
19 the structure. No person shall operate a vehicle or combination  
20 of vehicles over any structure with a gross weight that is  
21 greater than the posted maximum weight.

22 (g) Upon the trial of any person charged with a violation  
23 of subsection (e) or (f) of this Section, proof of the  
24 determination of the maximum allowable weight by the Department  
25 and the existence of the signs, constitutes conclusive evidence  
26 of the maximum weight that can be maintained with safety to the

1 bridge or structure.

2 (Source: P.A. 97-201, eff. 1-1-12; 98-409, eff. 1-1-14; 98-410,  
3 eff. 8-16-13; revised 9-19-13.)

4 Section 680. The Snowmobile Registration and Safety Act is  
5 amended by changing Section 1-2.06 as follows:

6 (625 ILCS 40/1-2.06) (from Ch. 95 1/2, par. 601-2.06)

7 Sec. 1-2.06. "Intoxicating Beverage" means any beverage  
8 enumerated in the "Liquor Control Act of 1934".

9 (Source: P.A. 78-856; revised 9-23-13.)

10 Section 685. The Circuit Courts Act is amended by changing  
11 Section 1 as follows:

12 (705 ILCS 35/1) (from Ch. 37, par. 72.1)

13 Sec. 1. Judicial circuits created. The county of Cook shall  
14 be one judicial circuit and the State of Illinois, exclusive of  
15 the county of Cook, shall be and is divided into judicial  
16 circuits as follows:

17 First Circuit--The counties of Alexander, Pulaski, Massac,  
18 Pope, Johnson, Union, Jackson, Williamson and Saline.

19 Second Circuit--The counties of Hardin, Gallatin, White,  
20 Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson,  
21 Richland, Lawrence and Crawford.

22 Third Circuit--The counties of Madison and Bond.

1 Fourth Circuit--The counties of Clinton, Marion, Clay,  
2 Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.

3 Fifth Circuit--The counties of Vermilion, Edgar, Clark,  
4 Cumberland and Coles.

5 Sixth Circuit--The counties of Champaign, Douglas,  
6 Moultrie, Macon, DeWitt and Piatt.

7 Seventh Circuit--The counties of Sangamon, Macoupin,  
8 Morgan, Scott, Greene and Jersey.

9 Eighth Circuit--The counties of Adams, Schuyler, Mason,  
10 Cass, Brown, Pike, Calhoun and Menard.

11 Ninth Circuit--The counties of Knox, Warren, Henderson,  
12 Hancock, McDonough and Fulton.

13 Tenth Circuit--The counties of Peoria, Marshall, Putnam,  
14 Stark and Tazewell.

15 Eleventh Circuit--The counties of McLean, Livingston,  
16 Logan, Ford and Woodford.

17 Twelfth Circuit--The county of Will.

18 Thirteenth Circuit--The counties of Bureau, LaSalle and  
19 Grundy.

20 Fourteenth Circuit--The counties of Rock Island, Mercer,  
21 Whiteside and Henry.

22 Fifteenth Circuit--The counties of Jo Daviess ~~Jo Daviess~~,  
23 Stephenson, Carroll, Ogle and Lee.

24 Sixteenth Circuit--Before December 3, 2012, the counties  
25 of Kane, DeKalb, and Kendall. On and after December 3, 2012,  
26 the County of Kane.

1           Seventeenth Circuit--The counties of Winnebago and Boone.

2           Eighteenth Circuit--The county of DuPage.

3           Nineteenth Circuit--Before December 4, 2006, the counties  
4 of Lake and McHenry. On and after December 4, 2006, the County  
5 of Lake.

6           Twentieth Circuit--The counties of Randolph, Monroe, St.  
7 Clair, Washington and Perry.

8           Twenty-first Circuit--The counties of Iroquois and  
9 Kankakee.

10          Twenty-second Circuit--On and after December 4, 2006, the  
11 County of McHenry.

12          Twenty-third Circuit--On and after December 3, 2012, the  
13 counties of DeKalb and Kendall.

14          (Source: P.A. 97-585, eff. 8-26-11; revised 11-22-13.)

15          Section 690. The Juvenile Court Act of 1987 is amended by  
16 changing Sections 1-7, 1-8, 2-10, 2-28, 3-12, 4-9, 5-105,  
17 5-130, 5-401.5, 5-410, 5-901, 5-905, and 5-915 as follows:

18               (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

19               Sec. 1-7. Confidentiality of law enforcement records.

20               (A) Inspection and copying of law enforcement records  
21 maintained by law enforcement agencies that relate to a minor  
22 who has been arrested or taken into custody before his or her  
23 18th birthday shall be restricted to the following:

24                   (1) Any local, State or federal law enforcement

1 officers of any jurisdiction or agency when necessary for  
2 the discharge of their official duties during the  
3 investigation or prosecution of a crime or relating to a  
4 minor who has been adjudicated delinquent and there has  
5 been a previous finding that the act which constitutes the  
6 previous offense was committed in furtherance of criminal  
7 activities by a criminal street gang, or, when necessary  
8 for the discharge of its official duties in connection with  
9 a particular investigation of the conduct of a law  
10 enforcement officer, an independent agency or its staff  
11 created by ordinance and charged by a unit of local  
12 government with the duty of investigating the conduct of  
13 law enforcement officers. For purposes of this Section,  
14 "criminal street gang" has the meaning ascribed to it in  
15 Section 10 of the Illinois Streetgang Terrorism Omnibus  
16 Prevention Act.

17 (2) Prosecutors, probation officers, social workers,  
18 or other individuals assigned by the court to conduct a  
19 pre-adjudication or pre-disposition investigation, and  
20 individuals responsible for supervising or providing  
21 temporary or permanent care and custody for minors pursuant  
22 to the order of the juvenile court, when essential to  
23 performing their responsibilities.

24 (3) Prosecutors and probation officers:

25 (a) in the course of a trial when institution of  
26 criminal proceedings has been permitted or required



1 under Section 5-805; or

2 (b) when institution of criminal proceedings has  
3 been permitted or required under Section 5-805 and such  
4 minor is the subject of a proceeding to determine the  
5 amount of bail; or

6 (c) when criminal proceedings have been permitted  
7 or required under Section 5-805 and such minor is the  
8 subject of a pre-trial investigation, pre-sentence  
9 investigation, fitness hearing, or proceedings on an  
10 application for probation.

11 (4) Adult and Juvenile Prisoner Review Board.

12 (5) Authorized military personnel.

13 (6) Persons engaged in bona fide research, with the  
14 permission of the Presiding Judge of the Juvenile Court and  
15 the chief executive of the respective law enforcement  
16 agency; provided that publication of such research results  
17 in no disclosure of a minor's identity and protects the  
18 confidentiality of the minor's record.

19 (7) Department of Children and Family Services child  
20 protection investigators acting in their official  
21 capacity.

22 (8) The appropriate school official only if the agency  
23 or officer believes that there is an imminent threat of  
24 physical harm to students, school personnel, or others who  
25 are present in the school or on school grounds.

26 (A) Inspection and copying shall be limited to law

1 enforcement records transmitted to the appropriate  
2 school official or officials whom the school has  
3 determined to have a legitimate educational or safety  
4 interest by a local law enforcement agency under a  
5 reciprocal reporting system established and maintained  
6 between the school district and the local law  
7 enforcement agency under Section 10-20.14 of the  
8 School Code concerning a minor enrolled in a school  
9 within the school district who has been arrested or  
10 taken into custody for any of the following offenses:

11 (i) any violation of Article 24 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012;

13 (ii) a violation of the Illinois Controlled  
14 Substances Act;

15 (iii) a violation of the Cannabis Control Act;

16 (iv) a forcible felony as defined in Section  
17 2-8 of the Criminal Code of 1961 or the Criminal  
18 Code of 2012;

19 (v) a violation of the Methamphetamine Control  
20 and Community Protection Act;

21 (vi) a violation of Section 1-2 of the  
22 Harassing and Obscene Communications Act;

23 (vii) a violation of the Hazing Act; or

24 (viii) a violation of Section 12-1, 12-2,  
25 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
26 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the

1 Criminal Code of 1961 or the Criminal Code of 2012.

2 The information derived from the law enforcement  
3 records shall be kept separate from and shall not  
4 become a part of the official school record of that  
5 child and shall not be a public record. The information  
6 shall be used solely by the appropriate school official  
7 or officials whom the school has determined to have a  
8 legitimate educational or safety interest to aid in the  
9 proper rehabilitation of the child and to protect the  
10 safety of students and employees in the school. If the  
11 designated law enforcement and school officials deem  
12 it to be in the best interest of the minor, the student  
13 may be referred to in-school or community based social  
14 services if those services are available.  
15 "Rehabilitation services" may include interventions by  
16 school support personnel, evaluation for eligibility  
17 for special education, referrals to community-based  
18 agencies such as youth services, behavioral healthcare  
19 service providers, drug and alcohol prevention or  
20 treatment programs, and other interventions as deemed  
21 appropriate for the student.

22 (B) Any information provided to appropriate school  
23 officials whom the school has determined to have a  
24 legitimate educational or safety interest by local law  
25 enforcement officials about a minor who is the subject  
26 of a current police investigation that is directly

1 related to school safety shall consist of oral  
2 information only, and not written law enforcement  
3 records, and shall be used solely by the appropriate  
4 school official or officials to protect the safety of  
5 students and employees in the school and aid in the  
6 proper rehabilitation of the child. The information  
7 derived orally from the local law enforcement  
8 officials shall be kept separate from and shall not  
9 become a part of the official school record of the  
10 child and shall not be a public record. This limitation  
11 on the use of information about a minor who is the  
12 subject of a current police investigation shall in no  
13 way limit the use of this information by prosecutors in  
14 pursuing criminal charges arising out of the  
15 information disclosed during a police investigation of  
16 the minor. For purposes of this paragraph,  
17 "investigation" means an official systematic inquiry  
18 by a law enforcement agency into actual or suspected  
19 criminal activity.

20 (9) Mental health professionals on behalf of the  
21 Illinois Department of Corrections or the Department of  
22 Human Services or prosecutors who are evaluating,  
23 prosecuting, or investigating a potential or actual  
24 petition brought under the Sexually Violent Persons  
25 Commitment Act relating to a person who is the subject of  
26 juvenile law enforcement records or the respondent to a

1 petition brought under the Sexually Violent Persons  
2 Commitment Act who is the subject of the juvenile law  
3 enforcement records sought. Any records and any  
4 information obtained from those records under this  
5 paragraph (9) may be used only in sexually violent persons  
6 commitment proceedings.

7 (10) The president of a park district. Inspection and  
8 copying shall be limited to law enforcement records  
9 transmitted to the president of the park district by the  
10 Illinois State Police under Section 8-23 of the Park  
11 District Code or Section 16a-5 of the Chicago Park District  
12 Act concerning a person who is seeking employment with that  
13 park district and who has been adjudicated a juvenile  
14 delinquent for any of the offenses listed in subsection (c)  
15 of Section 8-23 of the Park District Code or subsection (c)  
16 of Section 16a-5 of the Chicago Park District Act.

17 (B) (1) Except as provided in paragraph (2), no law  
18 enforcement officer or other person or agency may knowingly  
19 transmit to the Department of Corrections or the Department  
20 of State Police or to the Federal Bureau of Investigation  
21 any fingerprint or photograph relating to a minor who has  
22 been arrested or taken into custody before his or her 18th  
23 birthday, unless the court in proceedings under this Act  
24 authorizes the transmission or enters an order under  
25 Section 5-805 permitting or requiring the institution of  
26 criminal proceedings.

1           (2) Law enforcement officers or other persons or  
2 agencies shall transmit to the Department of State Police  
3 copies of fingerprints and descriptions of all minors who  
4 have been arrested or taken into custody before their 18th  
5 birthday for the offense of unlawful use of weapons under  
6 Article 24 of the Criminal Code of 1961 or the Criminal  
7 Code of 2012, a Class X or Class 1 felony, a forcible  
8 felony as defined in Section 2-8 of the Criminal Code of  
9 1961 or the Criminal Code of 2012, or a Class 2 or greater  
10 felony under the Cannabis Control Act, the Illinois  
11 Controlled Substances Act, the Methamphetamine Control and  
12 Community Protection Act, or Chapter 4 of the Illinois  
13 Vehicle Code, pursuant to Section 5 of the Criminal  
14 Identification Act. Information reported to the Department  
15 pursuant to this Section may be maintained with records  
16 that the Department files pursuant to Section 2.1 of the  
17 Criminal Identification Act. Nothing in this Act prohibits  
18 a law enforcement agency from fingerprinting a minor taken  
19 into custody or arrested before his or her 18th birthday  
20 for an offense other than those listed in this paragraph  
21 (2).

22           (C) The records of law enforcement officers, or of an  
23 independent agency created by ordinance and charged by a unit  
24 of local government with the duty of investigating the conduct  
25 of law enforcement officers, concerning all minors under 18  
26 years of age must be maintained separate from the records of

1 arrests and may not be open to public inspection or their  
2 contents disclosed to the public except by order of the court  
3 presiding over matters pursuant to this Act or when the  
4 institution of criminal proceedings has been permitted or  
5 required under Section 5-805 or such a person has been  
6 convicted of a crime and is the subject of pre-sentence  
7 investigation or proceedings on an application for probation or  
8 when provided by law. For purposes of obtaining documents  
9 pursuant to this Section, a civil subpoena is not an order of  
10 the court.

11 (1) In cases where the law enforcement, or independent  
12 agency, records concern a pending juvenile court case, the  
13 party seeking to inspect the records shall provide actual  
14 notice to the attorney or guardian ad litem of the minor  
15 whose records are sought.

16 (2) In cases where the records concern a juvenile court  
17 case that is no longer pending, the party seeking to  
18 inspect the records shall provide actual notice to the  
19 minor or the minor's parent or legal guardian, and the  
20 matter shall be referred to the chief judge presiding over  
21 matters pursuant to this Act.

22 (3) In determining whether the records should be  
23 available for inspection, the court shall consider the  
24 minor's interest in confidentiality and rehabilitation  
25 over the moving party's interest in obtaining the  
26 information. Any records obtained in violation of this

1 subsection (C) shall not be admissible in any criminal or  
2 civil proceeding, or operate to disqualify a minor from  
3 subsequently holding public office or securing employment,  
4 or operate as a forfeiture of any public benefit, right,  
5 privilege, or right to receive any license granted by  
6 public authority.

7 (D) Nothing contained in subsection (C) of this Section  
8 shall prohibit the inspection or disclosure to victims and  
9 witnesses of photographs contained in the records of law  
10 enforcement agencies when the inspection and disclosure is  
11 conducted in the presence of a law enforcement officer for the  
12 purpose of the identification or apprehension of any person  
13 subject to the provisions of this Act or for the investigation  
14 or prosecution of any crime.

15 (E) Law enforcement officers, and personnel of an  
16 independent agency created by ordinance and charged by a unit  
17 of local government with the duty of investigating the conduct  
18 of law enforcement officers, may not disclose the identity of  
19 any minor in releasing information to the general public as to  
20 the arrest, investigation or disposition of any case involving  
21 a minor.

22 (F) Nothing contained in this Section shall prohibit law  
23 enforcement agencies from communicating with each other by  
24 letter, memorandum, teletype or intelligence alert bulletin or  
25 other means the identity or other relevant information  
26 pertaining to a person under 18 years of age if there are



1 reasonable grounds to believe that the person poses a real and  
2 present danger to the safety of the public or law enforcement  
3 officers. The information provided under this subsection (F)  
4 shall remain confidential and shall not be publicly disclosed,  
5 except as otherwise allowed by law.

6 (G) Nothing in this Section shall prohibit the right of a  
7 Civil Service Commission or appointing authority of any state,  
8 county or municipality examining the character and fitness of  
9 an applicant for employment with a law enforcement agency,  
10 correctional institution, or fire department from obtaining  
11 and examining the records of any law enforcement agency  
12 relating to any record of the applicant having been arrested or  
13 taken into custody before the applicant's 18th birthday.

14 (H) The changes made to this Section by Public Act 98-61  
15 ~~this amendatory Act of the 98th General Assembly~~ apply to law  
16 enforcement records of a minor who has been arrested or taken  
17 into custody on or after January 1, 2014 (the effective date of  
18 Public Act 98-61) ~~this amendatory Act~~.

19 (Source: P.A. 97-700, eff. 6-22-12; 97-1083, eff. 8-24-12;  
20 97-1104, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-61, eff.  
21 1-1-14; revised 11-22-13.)

22 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

23 Sec. 1-8. Confidentiality and accessibility of juvenile  
24 court records.

25 (A) Inspection and copying of juvenile court records

1 relating to a minor who is the subject of a proceeding under  
2 this Act shall be restricted to the following:

3 (1) The minor who is the subject of record, his  
4 parents, guardian and counsel.

5 (2) Law enforcement officers and law enforcement  
6 agencies when such information is essential to executing an  
7 arrest or search warrant or other compulsory process, or to  
8 conducting an ongoing investigation or relating to a minor  
9 who has been adjudicated delinquent and there has been a  
10 previous finding that the act which constitutes the  
11 previous offense was committed in furtherance of criminal  
12 activities by a criminal street gang.

13 Before July 1, 1994, for the purposes of this Section,  
14 "criminal street gang" means any ongoing organization,  
15 association, or group of 3 or more persons, whether formal  
16 or informal, having as one of its primary activities the  
17 commission of one or more criminal acts and that has a  
18 common name or common identifying sign, symbol or specific  
19 color apparel displayed, and whose members individually or  
20 collectively engage in or have engaged in a pattern of  
21 criminal activity.

22 Beginning July 1, 1994, for purposes of this Section,  
23 "criminal street gang" has the meaning ascribed to it in  
24 Section 10 of the Illinois Streetgang Terrorism Omnibus  
25 Prevention Act.

26 (3) Judges, hearing officers, prosecutors, probation

1 officers, social workers or other individuals assigned by  
2 the court to conduct a pre-adjudication or predisposition  
3 investigation, and individuals responsible for supervising  
4 or providing temporary or permanent care and custody for  
5 minors pursuant to the order of the juvenile court when  
6 essential to performing their responsibilities.

7 (4) Judges, prosecutors and probation officers:

8 (a) in the course of a trial when institution of  
9 criminal proceedings has been permitted or required  
10 under Section 5-805; or

11 (b) when criminal proceedings have been permitted  
12 or required under Section 5-805 and a minor is the  
13 subject of a proceeding to determine the amount of  
14 bail; or

15 (c) when criminal proceedings have been permitted  
16 or required under Section 5-805 and a minor is the  
17 subject of a pre-trial investigation, pre-sentence  
18 investigation or fitness hearing, or proceedings on an  
19 application for probation; or

20 (d) when a minor becomes 18 years of age or older,  
21 and is the subject of criminal proceedings, including a  
22 hearing to determine the amount of bail, a pre-trial  
23 investigation, a pre-sentence investigation, a fitness  
24 hearing, or proceedings on an application for  
25 probation.

26 (5) Adult and Juvenile Prisoner Review Boards.

1 (6) Authorized military personnel.

2 (7) Victims, their subrogees and legal  
3 representatives; however, such persons shall have access  
4 only to the name and address of the minor and information  
5 pertaining to the disposition or alternative adjustment  
6 plan of the juvenile court.

7 (8) Persons engaged in bona fide research, with the  
8 permission of the presiding judge of the juvenile court and  
9 the chief executive of the agency that prepared the  
10 particular records; provided that publication of such  
11 research results in no disclosure of a minor's identity and  
12 protects the confidentiality of the record.

13 (9) The Secretary of State to whom the Clerk of the  
14 Court shall report the disposition of all cases, as  
15 required in Section 6-204 of the Illinois Vehicle Code.  
16 However, information reported relative to these offenses  
17 shall be privileged and available only to the Secretary of  
18 State, courts, and police officers.

19 (10) The administrator of a bonafide substance abuse  
20 student assistance program with the permission of the  
21 presiding judge of the juvenile court.

22 (11) Mental health professionals on behalf of the  
23 Illinois Department of Corrections or the Department of  
24 Human Services or prosecutors who are evaluating,  
25 prosecuting, or investigating a potential or actual  
26 petition brought under the Sexually Violent Persons

1 Commitment Act relating to a person who is the subject of  
2 juvenile court records or the respondent to a petition  
3 brought under the Sexually Violent Persons Commitment Act,  
4 who is the subject of juvenile court records sought. Any  
5 records and any information obtained from those records  
6 under this paragraph (11) may be used only in sexually  
7 violent persons commitment proceedings.

8 (A-1) Findings and exclusions of paternity entered in  
9 proceedings occurring under Article II of this Act shall be  
10 disclosed, in a manner and form approved by the Presiding Judge  
11 of the Juvenile Court, to the Department of Healthcare and  
12 Family Services when necessary to discharge the duties of the  
13 Department of Healthcare and Family Services under Article X of  
14 the Illinois Public Aid Code.

15 (B) A minor who is the victim in a juvenile proceeding  
16 shall be provided the same confidentiality regarding  
17 disclosure of identity as the minor who is the subject of  
18 record.

19 (C) Except as otherwise provided in this subsection (C),  
20 juvenile court records shall not be made available to the  
21 general public. Subject to the limitations in paragraphs (0.1)  
22 through (0.4) of this subsection (C), the judge presiding over  
23 a juvenile court proceeding brought under this Act, in his or  
24 her discretion, may order that juvenile court records of an  
25 individual case be made available for inspection upon request  
26 by a representative of an agency, association, or news media

1 entity or by a properly interested person. For purposes of  
2 inspecting documents under this subsection (C), a civil  
3 subpoena is not an order of the court.

4 (0.1) In cases where the records concern a pending  
5 juvenile court case, the requesting party seeking to  
6 inspect the juvenile court records shall provide actual  
7 notice to the attorney or guardian ad litem of the minor  
8 whose records are sought.

9 (0.2) In cases where the records concern a juvenile  
10 court case that is no longer pending, the requesting party  
11 seeking to inspect the juvenile court records shall provide  
12 actual notice to the minor or the minor's parent or legal  
13 guardian, and the matter shall be referred to the chief  
14 judge presiding over matters pursuant to this Act.

15 (0.3) In determining whether records should be made  
16 available for inspection and whether inspection should be  
17 limited to certain parts of the file, the court shall  
18 consider the minor's interest in confidentiality and  
19 rehabilitation over the requesting party's interest in  
20 obtaining the information. The State's Attorney, the  
21 minor, and the minor's parents, guardian, and counsel shall  
22 at all times have the right to examine court files and  
23 records.

24 (0.4) Any records obtained in violation of this  
25 subsection (C) shall not be admissible in any criminal or  
26 civil proceeding, or operate to disqualify a minor from

1 subsequently holding public office, or operate as a  
2 forfeiture of any public benefit, right, privilege, or  
3 right to receive any license granted by public authority.

4 (1) The court shall allow the general public to have  
5 access to the name, address, and offense of a minor who is  
6 adjudicated a delinquent minor under this Act under either  
7 of the following circumstances:

8 (A) The adjudication of delinquency was based upon  
9 the minor's commission of first degree murder, attempt  
10 to commit first degree murder, aggravated criminal  
11 sexual assault, or criminal sexual assault; or

12 (B) The court has made a finding that the minor was  
13 at least 13 years of age at the time the act was  
14 committed and the adjudication of delinquency was  
15 based upon the minor's commission of: (i) an act in  
16 furtherance of the commission of a felony as a member  
17 of or on behalf of a criminal street gang, (ii) an act  
18 involving the use of a firearm in the commission of a  
19 felony, (iii) an act that would be a Class X felony  
20 offense under or the minor's second or subsequent Class  
21 2 or greater felony offense under the Cannabis Control  
22 Act if committed by an adult, (iv) an act that would be  
23 a second or subsequent offense under Section 402 of the  
24 Illinois Controlled Substances Act if committed by an  
25 adult, (v) an act that would be an offense under  
26 Section 401 of the Illinois Controlled Substances Act

1 if committed by an adult, (vi) an act that would be a  
2 second or subsequent offense under Section 60 of the  
3 Methamphetamine Control and Community Protection Act,  
4 or (vii) an act that would be an offense under another  
5 Section of the Methamphetamine Control and Community  
6 Protection Act.

7 (2) The court shall allow the general public to have  
8 access to the name, address, and offense of a minor who is  
9 at least 13 years of age at the time the offense is  
10 committed and who is convicted, in criminal proceedings  
11 permitted or required under Section 5-4, under either of  
12 the following circumstances:

13 (A) The minor has been convicted of first degree  
14 murder, attempt to commit first degree murder,  
15 aggravated criminal sexual assault, or criminal sexual  
16 assault,

17 (B) The court has made a finding that the minor was  
18 at least 13 years of age at the time the offense was  
19 committed and the conviction was based upon the minor's  
20 commission of: (i) an offense in furtherance of the  
21 commission of a felony as a member of or on behalf of a  
22 criminal street gang, (ii) an offense involving the use  
23 of a firearm in the commission of a felony, (iii) a  
24 Class X felony offense under or a second or subsequent  
25 Class 2 or greater felony offense under the Cannabis  
26 Control Act, (iv) a second or subsequent offense under



1 Section 402 of the Illinois Controlled Substances Act,  
2 (v) an offense under Section 401 of the Illinois  
3 Controlled Substances Act, (vi) an act that would be a  
4 second or subsequent offense under Section 60 of the  
5 Methamphetamine Control and Community Protection Act,  
6 or (vii) an act that would be an offense under another  
7 Section of the Methamphetamine Control and Community  
8 Protection Act.

9 (D) Pending or following any adjudication of delinquency  
10 for any offense defined in Sections 11-1.20 through 11-1.60 or  
11 12-13 through 12-16 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012, the victim of any such offense shall  
13 receive the rights set out in Sections 4 and 6 of the Bill of  
14 Rights for Victims and Witnesses of Violent Crime Act; and the  
15 juvenile who is the subject of the adjudication,  
16 notwithstanding any other provision of this Act, shall be  
17 treated as an adult for the purpose of affording such rights to  
18 the victim.

19 (E) Nothing in this Section shall affect the right of a  
20 Civil Service Commission or appointing authority of any state,  
21 county or municipality examining the character and fitness of  
22 an applicant for employment with a law enforcement agency,  
23 correctional institution, or fire department to ascertain  
24 whether that applicant was ever adjudicated to be a delinquent  
25 minor and, if so, to examine the records of disposition or  
26 evidence which were made in proceedings under this Act.

1           (F) Following any adjudication of delinquency for a crime  
2 which would be a felony if committed by an adult, or following  
3 any adjudication of delinquency for a violation of Section  
4 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, the State's Attorney shall ascertain  
6 whether the minor respondent is enrolled in school and, if so,  
7 shall provide a copy of the dispositional order to the  
8 principal or chief administrative officer of the school. Access  
9 to such juvenile records shall be limited to the principal or  
10 chief administrative officer of the school and any guidance  
11 counselor designated by him.

12           (G) Nothing contained in this Act prevents the sharing or  
13 disclosure of information or records relating or pertaining to  
14 juveniles subject to the provisions of the Serious Habitual  
15 Offender Comprehensive Action Program when that information is  
16 used to assist in the early identification and treatment of  
17 habitual juvenile offenders.

18           (H) When a Court hearing a proceeding under Article II of  
19 this Act becomes aware that an earlier proceeding under Article  
20 II had been heard in a different county, that Court shall  
21 request, and the Court in which the earlier proceedings were  
22 initiated shall transmit, an authenticated copy of the Court  
23 record, including all documents, petitions, and orders filed  
24 therein and the minute orders, transcript of proceedings, and  
25 docket entries of the Court.

26           (I) The Clerk of the Circuit Court shall report to the

1 Department of State Police, in the form and manner required by  
2 the Department of State Police, the final disposition of each  
3 minor who has been arrested or taken into custody before his or  
4 her 18th birthday for those offenses required to be reported  
5 under Section 5 of the Criminal Identification Act. Information  
6 reported to the Department under this Section may be maintained  
7 with records that the Department files under Section 2.1 of the  
8 Criminal Identification Act.

9 (J) The changes made to this Section by Public Act 98-61  
10 ~~this amendatory Act of the 98th General Assembly~~ apply to law  
11 enforcement records of a minor who has been arrested or taken  
12 into custody on or after January 1, 2014 (the effective date of  
13 Public Act 98-61) ~~this amendatory Act~~.

14 (Source: P.A. 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13;  
15 98-61, eff. 1-1-14; 98-552, eff. 8-27-13; revised 1-17-14.)

16 (705 ILCS 405/2-10) (from Ch. 37, par. 802-10)

17 Sec. 2-10. Temporary custody hearing. At the appearance of  
18 the minor before the court at the temporary custody hearing,  
19 all witnesses present shall be examined before the court in  
20 relation to any matter connected with the allegations made in  
21 the petition.

22 (1) If the court finds that there is not probable cause to  
23 believe that the minor is abused, neglected or dependent it  
24 shall release the minor and dismiss the petition.

25 (2) If the court finds that there is probable cause to

1 believe that the minor is abused, neglected or dependent, the  
2 court shall state in writing the factual basis supporting its  
3 finding and the minor, his or her parent, guardian, custodian  
4 and other persons able to give relevant testimony shall be  
5 examined before the court. The Department of Children and  
6 Family Services shall give testimony concerning indicated  
7 reports of abuse and neglect, of which they are aware of  
8 through the central registry, involving the minor's parent,  
9 guardian or custodian. After such testimony, the court may,  
10 consistent with the health, safety and best interests of the  
11 minor, enter an order that the minor shall be released upon the  
12 request of parent, guardian or custodian if the parent,  
13 guardian or custodian appears to take custody. If it is  
14 determined that a parent's, guardian's, or custodian's  
15 compliance with critical services mitigates the necessity for  
16 removal of the minor from his or her home, the court may enter  
17 an Order of Protection setting forth reasonable conditions of  
18 behavior that a parent, guardian, or custodian must observe for  
19 a specified period of time, not to exceed 12 months, without a  
20 violation; provided, however, that the 12-month period shall  
21 begin anew after any violation. Custodian shall include any  
22 agency of the State which has been given custody or wardship of  
23 the child. If it is consistent with the health, safety and best  
24 interests of the minor, the court may also prescribe shelter  
25 care and order that the minor be kept in a suitable place  
26 designated by the court or in a shelter care facility

1 designated by the Department of Children and Family Services or  
2 a licensed child welfare agency; however, a minor charged with  
3 a criminal offense under the Criminal Code of 1961 or the  
4 Criminal Code of 2012 or adjudicated delinquent shall not be  
5 placed in the custody of or committed to the Department of  
6 Children and Family Services by any court, except a minor less  
7 than 15 years of age and committed to the Department of  
8 Children and Family Services under Section 5-710 of this Act or  
9 a minor for whom an independent basis of abuse, neglect, or  
10 dependency exists. An independent basis exists when the  
11 allegations or adjudication of abuse, neglect, or dependency do  
12 not arise from the same facts, incident, or circumstances which  
13 give rise to a charge or adjudication of delinquency.

14 In placing the minor, the Department or other agency shall,  
15 to the extent compatible with the court's order, comply with  
16 Section 7 of the Children and Family Services Act. In  
17 determining the health, safety and best interests of the minor  
18 to prescribe shelter care, the court must find that it is a  
19 matter of immediate and urgent necessity for the safety and  
20 protection of the minor or of the person or property of another  
21 that the minor be placed in a shelter care facility or that he  
22 or she is likely to flee the jurisdiction of the court, and  
23 must further find that reasonable efforts have been made or  
24 that, consistent with the health, safety and best interests of  
25 the minor, no efforts reasonably can be made to prevent or  
26 eliminate the necessity of removal of the minor from his or her

1 home. The court shall require documentation from the Department  
2 of Children and Family Services as to the reasonable efforts  
3 that were made to prevent or eliminate the necessity of removal  
4 of the minor from his or her home or the reasons why no efforts  
5 reasonably could be made to prevent or eliminate the necessity  
6 of removal. When a minor is placed in the home of a relative,  
7 the Department of Children and Family Services shall complete a  
8 preliminary background review of the members of the minor's  
9 custodian's household in accordance with Section 4.3 of the  
10 Child Care Act of 1969 within 90 days of that placement. If the  
11 minor is ordered placed in a shelter care facility of the  
12 Department of Children and Family Services or a licensed child  
13 welfare agency, the court shall, upon request of the  
14 appropriate Department or other agency, appoint the Department  
15 of Children and Family Services Guardianship Administrator or  
16 other appropriate agency executive temporary custodian of the  
17 minor and the court may enter such other orders related to the  
18 temporary custody as it deems fit and proper, including the  
19 provision of services to the minor or his family to ameliorate  
20 the causes contributing to the finding of probable cause or to  
21 the finding of the existence of immediate and urgent necessity.

22 Where the Department of Children and Family Services  
23 Guardianship Administrator is appointed as the executive  
24 temporary custodian, the Department of Children and Family  
25 Services shall file with the court and serve on the parties a  
26 parent-child visiting plan, within 10 days, excluding weekends

1 and holidays, after the appointment. The parent-child visiting  
2 plan shall set out the time and place of visits, the frequency  
3 of visits, the length of visits, who shall be present at the  
4 visits, and where appropriate, the minor's opportunities to  
5 have telephone and mail communication with the parents.

6 Where the Department of Children and Family Services  
7 Guardianship Administrator is appointed as the executive  
8 temporary custodian, and when the child has siblings in care,  
9 the Department of Children and Family Services shall file with  
10 the court and serve on the parties a sibling placement and  
11 contact plan within 10 days, excluding weekends and holidays,  
12 after the appointment. The sibling placement and contact plan  
13 shall set forth whether the siblings are placed together, and  
14 if they are not placed together, what, if any, efforts are  
15 being made to place them together. If the Department has  
16 determined that it is not in a child's best interest to be  
17 placed with a sibling, the Department shall document in the  
18 sibling placement and contact plan the basis for its  
19 determination. For siblings placed separately, the sibling  
20 placement and contact plan shall set the time and place for  
21 visits, the frequency of the visits, the length of visits, who  
22 shall be present for the visits, and where appropriate, the  
23 child's opportunities to have contact with their siblings in  
24 addition to in person contact. If the Department determines it  
25 is not in the best interest of a sibling to have contact with a  
26 sibling, the Department shall document in the sibling placement

1 and contact plan the basis for its determination. The sibling  
2 placement and contact plan shall specify a date for development  
3 of the Sibling Contact Support Plan, under subsection (f) of  
4 Section 7.4 of the Children and Family Services Act, and shall  
5 remain in effect until the Sibling Contact Support Plan is  
6 developed.

7 For good cause, the court may waive the requirement to  
8 file the parent-child visiting plan or the sibling placement  
9 and contact plan, or extend the time for filing either plan.  
10 Any party may, by motion, request the court to review the  
11 parent-child visiting plan to determine whether it is  
12 reasonably calculated to expeditiously facilitate the  
13 achievement of the permanency goal. A party may, by motion,  
14 request the court to review the parent-child visiting plan or  
15 the sibling placement and contact plan to determine whether it  
16 is consistent with the minor's best interest. The court may  
17 refer the parties to mediation where available. The frequency,  
18 duration, and locations of visitation shall be measured by the  
19 needs of the child and family, and not by the convenience of  
20 Department personnel. Child development principles shall be  
21 considered by the court in its analysis of how frequent  
22 visitation should be, how long it should last, where it should  
23 take place, and who should be present. If upon motion of the  
24 party to review either plan and after receiving evidence, the  
25 court determines that the parent-child visiting plan is not  
26 reasonably calculated to expeditiously facilitate the



1 achievement of the permanency goal or that the restrictions  
2 placed on parent-child contact or sibling placement or contact  
3 are contrary to the child's best interests, the court shall put  
4 in writing the factual basis supporting the determination and  
5 enter specific findings based on the evidence. The court shall  
6 enter an order for the Department to implement changes to the  
7 parent-child visiting plan or sibling placement or contact  
8 plan, consistent with the court's findings. At any stage of  
9 proceeding, any party may by motion request the court to enter  
10 any orders necessary to implement the parent-child visiting  
11 plan, sibling placement or contact plan or subsequently  
12 developed Sibling Contact Support Plan. Nothing under this  
13 subsection (2) shall restrict the court from granting  
14 discretionary authority to the Department to increase  
15 opportunities for additional parent-child contacts or sibling  
16 contacts, without further court orders. Nothing in this  
17 subsection (2) shall restrict the Department from immediately  
18 restricting or terminating parent-child contact or sibling  
19 contacts, without either amending the parent-child visiting  
20 plan or the sibling contact plan or obtaining a court order,  
21 where the Department or its assigns reasonably believe that  
22 continuation of the contact, as set out in the plan, would be  
23 contrary to the child's health, safety, and welfare. The  
24 Department shall file with the court and serve on the parties  
25 any amendments to the plan within 10 days, excluding weekends  
26 and holidays, of the change of the visitation.

1           Acceptance of services shall not be considered an admission  
2 of any allegation in a petition made pursuant to this Act, nor  
3 may a referral of services be considered as evidence in any  
4 proceeding pursuant to this Act, except where the issue is  
5 whether the Department has made reasonable efforts to reunite  
6 the family. In making its findings that it is consistent with  
7 the health, safety and best interests of the minor to prescribe  
8 shelter care, the court shall state in writing (i) the factual  
9 basis supporting its findings concerning the immediate and  
10 urgent necessity for the protection of the minor or of the  
11 person or property of another and (ii) the factual basis  
12 supporting its findings that reasonable efforts were made to  
13 prevent or eliminate the removal of the minor from his or her  
14 home or that no efforts reasonably could be made to prevent or  
15 eliminate the removal of the minor from his or her home. The  
16 parents, guardian, custodian, temporary custodian and minor  
17 shall each be furnished a copy of such written findings. The  
18 temporary custodian shall maintain a copy of the court order  
19 and written findings in the case record for the child. The  
20 order together with the court's findings of fact in support  
21 thereof shall be entered of record in the court.

22           Once the court finds that it is a matter of immediate and  
23 urgent necessity for the protection of the minor that the minor  
24 be placed in a shelter care facility, the minor shall not be  
25 returned to the parent, custodian or guardian until the court  
26 finds that such placement is no longer necessary for the

1 protection of the minor.

2 If the child is placed in the temporary custody of the  
3 Department of Children and Family Services for his or her  
4 protection, the court shall admonish the parents, guardian,  
5 custodian or responsible relative that the parents must  
6 cooperate with the Department of Children and Family Services,  
7 comply with the terms of the service plans, and correct the  
8 conditions which require the child to be in care, or risk  
9 termination of their parental rights.

10 (3) If prior to the shelter care hearing for a minor  
11 described in Sections 2-3, 2-4, 3-3 and 4-3 the moving party is  
12 unable to serve notice on the party respondent, the shelter  
13 care hearing may proceed ex-parte. A shelter care order from an  
14 ex-parte hearing shall be endorsed with the date and hour of  
15 issuance and shall be filed with the clerk's office and entered  
16 of record. The order shall expire after 10 days from the time  
17 it is issued unless before its expiration it is renewed, at a  
18 hearing upon appearance of the party respondent, or upon an  
19 affidavit of the moving party as to all diligent efforts to  
20 notify the party respondent by notice as herein prescribed. The  
21 notice prescribed shall be in writing and shall be personally  
22 delivered to the minor or the minor's attorney and to the last  
23 known address of the other person or persons entitled to  
24 notice. The notice shall also state the nature of the  
25 allegations, the nature of the order sought by the State,  
26 including whether temporary custody is sought, and the

1 consequences of failure to appear and shall contain a notice  
 2 that the parties will not be entitled to further written  
 3 notices or publication notices of proceedings in this case,  
 4 including the filing of an amended petition or a motion to  
 5 terminate parental rights, except as required by Supreme Court  
 6 Rule 11; and shall explain the right of the parties and the  
 7 procedures to vacate or modify a shelter care order as provided  
 8 in this Section. The notice for a shelter care hearing shall be  
 9 substantially as follows:

10 NOTICE TO PARENTS AND CHILDREN  
 11 OF SHELTER CARE HEARING

12 On ..... at ....., before the Honorable  
 13 ....., (address:) ....., the State  
 14 of Illinois will present evidence (1) that (name of child  
 15 or children) ..... are abused, neglected  
 16 or dependent for the following reasons:  
 17 ..... and (2)  
 18 whether there is "immediate and urgent necessity" to remove  
 19 the child or children from the responsible relative.

20 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
 21 PLACEMENT of the child or children in foster care until a  
 22 trial can be held. A trial may not be held for up to 90  
 23 days. You will not be entitled to further notices of  
 24 proceedings in this case, including the filing of an  
 25 amended petition or a motion to terminate parental rights.

26 At the shelter care hearing, parents have the following

1 rights:

2 1. To ask the court to appoint a lawyer if they  
3 cannot afford one.

4 2. To ask the court to continue the hearing to  
5 allow them time to prepare.

6 3. To present evidence concerning:

7 a. Whether or not the child or children were  
8 abused, neglected or dependent.

9 b. Whether or not there is "immediate and  
10 urgent necessity" to remove the child from home  
11 (including: their ability to care for the child,  
12 conditions in the home, alternative means of  
13 protecting the child other than removal).

14 c. The best interests of the child.

15 4. To cross examine the State's witnesses.

16 The Notice for rehearings shall be substantially as  
17 follows:

18 NOTICE OF PARENT'S AND CHILDREN'S RIGHTS

19 TO REHEARING ON TEMPORARY CUSTODY

20 If you were not present at and did not have adequate  
21 notice of the Shelter Care Hearing at which temporary  
22 custody of ..... was awarded to  
23 ....., you have the right to request a full  
24 rehearing on whether the State should have temporary  
25 custody of ..... To request this rehearing,

1           you must file with the Clerk of the Juvenile Court  
2           (address): ....., in person or by  
3           mailing a statement (affidavit) setting forth the  
4           following:

- 5                     1. That you were not present at the shelter care
- 6                     hearing.
- 7                     2. That you did not get adequate notice (explaining
- 8                     how the notice was inadequate).
- 9                     3. Your signature.
- 10                    4. Signature must be notarized.

11           The rehearing should be scheduled within 48 hours of  
12           your filing this affidavit.

13           At the rehearing, your rights are the same as at the  
14           initial shelter care hearing. The enclosed notice explains  
15           those rights.

16           At the Shelter Care Hearing, children have the  
17           following rights:

- 18                    1. To have a guardian ad litem appointed.
- 19                    2. To be declared competent as a witness and to
- 20                    present testimony concerning:
  - 21                       a. Whether they are abused, neglected or
  - 22                       dependent.
  - 23                       b. Whether there is "immediate and urgent
  - 24                       necessity" to be removed from home.
  - 25                       c. Their best interests.
- 26                    3. To cross examine witnesses for other parties.

1           4. To obtain an explanation of any proceedings and  
2 orders of the court.

3           (4) If the parent, guardian, legal custodian, responsible  
4 relative, minor age 8 or over, or counsel of the minor did not  
5 have actual notice of or was not present at the shelter care  
6 hearing, he or she may file an affidavit setting forth these  
7 facts, and the clerk shall set the matter for rehearing not  
8 later than 48 hours, excluding Sundays and legal holidays,  
9 after the filing of the affidavit. At the rehearing, the court  
10 shall proceed in the same manner as upon the original hearing.

11           (5) Only when there is reasonable cause to believe that the  
12 minor taken into custody is a person described in subsection  
13 (3) of Section 5-105 may the minor be kept or detained in a  
14 detention home or county or municipal jail. This Section shall  
15 in no way be construed to limit subsection (6).

16           (6) No minor under 16 years of age may be confined in a  
17 jail or place ordinarily used for the confinement of prisoners  
18 in a police station. Minors under 18 years of age must be kept  
19 separate from confined adults and may not at any time be kept  
20 in the same cell, room, or yard with adults confined pursuant  
21 to the criminal law.

22           (7) If the minor is not brought before a judicial officer  
23 within the time period as specified in Section 2-9, the minor  
24 must immediately be released from custody.

25           (8) If neither the parent, guardian or custodian appears  
26 within 24 hours to take custody of a minor released upon

1 request pursuant to subsection (2) of this Section, then the  
2 clerk of the court shall set the matter for rehearing not later  
3 than 7 days after the original order and shall issue a summons  
4 directed to the parent, guardian or custodian to appear. At the  
5 same time the probation department shall prepare a report on  
6 the minor. If a parent, guardian or custodian does not appear  
7 at such rehearing, the judge may enter an order prescribing  
8 that the minor be kept in a suitable place designated by the  
9 Department of Children and Family Services or a licensed child  
10 welfare agency.

11 (9) Notwithstanding any other provision of this Section any  
12 interested party, including the State, the temporary  
13 custodian, an agency providing services to the minor or family  
14 under a service plan pursuant to Section 8.2 of the Abused and  
15 Neglected Child Reporting Act, foster parent, or any of their  
16 representatives, on notice to all parties entitled to notice,  
17 may file a motion that it is in the best interests of the minor  
18 to modify or vacate a temporary custody order on any of the  
19 following grounds:

20 (a) It is no longer a matter of immediate and urgent  
21 necessity that the minor remain in shelter care; or

22 (b) There is a material change in the circumstances of  
23 the natural family from which the minor was removed and the  
24 child can be cared for at home without endangering the  
25 child's health or safety; or

26 (c) A person not a party to the alleged abuse, neglect



1 or dependency, including a parent, relative or legal  
2 guardian, is capable of assuming temporary custody of the  
3 minor; or

4 (d) Services provided by the Department of Children and  
5 Family Services or a child welfare agency or other service  
6 provider have been successful in eliminating the need for  
7 temporary custody and the child can be cared for at home  
8 without endangering the child's health or safety.

9 In ruling on the motion, the court shall determine whether  
10 it is consistent with the health, safety and best interests of  
11 the minor to modify or vacate a temporary custody order.

12 The clerk shall set the matter for hearing not later than  
13 14 days after such motion is filed. In the event that the court  
14 modifies or vacates a temporary custody order but does not  
15 vacate its finding of probable cause, the court may order that  
16 appropriate services be continued or initiated in behalf of the  
17 minor and his or her family.

18 (10) When the court finds or has found that there is  
19 probable cause to believe a minor is an abused minor as  
20 described in subsection (2) of Section 2-3 and that there is an  
21 immediate and urgent necessity for the abused minor to be  
22 placed in shelter care, immediate and urgent necessity shall be  
23 presumed for any other minor residing in the same household as  
24 the abused minor provided:

25 (a) Such other minor is the subject of an abuse or  
26 neglect petition pending before the court; and

1 (b) A party to the petition is seeking shelter care for  
2 such other minor.

3 Once the presumption of immediate and urgent necessity has  
4 been raised, the burden of demonstrating the lack of immediate  
5 and urgent necessity shall be on any party that is opposing  
6 shelter care for the other minor.

7 ~~(11) The changes made to this Section by Public Act 98-61~~  
8 ~~this amendatory Act of the 98th General Assembly~~ apply to a  
9 minor who has been arrested or taken into custody on or after  
10 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~  
11 ~~amendatory Act.~~

12 (Source: P.A. 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13;  
13 98-61, eff. 1-1-14; revised 11-22-13.)

14 (705 ILCS 405/2-28) (from Ch. 37, par. 802-28)

15 Sec. 2-28. Court review.

16 (1) The court may require any legal custodian or guardian  
17 of the person appointed under this Act to report periodically  
18 to the court or may cite him into court and require him or his  
19 agency, to make a full and accurate report of his or its doings  
20 in behalf of the minor. The custodian or guardian, within 10  
21 days after such citation, shall make the report, either in  
22 writing verified by affidavit or orally under oath in open  
23 court, or otherwise as the court directs. Upon the hearing of  
24 the report the court may remove the custodian or guardian and  
25 appoint another in his stead or restore the minor to the

1 custody of his parents or former guardian or custodian.  
2 However, custody of the minor shall not be restored to any  
3 parent, guardian or legal custodian in any case in which the  
4 minor is found to be neglected or abused under Section 2-3 or  
5 dependent under Section 2-4 of this Act, unless the minor can  
6 be cared for at home without endangering the minor's health or  
7 safety and it is in the best interests of the minor, and if  
8 such neglect, abuse, or dependency is found by the court under  
9 paragraph (1) of Section 2-21 of this Act to have come about  
10 due to the acts or omissions or both of such parent, guardian  
11 or legal custodian, until such time as an investigation is made  
12 as provided in paragraph (5) and a hearing is held on the issue  
13 of the fitness of such parent, guardian or legal custodian to  
14 care for the minor and the court enters an order that such  
15 parent, guardian or legal custodian is fit to care for the  
16 minor.

17 (2) The first permanency hearing shall be conducted by the  
18 judge. Subsequent permanency hearings may be heard by a judge  
19 or by hearing officers appointed or approved by the court in  
20 the manner set forth in Section 2-28.1 of this Act. The initial  
21 hearing shall be held (a) within 12 months from the date  
22 temporary custody was taken, regardless of whether an  
23 adjudication or dispositional hearing has been completed  
24 within that time frame, (b) if the parental rights of both  
25 parents have been terminated in accordance with the procedure  
26 described in subsection (5) of Section 2-21, within 30 days of

1 the order for termination of parental rights and appointment of  
2 a guardian with power to consent to adoption, or (c) in  
3 accordance with subsection (2) of Section 2-13.1. Subsequent  
4 permanency hearings shall be held every 6 months or more  
5 frequently if necessary in the court's determination following  
6 the initial permanency hearing, in accordance with the  
7 standards set forth in this Section, until the court determines  
8 that the plan and goal have been achieved. Once the plan and  
9 goal have been achieved, if the minor remains in substitute  
10 care, the case shall be reviewed at least every 6 months  
11 thereafter, subject to the provisions of this Section, unless  
12 the minor is placed in the guardianship of a suitable relative  
13 or other person and the court determines that further  
14 monitoring by the court does not further the health, safety or  
15 best interest of the child and that this is a stable permanent  
16 placement. The permanency hearings must occur within the time  
17 frames set forth in this subsection and may not be delayed in  
18 anticipation of a report from any source or due to the agency's  
19 failure to timely file its written report (this written report  
20 means the one required under the next paragraph and does not  
21 mean the service plan also referred to in that paragraph).

22 The public agency that is the custodian or guardian of the  
23 minor, or another agency responsible for the minor's care,  
24 shall ensure that all parties to the permanency hearings are  
25 provided a copy of the most recent service plan prepared within  
26 the prior 6 months at least 14 days in advance of the hearing.

1 If not contained in the plan, the agency shall also include a  
2 report setting forth (i) any special physical, psychological,  
3 educational, medical, emotional, or other needs of the minor or  
4 his or her family that are relevant to a permanency or  
5 placement determination and (ii) for any minor age 16 or over,  
6 a written description of the programs and services that will  
7 enable the minor to prepare for independent living. The  
8 agency's written report must detail what progress or lack of  
9 progress the parent has made in correcting the conditions  
10 requiring the child to be in care; whether the child can be  
11 returned home without jeopardizing the child's health, safety,  
12 and welfare, and if not, what permanency goal is recommended to  
13 be in the best interests of the child, and why the other  
14 permanency goals are not appropriate. The caseworker must  
15 appear and testify at the permanency hearing. If a permanency  
16 hearing has not previously been scheduled by the court, the  
17 moving party shall move for the setting of a permanency hearing  
18 and the entry of an order within the time frames set forth in  
19 this subsection.

20 At the permanency hearing, the court shall determine the  
21 future status of the child. The court shall set one of the  
22 following permanency goals:

23 (A) The minor will be returned home by a specific date  
24 within 5 months.

25 (B) The minor will be in short-term care with a  
26 continued goal to return home within a period not to exceed

1           one year, where the progress of the parent or parents is  
2           substantial giving particular consideration to the age and  
3           individual needs of the minor.

4           (B-1) The minor will be in short-term care with a  
5           continued goal to return home pending a status hearing.  
6           When the court finds that a parent has not made reasonable  
7           efforts or reasonable progress to date, the court shall  
8           identify what actions the parent and the Department must  
9           take in order to justify a finding of reasonable efforts or  
10          reasonable progress and shall set a status hearing to be  
11          held not earlier than 9 months from the date of  
12          adjudication nor later than 11 months from the date of  
13          adjudication during which the parent's progress will again  
14          be reviewed.

15          (C) The minor will be in substitute care pending court  
16          determination on termination of parental rights.

17          (D) Adoption, provided that parental rights have been  
18          terminated or relinquished.

19          (E) The guardianship of the minor will be transferred  
20          to an individual or couple on a permanent basis provided  
21          that goals (A) through (D) have been ruled out.

22          (F) The minor over age 15 will be in substitute care  
23          pending independence.

24          (G) The minor will be in substitute care because he or  
25          she cannot be provided for in a home environment due to  
26          developmental disabilities or mental illness or because he

1 or she is a danger to self or others, provided that goals  
2 (A) through (D) have been ruled out.

3 In selecting any permanency goal, the court shall indicate  
4 in writing the reasons the goal was selected and why the  
5 preceding goals were ruled out. Where the court has selected a  
6 permanency goal other than (A), (B), or (B-1), the Department  
7 of Children and Family Services shall not provide further  
8 reunification services, but shall provide services consistent  
9 with the goal selected.

10 (H) Notwithstanding any other provision in this  
11 Section, the court may select the goal of continuing foster  
12 care as a permanency goal if:

13 (1) The Department of Children and Family Services  
14 has custody and guardianship of the minor;

15 (2) The court has ruled out all other permanency  
16 goals based on the child's best interest;

17 (3) The court has found compelling reasons, based  
18 on written documentation reviewed by the court, to  
19 place the minor in continuing foster care. Compelling  
20 reasons include:

21 (a) the child does not wish to be adopted or to  
22 be placed in the guardianship of his or her  
23 relative or foster care placement;

24 (b) the child exhibits an extreme level of need  
25 such that the removal of the child from his or her  
26 placement would be detrimental to the child; or

1 (c) the child who is the subject of the  
2 permanency hearing has existing close and strong  
3 bonds with a sibling, and achievement of another  
4 permanency goal would substantially interfere with  
5 the subject child's sibling relationship, taking  
6 into consideration the nature and extent of the  
7 relationship, and whether ongoing contact is in  
8 the subject child's best interest, including  
9 long-term emotional interest, as compared with the  
10 legal and emotional benefit of permanence;

11 (4) The child has lived with the relative or foster  
12 parent for at least one year; and

13 (5) The relative or foster parent currently caring  
14 for the child is willing and capable of providing the  
15 child with a stable and permanent environment.

16 The court shall set a permanency goal that is in the best  
17 interest of the child. In determining that goal, the court  
18 shall consult with the minor in an age-appropriate manner  
19 regarding the proposed permanency or transition plan for the  
20 minor. The court's determination shall include the following  
21 factors:

22 (1) Age of the child.

23 (2) Options available for permanence, including both  
24 out-of-State and in-State placement options.

25 (3) Current placement of the child and the intent of  
26 the family regarding adoption.



1           (4) Emotional, physical, and mental status or  
2           condition of the child.

3           (5) Types of services previously offered and whether or  
4           not the services were successful and, if not successful,  
5           the reasons the services failed.

6           (6) Availability of services currently needed and  
7           whether the services exist.

8           (7) Status of siblings of the minor.

9           The court shall consider (i) the permanency goal contained  
10          in the service plan, (ii) the appropriateness of the services  
11          contained in the plan and whether those services have been  
12          provided, (iii) whether reasonable efforts have been made by  
13          all the parties to the service plan to achieve the goal, and  
14          (iv) whether the plan and goal have been achieved. All evidence  
15          relevant to determining these questions, including oral and  
16          written reports, may be admitted and may be relied on to the  
17          extent of their probative value.

18          The court shall make findings as to whether, in violation  
19          of Section 8.2 of the Abused and Neglected Child Reporting Act,  
20          any portion of the service plan compels a child or parent to  
21          engage in any activity or refrain from any activity that is not  
22          reasonably related to remedying a condition or conditions that  
23          gave rise or which could give rise to any finding of child  
24          abuse or neglect. The services contained in the service plan  
25          shall include services reasonably related to remedy the  
26          conditions that gave rise to removal of the child from the home

1 of his or her parents, guardian, or legal custodian or that the  
2 court has found must be remedied prior to returning the child  
3 home. Any tasks the court requires of the parents, guardian, or  
4 legal custodian or child prior to returning the child home,  
5 must be reasonably related to remedying a condition or  
6 conditions that gave rise to or which could give rise to any  
7 finding of child abuse or neglect.

8 If the permanency goal is to return home, the court shall  
9 make findings that identify any problems that are causing  
10 continued placement of the children away from the home and  
11 identify what outcomes would be considered a resolution to  
12 these problems. The court shall explain to the parents that  
13 these findings are based on the information that the court has  
14 at that time and may be revised, should additional evidence be  
15 presented to the court.

16 The court shall review the Sibling Contact ~~and~~ Support Plan  
17 developed or modified under subsection (f) of Section 7.4 of  
18 the Children and Family Services Act, if applicable. If the  
19 Department has not convened a meeting to develop or modify a  
20 Sibling Contact Support Plan, or if the court finds that the  
21 existing Plan is not in the child's best interest, the court  
22 may enter an order requiring the Department to develop, modify  
23 or implement a Sibling Contact Support Plan, or order  
24 mediation.

25 If the goal has been achieved, the court shall enter orders  
26 that are necessary to conform the minor's legal custody and

1 status to those findings.

2 If, after receiving evidence, the court determines that the  
3 services contained in the plan are not reasonably calculated to  
4 facilitate achievement of the permanency goal, the court shall  
5 put in writing the factual basis supporting the determination  
6 and enter specific findings based on the evidence. The court  
7 also shall enter an order for the Department to develop and  
8 implement a new service plan or to implement changes to the  
9 current service plan consistent with the court's findings. The  
10 new service plan shall be filed with the court and served on  
11 all parties within 45 days of the date of the order. The court  
12 shall continue the matter until the new service plan is filed.  
13 Unless otherwise specifically authorized by law, the court is  
14 not empowered under this subsection (2) or under subsection (3)  
15 to order specific placements, specific services, or specific  
16 service providers to be included in the plan.

17 A guardian or custodian appointed by the court pursuant to  
18 this Act shall file updated case plans with the court every 6  
19 months.

20 Rights of wards of the court under this Act are enforceable  
21 against any public agency by complaints for relief by mandamus  
22 filed in any proceedings brought under this Act.

23 (3) Following the permanency hearing, the court shall enter  
24 a written order that includes the determinations required under  
25 subsection (2) of this Section and sets forth the following:

26 (a) The future status of the minor, including the

1 permanency goal, and any order necessary to conform the  
2 minor's legal custody and status to such determination; or

3 (b) If the permanency goal of the minor cannot be  
4 achieved immediately, the specific reasons for continuing  
5 the minor in the care of the Department of Children and  
6 Family Services or other agency for short term placement,  
7 and the following determinations:

8 (i) (Blank).

9 (ii) Whether the services required by the court and  
10 by any service plan prepared within the prior 6 months  
11 have been provided and (A) if so, whether the services  
12 were reasonably calculated to facilitate the  
13 achievement of the permanency goal or (B) if not  
14 provided, why the services were not provided.

15 (iii) Whether the minor's placement is necessary,  
16 and appropriate to the plan and goal, recognizing the  
17 right of minors to the least restrictive (most  
18 family-like) setting available and in close proximity  
19 to the parents' home consistent with the health,  
20 safety, best interest and special needs of the minor  
21 and, if the minor is placed out-of-State, whether the  
22 out-of-State placement continues to be appropriate and  
23 consistent with the health, safety, and best interest  
24 of the minor.

25 (iv) (Blank).

26 (v) (Blank).

1           (4) The minor or any person interested in the minor may  
2 apply to the court for a change in custody of the minor and the  
3 appointment of a new custodian or guardian of the person or for  
4 the restoration of the minor to the custody of his parents or  
5 former guardian or custodian.

6           When return home is not selected as the permanency goal:

7           (a) The Department, the minor, or the current foster  
8 parent or relative caregiver seeking private guardianship  
9 may file a motion for private guardianship of the minor.  
10 Appointment of a guardian under this Section requires  
11 approval of the court.

12           (b) The State's Attorney may file a motion to terminate  
13 parental rights of any parent who has failed to make  
14 reasonable efforts to correct the conditions which led to  
15 the removal of the child or reasonable progress toward the  
16 return of the child, as defined in subdivision (D)(m) of  
17 Section 1 of the Adoption Act or for whom any other  
18 unfitness ground for terminating parental rights as  
19 defined in subdivision (D) of Section 1 of the Adoption Act  
20 exists.

21           When parental rights have been terminated for a minimum  
22 of 3 years and the child who is the subject of the  
23 permanency hearing is 13 years old or older and is not  
24 currently placed in a placement likely to achieve  
25 permanency, the Department of Children and Family Services  
26 shall make reasonable efforts to locate parents whose

1 rights have been terminated, except when the Court  
2 determines that those efforts would be futile or  
3 inconsistent with the subject child's best interests. The  
4 Department of Children and Family Services shall assess the  
5 appropriateness of the parent whose rights have been  
6 terminated, and shall, as appropriate, foster and support  
7 connections between the parent whose rights have been  
8 terminated and the youth. The Department of Children and  
9 Family Services shall document its determinations and  
10 efforts to foster connections in the child's case plan.

11 Custody of the minor shall not be restored to any parent,  
12 guardian or legal custodian in any case in which the minor is  
13 found to be neglected or abused under Section 2-3 or dependent  
14 under Section 2-4 of this Act, unless the minor can be cared  
15 for at home without endangering his or her health or safety and  
16 it is in the best interest of the minor, and if such neglect,  
17 abuse, or dependency is found by the court under paragraph (1)  
18 of Section 2-21 of this Act to have come about due to the acts  
19 or omissions or both of such parent, guardian or legal  
20 custodian, until such time as an investigation is made as  
21 provided in paragraph (5) and a hearing is held on the issue of  
22 the health, safety and best interest of the minor and the  
23 fitness of such parent, guardian or legal custodian to care for  
24 the minor and the court enters an order that such parent,  
25 guardian or legal custodian is fit to care for the minor. In  
26 the event that the minor has attained 18 years of age and the

1 guardian or custodian petitions the court for an order  
2 terminating his guardianship or custody, guardianship or  
3 custody shall terminate automatically 30 days after the receipt  
4 of the petition unless the court orders otherwise. No legal  
5 custodian or guardian of the person may be removed without his  
6 consent until given notice and an opportunity to be heard by  
7 the court.

8 When the court orders a child restored to the custody of  
9 the parent or parents, the court shall order the parent or  
10 parents to cooperate with the Department of Children and Family  
11 Services and comply with the terms of an after-care plan, or  
12 risk the loss of custody of the child and possible termination  
13 of their parental rights. The court may also enter an order of  
14 protective supervision in accordance with Section 2-24.

15 (5) Whenever a parent, guardian, or legal custodian files a  
16 motion for restoration of custody of the minor, and the minor  
17 was adjudicated neglected, abused, or dependent as a result of  
18 physical abuse, the court shall cause to be made an  
19 investigation as to whether the movant has ever been charged  
20 with or convicted of any criminal offense which would indicate  
21 the likelihood of any further physical abuse to the minor.  
22 Evidence of such criminal convictions shall be taken into  
23 account in determining whether the minor can be cared for at  
24 home without endangering his or her health or safety and  
25 fitness of the parent, guardian, or legal custodian.

26 (a) Any agency of this State or any subdivision thereof

1 shall co-operate with the agent of the court in providing  
2 any information sought in the investigation.

3 (b) The information derived from the investigation and  
4 any conclusions or recommendations derived from the  
5 information shall be provided to the parent, guardian, or  
6 legal custodian seeking restoration of custody prior to the  
7 hearing on fitness and the movant shall have an opportunity  
8 at the hearing to refute the information or contest its  
9 significance.

10 (c) All information obtained from any investigation  
11 shall be confidential as provided in Section 5-150 of this  
12 Act.

13 (Source: P.A. 96-600, eff. 8-21-09; 96-1375, eff. 7-29-10;  
14 97-425, eff. 8-16-11; 97-1076, eff. 8-24-12; revised  
15 11-22-13.)

16 (705 ILCS 405/3-12) (from Ch. 37, par. 803-12)

17 Sec. 3-12. Shelter care hearing. At the appearance of the  
18 minor before the court at the shelter care hearing, all  
19 witnesses present shall be examined before the court in  
20 relation to any matter connected with the allegations made in  
21 the petition.

22 (1) If the court finds that there is not probable cause to  
23 believe that the minor is a person requiring authoritative  
24 intervention, it shall release the minor and dismiss the  
25 petition.



1           (2) If the court finds that there is probable cause to  
2 believe that the minor is a person requiring authoritative  
3 intervention, the minor, his or her parent, guardian, custodian  
4 and other persons able to give relevant testimony shall be  
5 examined before the court. After such testimony, the court may  
6 enter an order that the minor shall be released upon the  
7 request of a parent, guardian or custodian if the parent,  
8 guardian or custodian appears to take custody. Custodian shall  
9 include any agency of the State which has been given custody or  
10 wardship of the child. The Court shall require documentation by  
11 representatives of the Department of Children and Family  
12 Services or the probation department as to the reasonable  
13 efforts that were made to prevent or eliminate the necessity of  
14 removal of the minor from his or her home, and shall consider  
15 the testimony of any person as to those reasonable efforts. If  
16 the court finds that it is a matter of immediate and urgent  
17 necessity for the protection of the minor or of the person or  
18 property of another that the minor be placed in a shelter care  
19 facility, or that he or she is likely to flee the jurisdiction  
20 of the court, and further finds that reasonable efforts have  
21 been made or good cause has been shown why reasonable efforts  
22 cannot prevent or eliminate the necessity of removal of the  
23 minor from his or her home, the court may prescribe shelter  
24 care and order that the minor be kept in a suitable place  
25 designated by the court or in a shelter care facility  
26 designated by the Department of Children and Family Services or

1 a licensed child welfare agency; otherwise it shall release the  
2 minor from custody. If the court prescribes shelter care, then  
3 in placing the minor, the Department or other agency shall, to  
4 the extent compatible with the court's order, comply with  
5 Section 7 of the Children and Family Services Act. If the minor  
6 is ordered placed in a shelter care facility of the Department  
7 of Children and Family Services or a licensed child welfare  
8 agency, the court shall, upon request of the Department or  
9 other agency, appoint the Department of Children and Family  
10 Services Guardianship Administrator or other appropriate  
11 agency executive temporary custodian of the minor and the court  
12 may enter such other orders related to the temporary custody as  
13 it deems fit and proper, including the provision of services to  
14 the minor or his family to ameliorate the causes contributing  
15 to the finding of probable cause or to the finding of the  
16 existence of immediate and urgent necessity. Acceptance of  
17 services shall not be considered an admission of any allegation  
18 in a petition made pursuant to this Act, nor may a referral of  
19 services be considered as evidence in any proceeding pursuant  
20 to this Act, except where the issue is whether the Department  
21 has made reasonable efforts to reunite the family. In making  
22 its findings that reasonable efforts have been made or that  
23 good cause has been shown why reasonable efforts cannot prevent  
24 or eliminate the necessity of removal of the minor from his or  
25 her home, the court shall state in writing its findings  
26 concerning the nature of the services that were offered or the

1 efforts that were made to prevent removal of the child and the  
2 apparent reasons that such services or efforts could not  
3 prevent the need for removal. The parents, guardian, custodian,  
4 temporary custodian and minor shall each be furnished a copy of  
5 such written findings. The temporary custodian shall maintain a  
6 copy of the court order and written findings in the case record  
7 for the child.

8 The order together with the court's findings of fact and  
9 support thereof shall be entered of record in the court.

10 Once the court finds that it is a matter of immediate and  
11 urgent necessity for the protection of the minor that the minor  
12 be placed in a shelter care facility, the minor shall not be  
13 returned to the parent, custodian or guardian until the court  
14 finds that such placement is no longer necessary for the  
15 protection of the minor.

16 (3) If prior to the shelter care hearing for a minor  
17 described in Sections 2-3, 2-4, 3-3 and 4-3 the petitioner is  
18 unable to serve notice on the party respondent, the shelter  
19 care hearing may proceed ex-parte. A shelter care order from an  
20 ex-parte hearing shall be endorsed with the date and hour of  
21 issuance and shall be filed with the clerk's office and entered  
22 of record. The order shall expire after 10 days from the time  
23 it is issued unless before its expiration it is renewed, at a  
24 hearing upon appearance of the party respondent, or upon an  
25 affidavit of the moving party as to all diligent efforts to  
26 notify the party respondent by notice as herein prescribed. The

1 notice prescribed shall be in writing and shall be personally  
 2 delivered to the minor or the minor's attorney and to the last  
 3 known address of the other person or persons entitled to  
 4 notice. The notice shall also state the nature of the  
 5 allegations, the nature of the order sought by the State,  
 6 including whether temporary custody is sought, and the  
 7 consequences of failure to appear; and shall explain the right  
 8 of the parties and the procedures to vacate or modify a shelter  
 9 care order as provided in this Section. The notice for a  
 10 shelter care hearing shall be substantially as follows:

11 NOTICE TO PARENTS AND CHILDREN OF SHELTER CARE HEARING

12 On ..... at ....., before the Honorable  
 13 ....., (address:) ....., the State of  
 14 Illinois will present evidence (1) that (name of child or  
 15 children) ..... are abused, neglected or  
 16 dependent for the following reasons:

17 .....  
 18 and (2) that there is "immediate and urgent necessity" to  
 19 remove the child or children from the responsible relative.

20 YOUR FAILURE TO APPEAR AT THE HEARING MAY RESULT IN  
 21 PLACEMENT of the child or children in foster care until a trial  
 22 can be held. A trial may not be held for up to 90 days.

23 At the shelter care hearing, parents have the following  
 24 rights:

- 25 1. To ask the court to appoint a lawyer if they cannot
- 26 afford one.

1           2. To ask the court to continue the hearing to allow  
2 them time to prepare.

3           3. To present evidence concerning:

4               a. Whether or not the child or children were  
5 abused, neglected or dependent.

6               b. Whether or not there is "immediate and urgent  
7 necessity" to remove the child from home (including:  
8 their ability to care for the child, conditions in the  
9 home, alternative means of protecting the child other  
10 than removal).

11              c. The best interests of the child.

12           4. To cross examine the State's witnesses.

13           The Notice for rehearings shall be substantially as  
14 follows:

15                           NOTICE OF PARENT'S AND CHILDREN'S RIGHTS  
16                           TO REHEARING ON TEMPORARY CUSTODY

17           If you were not present at and did not have adequate notice  
18 of the Shelter Care Hearing at which temporary custody of  
19 ..... was awarded to ....., you have the  
20 right to request a full rehearing on whether the State should  
21 have temporary custody of ..... To request this  
22 rehearing, you must file with the Clerk of the Juvenile Court  
23 (address): ....., in person or by mailing a  
24 statement (affidavit) setting forth the following:

25               1. That you were not present at the shelter care  
26 hearing.

1           2. That you did not get adequate notice (explaining how  
2           the notice was inadequate).

3           3. Your signature.

4           4. Signature must be notarized.

5           The rehearing should be scheduled within one day of your  
6           filing this affidavit.

7           At the rehearing, your rights are the same as at the  
8           initial shelter care hearing. The enclosed notice explains  
9           those rights.

10          At the Shelter Care Hearing, children have the following  
11          rights:

12               1. To have a guardian ad litem appointed.

13               2. To be declared competent as a witness and to present  
14          testimony concerning:

15                   a. Whether they are abused, neglected or  
16                   dependent.

17                   b. Whether there is "immediate and urgent  
18                   necessity" to be removed from home.

19                   c. Their best interests.

20               3. To cross examine witnesses for other parties.

21               4. To obtain an explanation of any proceedings and  
22          orders of the court.

23          (4) If the parent, guardian, legal custodian, responsible  
24          relative, or counsel of the minor did not have actual notice of  
25          or was not present at the shelter care hearing, he or she may  
26          file an affidavit setting forth these facts, and the clerk

1 shall set the matter for rehearing not later than 48 hours,  
2 excluding Sundays and legal holidays, after the filing of the  
3 affidavit. At the rehearing, the court shall proceed in the  
4 same manner as upon the original hearing.

5 (5) Only when there is reasonable cause to believe that the  
6 minor taken into custody is a person described in subsection  
7 (3) of Section 5-105 may the minor be kept or detained in a  
8 detention home or county or municipal jail. This Section shall  
9 in no way be construed to limit subsection (6).

10 (6) No minor under 16 years of age may be confined in a  
11 jail or place ordinarily used for the confinement of prisoners  
12 in a police station. Minors under 18 years of age must be kept  
13 separate from confined adults and may not at any time be kept  
14 in the same cell, room, or yard with adults confined pursuant  
15 to the criminal law.

16 (7) If the minor is not brought before a judicial officer  
17 within the time period specified in Section 3-11, the minor  
18 must immediately be released from custody.

19 (8) If neither the parent, guardian or custodian appears  
20 within 24 hours to take custody of a minor released upon  
21 request pursuant to subsection (2) of this Section, then the  
22 clerk of the court shall set the matter for rehearing not later  
23 than 7 days after the original order and shall issue a summons  
24 directed to the parent, guardian or custodian to appear. At the  
25 same time the probation department shall prepare a report on  
26 the minor. If a parent, guardian or custodian does not appear

1 at such rehearing, the judge may enter an order prescribing  
2 that the minor be kept in a suitable place designated by the  
3 Department of Children and Family Services or a licensed child  
4 welfare agency.

5 (9) Notwithstanding any other provision of this Section,  
6 any interested party, including the State, the temporary  
7 custodian, an agency providing services to the minor or family  
8 under a service plan pursuant to Section 8.2 of the Abused and  
9 Neglected Child Reporting Act, foster parent, or any of their  
10 representatives, on notice to all parties entitled to notice,  
11 may file a motion to modify or vacate a temporary custody order  
12 on any of the following grounds:

13 (a) It is no longer a matter of immediate and urgent  
14 necessity that the minor remain in shelter care; or

15 (b) There is a material change in the circumstances of  
16 the natural family from which the minor was removed; or

17 (c) A person, including a parent, relative or legal  
18 guardian, is capable of assuming temporary custody of the  
19 minor; or

20 (d) Services provided by the Department of Children and  
21 Family Services or a child welfare agency or other service  
22 provider have been successful in eliminating the need for  
23 temporary custody.

24 The clerk shall set the matter for hearing not later than  
25 14 days after such motion is filed. In the event that the court  
26 modifies or vacates a temporary custody order but does not



1 vacate its finding of probable cause, the court may order that  
2 appropriate services be continued or initiated in behalf of the  
3 minor and his or her family.

4 (10) The changes made to this Section by Public Act 98-61  
5 ~~this amendatory Act of the 98th General Assembly~~ apply to a  
6 minor who has been arrested or taken into custody on or after  
7 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~  
8 ~~amendatory Act.~~

9 (Source: P.A. 98-61, eff. 1-1-14; revised 11-22-13.)

10 (705 ILCS 405/4-9) (from Ch. 37, par. 804-9)

11 Sec. 4-9. Shelter care hearing. At the appearance of the  
12 minor before the court at the shelter care hearing, all  
13 witnesses present shall be examined before the court in  
14 relation to any matter connected with the allegations made in  
15 the petition.

16 (1) If the court finds that there is not probable cause to  
17 believe that the minor is addicted, it shall release the minor  
18 and dismiss the petition.

19 (2) If the court finds that there is probable cause to  
20 believe that the minor is addicted, the minor, his or her  
21 parent, guardian, custodian and other persons able to give  
22 relevant testimony shall be examined before the court. After  
23 such testimony, the court may enter an order that the minor  
24 shall be released upon the request of a parent, guardian or  
25 custodian if the parent, guardian or custodian appears to take

1 custody and agrees to abide by a court order which requires the  
2 minor and his or her parent, guardian, or legal custodian to  
3 complete an evaluation by an entity licensed by the Department  
4 of Human Services, as the successor to the Department of  
5 Alcoholism and Substance Abuse, and complete any treatment  
6 recommendations indicated by the assessment. Custodian shall  
7 include any agency of the State which has been given custody or  
8 wardship of the child.

9 The Court shall require documentation by representatives  
10 of the Department of Children and Family Services or the  
11 probation department as to the reasonable efforts that were  
12 made to prevent or eliminate the necessity of removal of the  
13 minor from his or her home, and shall consider the testimony of  
14 any person as to those reasonable efforts. If the court finds  
15 that it is a matter of immediate and urgent necessity for the  
16 protection of the minor or of the person or property of another  
17 that the minor be or placed in a shelter care facility or that  
18 he or she is likely to flee the jurisdiction of the court, and  
19 further, finds that reasonable efforts have been made or good  
20 cause has been shown why reasonable efforts cannot prevent or  
21 eliminate the necessity of removal of the minor from his or her  
22 home, the court may prescribe shelter care and order that the  
23 minor be kept in a suitable place designated by the court or in  
24 a shelter care facility designated by the Department of  
25 Children and Family Services or a licensed child welfare  
26 agency, or in a facility or program licensed by the Department

1 of Human Services for shelter and treatment services; otherwise  
2 it shall release the minor from custody. If the court  
3 prescribes shelter care, then in placing the minor, the  
4 Department or other agency shall, to the extent compatible with  
5 the court's order, comply with Section 7 of the Children and  
6 Family Services Act. If the minor is ordered placed in a  
7 shelter care facility of the Department of Children and Family  
8 Services or a licensed child welfare agency, or in a facility  
9 or program licensed by the Department of Human Services for  
10 shelter and treatment services, the court shall, upon request  
11 of the appropriate Department or other agency, appoint the  
12 Department of Children and Family Services Guardianship  
13 Administrator or other appropriate agency executive temporary  
14 custodian of the minor and the court may enter such other  
15 orders related to the temporary custody as it deems fit and  
16 proper, including the provision of services to the minor or his  
17 family to ameliorate the causes contributing to the finding of  
18 probable cause or to the finding of the existence of immediate  
19 and urgent necessity. Acceptance of services shall not be  
20 considered an admission of any allegation in a petition made  
21 pursuant to this Act, nor may a referral of services be  
22 considered as evidence in any proceeding pursuant to this Act,  
23 except where the issue is whether the Department has made  
24 reasonable efforts to reunite the family. In making its  
25 findings that reasonable efforts have been made or that good  
26 cause has been shown why reasonable efforts cannot prevent or

1 eliminate the necessity of removal of the minor from his or her  
2 home, the court shall state in writing its findings concerning  
3 the nature of the services that were offered or the efforts  
4 that were made to prevent removal of the child and the apparent  
5 reasons that such services or efforts could not prevent the  
6 need for removal. The parents, guardian, custodian, temporary  
7 custodian and minor shall each be furnished a copy of such  
8 written findings. The temporary custodian shall maintain a copy  
9 of the court order and written findings in the case record for  
10 the child. The order together with the court's findings of fact  
11 in support thereof shall be entered of record in the court.

12 Once the court finds that it is a matter of immediate and  
13 urgent necessity for the protection of the minor that the minor  
14 be placed in a shelter care facility, the minor shall not be  
15 returned to the parent, custodian or guardian until the court  
16 finds that such placement is no longer necessary for the  
17 protection of the minor.

18 (3) If neither the parent, guardian, legal custodian,  
19 responsible relative nor counsel of the minor has had actual  
20 notice of or is present at the shelter care hearing, he or she  
21 may file his or her affidavit setting forth these facts, and  
22 the clerk shall set the matter for rehearing not later than 24  
23 hours, excluding Sundays and legal holidays, after the filing  
24 of the affidavit. At the rehearing, the court shall proceed in  
25 the same manner as upon the original hearing.

26 (4) If the minor is not brought before a judicial officer

1 within the time period as specified in Section 4-8, the minor  
2 must immediately be released from custody.

3 (5) Only when there is reasonable cause to believe that the  
4 minor taken into custody is a person described in subsection  
5 (3) of Section 5-105 may the minor be kept or detained in a  
6 detention home or county or municipal jail. This Section shall  
7 in no way be construed to limit subsection (6).

8 (6) No minor under 16 years of age may be confined in a  
9 jail or place ordinarily used for the confinement of prisoners  
10 in a police station. Minors under 18 years of age must be kept  
11 separate from confined adults and may not at any time be kept  
12 in the same cell, room or yard with adults confined pursuant to  
13 the criminal law.

14 (7) If neither the parent, guardian or custodian appears  
15 within 24 hours to take custody of a minor released upon  
16 request pursuant to subsection (2) of this Section, then the  
17 clerk of the court shall set the matter for rehearing not later  
18 than 7 days after the original order and shall issue a summons  
19 directed to the parent, guardian or custodian to appear. At the  
20 same time the probation department shall prepare a report on  
21 the minor. If a parent, guardian or custodian does not appear  
22 at such rehearing, the judge may enter an order prescribing  
23 that the minor be kept in a suitable place designated by the  
24 Department of Children and Family Services or a licensed child  
25 welfare agency.

26 (8) Any interested party, including the State, the

1 temporary custodian, an agency providing services to the minor  
2 or family under a service plan pursuant to Section 8.2 of the  
3 Abused and Neglected Child Reporting Act, foster parent, or any  
4 of their representatives, may file a motion to modify or vacate  
5 a temporary custody order on any of the following grounds:

6 (a) It is no longer a matter of immediate and urgent  
7 necessity that the minor remain in shelter care; or

8 (b) There is a material change in the circumstances of  
9 the natural family from which the minor was removed; or

10 (c) A person, including a parent, relative or legal  
11 guardian, is capable of assuming temporary custody of the  
12 minor; or

13 (d) Services provided by the Department of Children and  
14 Family Services or a child welfare agency or other service  
15 provider have been successful in eliminating the need for  
16 temporary custody.

17 The clerk shall set the matter for hearing not later than  
18 14 days after such motion is filed. In the event that the court  
19 modifies or vacates a temporary custody order but does not  
20 vacate its finding of probable cause, the court may order that  
21 appropriate services be continued or initiated in behalf of the  
22 minor and his or her family.

23 (9) The changes made to this Section by Public Act 98-61  
24 ~~this amendatory Act of the 98th General Assembly~~ apply to a  
25 minor who has been arrested or taken into custody on or after  
26 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~

1 ~~amendatory Act.~~

2 (Source: P.A. 98-61, eff. 1-1-14; revised 11-22-13.)

3 (705 ILCS 405/5-105)

4 Sec. 5-105. Definitions. As used in this Article:

5 (1) "Aftercare release" means the conditional and  
6 revocable release of an adjudicated delinquent juvenile  
7 committed to the Department of Juvenile Justice under the  
8 supervision of the Department of Juvenile Justice.

9 (1.5) "Court" means the circuit court in a session or  
10 division assigned to hear proceedings under this Act, and  
11 includes the term Juvenile Court.

12 (2) "Community service" means uncompensated labor for  
13 a community service agency as hereinafter defined.

14 (2.5) "Community service agency" means a  
15 not-for-profit organization, community organization,  
16 church, charitable organization, individual, public  
17 office, or other public body whose purpose is to enhance  
18 the physical or mental health of a delinquent minor or to  
19 rehabilitate the minor, or to improve the environmental  
20 quality or social welfare of the community which agrees to  
21 accept community service from juvenile delinquents and to  
22 report on the progress of the community service to the  
23 State's Attorney pursuant to an agreement or to the court  
24 or to any agency designated by the court or to the  
25 authorized diversion program that has referred the

1 delinquent minor for community service.

2 (3) "Delinquent minor" means any minor who prior to his  
3 or her 18th birthday has violated or attempted to violate,  
4 regardless of where the act occurred, any federal, State,  
5 county or municipal law or ordinance.

6 (4) "Department" means the Department of Human  
7 Services unless specifically referenced as another  
8 department.

9 (5) "Detention" means the temporary care of a minor who  
10 is alleged to be or has been adjudicated delinquent and who  
11 requires secure custody for the minor's own protection or  
12 the community's protection in a facility designed to  
13 physically restrict the minor's movements, pending  
14 disposition by the court or execution of an order of the  
15 court for placement or commitment. Design features that  
16 physically restrict movement include, but are not limited  
17 to, locked rooms and the secure handcuffing of a minor to a  
18 rail or other stationary object. In addition, "detention"  
19 includes the court ordered care of an alleged or  
20 adjudicated delinquent minor who requires secure custody  
21 pursuant to Section 5-125 of this Act.

22 (6) "Diversion" means the referral of a juvenile,  
23 without court intervention, into a program that provides  
24 services designed to educate the juvenile and develop a  
25 productive and responsible approach to living in the  
26 community.



1           (7) "Juvenile detention home" means a public facility  
2 with specially trained staff that conforms to the county  
3 juvenile detention standards promulgated by the Department  
4 of Corrections.

5           (8) "Juvenile justice continuum" means a set of  
6 delinquency prevention programs and services designed for  
7 the purpose of preventing or reducing delinquent acts,  
8 including criminal activity by youth gangs, as well as  
9 intervention, rehabilitation, and prevention services  
10 targeted at minors who have committed delinquent acts, and  
11 minors who have previously been committed to residential  
12 treatment programs for delinquents. The term includes  
13 children-in-need-of-services and  
14 families-in-need-of-services programs; aftercare and  
15 reentry services; substance abuse and mental health  
16 programs; community service programs; community service  
17 work programs; and alternative-dispute resolution programs  
18 serving youth-at-risk of delinquency and their families,  
19 whether offered or delivered by State or local governmental  
20 entities, public or private for-profit or not-for-profit  
21 organizations, or religious or charitable organizations.  
22 This term would also encompass any program or service  
23 consistent with the purpose of those programs and services  
24 enumerated in this subsection.

25           (9) "Juvenile police officer" means a sworn police  
26 officer who has completed a Basic Recruit Training Course,

1 has been assigned to the position of juvenile police  
2 officer by his or her chief law enforcement officer and has  
3 completed the necessary juvenile officers training as  
4 prescribed by the Illinois Law Enforcement Training  
5 Standards Board, or in the case of a State police officer,  
6 juvenile officer training approved by the Director of State  
7 Police.

8 (10) "Minor" means a person under the age of 21 years  
9 subject to this Act.

10 (11) "Non-secure custody" means confinement where the  
11 minor is not physically restricted by being placed in a  
12 locked cell or room, by being handcuffed to a rail or other  
13 stationary object, or by other means. Non-secure custody  
14 may include, but is not limited to, electronic monitoring,  
15 foster home placement, home confinement, group home  
16 placement, or physical restriction of movement or activity  
17 solely through facility staff.

18 (12) "Public or community service" means uncompensated  
19 labor for a not-for-profit organization or public body  
20 whose purpose is to enhance physical or mental stability of  
21 the offender, environmental quality or the social welfare  
22 and which agrees to accept public or community service from  
23 offenders and to report on the progress of the offender and  
24 the public or community service to the court or to the  
25 authorized diversion program that has referred the  
26 offender for public or community service.

1           (13) "Sentencing hearing" means a hearing to determine  
2 whether a minor should be adjudged a ward of the court, and  
3 to determine what sentence should be imposed on the minor.  
4 It is the intent of the General Assembly that the term  
5 "sentencing hearing" replace the term "dispositional  
6 hearing" and be synonymous with that definition as it was  
7 used in the Juvenile Court Act of 1987.

8           (14) "Shelter" means the temporary care of a minor in  
9 physically unrestricting facilities pending court  
10 disposition or execution of court order for placement.

11           (15) "Site" means a not-for-profit organization,  
12 public body, church, charitable organization, or  
13 individual agreeing to accept community service from  
14 offenders and to report on the progress of ordered or  
15 required public or community service to the court or to the  
16 authorized diversion program that has referred the  
17 offender for public or community service.

18           (16) "Station adjustment" means the informal or formal  
19 handling of an alleged offender by a juvenile police  
20 officer.

21           (17) "Trial" means a hearing to determine whether the  
22 allegations of a petition under Section 5-520 that a minor  
23 is delinquent are proved beyond a reasonable doubt. It is  
24 the intent of the General Assembly that the term "trial"  
25 replace the term "adjudicatory hearing" and be synonymous  
26 with that definition as it was used in the Juvenile Court

1 Act of 1987.

2 The changes made to this Section by Public Act 98-61 ~~this~~  
3 ~~amendatory Act of the 98th General Assembly~~ apply to violations  
4 or attempted violations committed on or after January 1, 2014  
5 (the effective date of Public Act 98-61) ~~this amendatory Act~~.

6 (Source: P.A. 98-61, eff. 1-1-14; 98-558, eff. 1-1-14; revised  
7 1-21-14.)

8 (705 ILCS 405/5-130)

9 Sec. 5-130. Excluded jurisdiction.

10 (1)(a) The definition of delinquent minor under Section  
11 5-120 of this Article shall not apply to any minor who at the  
12 time of an offense was at least 15 years of age and who is  
13 charged with: (i) first degree murder, (ii) aggravated criminal  
14 sexual assault, (iii) aggravated battery with a firearm as  
15 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
16 (e)(3), or (e)(4) of Section 12-3.05 where the minor personally  
17 discharged a firearm as defined in Section 2-15.5 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012, (iv) armed  
19 robbery when the armed robbery was committed with a firearm, or  
20 (v) aggravated vehicular hijacking when the hijacking was  
21 committed with a firearm.

22 These charges and all other charges arising out of the same  
23 incident shall be prosecuted under the criminal laws of this  
24 State.

25 (b)(i) If before trial or plea an information or indictment

1 is filed that does not charge an offense specified in paragraph  
2 (a) of this subsection (1) the State's Attorney may proceed on  
3 any lesser charge or charges, but only in Juvenile Court under  
4 the provisions of this Article. The State's Attorney may  
5 proceed on a lesser charge if before trial the minor defendant  
6 knowingly and with advice of counsel waives, in writing, his or  
7 her right to have the matter proceed in Juvenile Court.

8 (ii) If before trial or plea an information or indictment  
9 is filed that includes one or more charges specified in  
10 paragraph (a) of this subsection (1) and additional charges  
11 that are not specified in that paragraph, all of the charges  
12 arising out of the same incident shall be prosecuted under the  
13 Criminal Code of 1961 or the Criminal Code of 2012.

14 (c) (i) If after trial or plea the minor is convicted of any  
15 offense covered by paragraph (a) of this subsection (1), then,  
16 in sentencing the minor, the court shall have available any or  
17 all dispositions prescribed for that offense under Chapter V of  
18 the Unified Code of Corrections.

19 (ii) If after trial or plea the court finds that the minor  
20 committed an offense not covered by paragraph (a) of this  
21 subsection (1), that finding shall not invalidate the verdict  
22 or the prosecution of the minor under the criminal laws of the  
23 State; however, unless the State requests a hearing for the  
24 purpose of sentencing the minor under Chapter V of the Unified  
25 Code of Corrections, the Court must proceed under Sections  
26 5-705 and 5-710 of this Article. To request a hearing, the

1 State must file a written motion within 10 days following the  
2 entry of a finding or the return of a verdict. Reasonable  
3 notice of the motion shall be given to the minor or his or her  
4 counsel. If the motion is made by the State, the court shall  
5 conduct a hearing to determine if the minor should be sentenced  
6 under Chapter V of the Unified Code of Corrections. In making  
7 its determination, the court shall consider among other  
8 matters: (a) whether there is evidence that the offense was  
9 committed in an aggressive and premeditated manner; (b) the age  
10 of the minor; (c) the previous history of the minor; (d)  
11 whether there are facilities particularly available to the  
12 Juvenile Court or the Department of Juvenile Justice for the  
13 treatment and rehabilitation of the minor; (e) whether the  
14 security of the public requires sentencing under Chapter V of  
15 the Unified Code of Corrections; and (f) whether the minor  
16 possessed a deadly weapon when committing the offense. The  
17 rules of evidence shall be the same as if at trial. If after  
18 the hearing the court finds that the minor should be sentenced  
19 under Chapter V of the Unified Code of Corrections, then the  
20 court shall sentence the minor accordingly having available to  
21 it any or all dispositions so prescribed.

22 (2) (Blank).

23 (3)(a) The definition of delinquent minor under Section  
24 5-120 of this Article shall not apply to any minor who at the  
25 time of the offense was at least 15 years of age and who is  
26 charged with a violation of the provisions of paragraph (1),

1 (3), (4), or (10) of subsection (a) of Section 24-1 of the  
2 Criminal Code of 1961 or the Criminal Code of 2012 while in  
3 school, regardless of the time of day or the time of year, or  
4 on the real property comprising any school, regardless of the  
5 time of day or the time of year. School is defined, for  
6 purposes of this Section as any public or private elementary or  
7 secondary school, community college, college, or university.  
8 These charges and all other charges arising out of the same  
9 incident shall be prosecuted under the criminal laws of this  
10 State.

11 (b) (i) If before trial or plea an information or indictment  
12 is filed that does not charge an offense specified in paragraph  
13 (a) of this subsection (3) the State's Attorney may proceed on  
14 any lesser charge or charges, but only in Juvenile Court under  
15 the provisions of this Article. The State's Attorney may  
16 proceed under the criminal laws of this State on a lesser  
17 charge if before trial the minor defendant knowingly and with  
18 advice of counsel waives, in writing, his or her right to have  
19 the matter proceed in Juvenile Court.

20 (ii) If before trial or plea an information or indictment  
21 is filed that includes one or more charges specified in  
22 paragraph (a) of this subsection (3) and additional charges  
23 that are not specified in that paragraph, all of the charges  
24 arising out of the same incident shall be prosecuted under the  
25 criminal laws of this State.

26 (c) (i) If after trial or plea the minor is convicted of any

1 offense covered by paragraph (a) of this subsection (3), then,  
2 in sentencing the minor, the court shall have available any or  
3 all dispositions prescribed for that offense under Chapter V of  
4 the Unified Code of Corrections.

5 (ii) If after trial or plea the court finds that the minor  
6 committed an offense not covered by paragraph (a) of this  
7 subsection (3), that finding shall not invalidate the verdict  
8 or the prosecution of the minor under the criminal laws of the  
9 State; however, unless the State requests a hearing for the  
10 purpose of sentencing the minor under Chapter V of the Unified  
11 Code of Corrections, the Court must proceed under Sections  
12 5-705 and 5-710 of this Article. To request a hearing, the  
13 State must file a written motion within 10 days following the  
14 entry of a finding or the return of a verdict. Reasonable  
15 notice of the motion shall be given to the minor or his or her  
16 counsel. If the motion is made by the State, the court shall  
17 conduct a hearing to determine if the minor should be sentenced  
18 under Chapter V of the Unified Code of Corrections. In making  
19 its determination, the court shall consider among other  
20 matters: (a) whether there is evidence that the offense was  
21 committed in an aggressive and premeditated manner; (b) the age  
22 of the minor; (c) the previous history of the minor; (d)  
23 whether there are facilities particularly available to the  
24 Juvenile Court or the Department of Juvenile Justice for the  
25 treatment and rehabilitation of the minor; (e) whether the  
26 security of the public requires sentencing under Chapter V of



1 the Unified Code of Corrections; and (f) whether the minor  
2 possessed a deadly weapon when committing the offense. The  
3 rules of evidence shall be the same as if at trial. If after  
4 the hearing the court finds that the minor should be sentenced  
5 under Chapter V of the Unified Code of Corrections, then the  
6 court shall sentence the minor accordingly having available to  
7 it any or all dispositions so prescribed.

8 (4) (a) The definition of delinquent minor under Section  
9 5-120 of this Article shall not apply to any minor who at the  
10 time of an offense was at least 13 years of age and who is  
11 charged with first degree murder committed during the course of  
12 either aggravated criminal sexual assault, criminal sexual  
13 assault, or aggravated kidnaping. However, this subsection (4)  
14 does not include a minor charged with first degree murder based  
15 exclusively upon the accountability provisions of the Criminal  
16 Code of 1961 or the Criminal Code of 2012.

17 (b) (i) If before trial or plea an information or indictment  
18 is filed that does not charge first degree murder committed  
19 during the course of aggravated criminal sexual assault,  
20 criminal sexual assault, or aggravated kidnaping, the State's  
21 Attorney may proceed on any lesser charge or charges, but only  
22 in Juvenile Court under the provisions of this Article. The  
23 State's Attorney may proceed under the criminal laws of this  
24 State on a lesser charge if before trial the minor defendant  
25 knowingly and with advice of counsel waives, in writing, his or  
26 her right to have the matter proceed in Juvenile Court.

1           (ii) If before trial or plea an information or indictment  
2 is filed that includes first degree murder committed during the  
3 course of aggravated criminal sexual assault, criminal sexual  
4 assault, or aggravated kidnaping, and additional charges that  
5 are not specified in paragraph (a) of this subsection, all of  
6 the charges arising out of the same incident shall be  
7 prosecuted under the criminal laws of this State.

8           (c)(i) If after trial or plea the minor is convicted of  
9 first degree murder committed during the course of aggravated  
10 criminal sexual assault, criminal sexual assault, or  
11 aggravated kidnaping, in sentencing the minor, the court shall  
12 have available any or all dispositions prescribed for that  
13 offense under Chapter V of the Unified Code of Corrections.

14           (ii) If the minor was not yet 15 years of age at the time of  
15 the offense, and if after trial or plea the court finds that  
16 the minor committed an offense other than first degree murder  
17 committed during the course of either aggravated criminal  
18 sexual assault, criminal sexual assault, or aggravated  
19 kidnaping, the finding shall not invalidate the verdict or the  
20 prosecution of the minor under the criminal laws of the State;  
21 however, unless the State requests a hearing for the purpose of  
22 sentencing the minor under Chapter V of the Unified Code of  
23 Corrections, the Court must proceed under Sections 5-705 and  
24 5-710 of this Article. To request a hearing, the State must  
25 file a written motion within 10 days following the entry of a  
26 finding or the return of a verdict. Reasonable notice of the

1 motion shall be given to the minor or his or her counsel. If  
2 the motion is made by the State, the court shall conduct a  
3 hearing to determine whether the minor should be sentenced  
4 under Chapter V of the Unified Code of Corrections. In making  
5 its determination, the court shall consider among other  
6 matters: (a) whether there is evidence that the offense was  
7 committed in an aggressive and premeditated manner; (b) the age  
8 of the minor; (c) the previous delinquent history of the minor;  
9 (d) whether there are facilities particularly available to the  
10 Juvenile Court or the Department of Juvenile Justice for the  
11 treatment and rehabilitation of the minor; (e) whether the best  
12 interest of the minor and the security of the public require  
13 sentencing under Chapter V of the Unified Code of Corrections;  
14 and (f) whether the minor possessed a deadly weapon when  
15 committing the offense. The rules of evidence shall be the same  
16 as if at trial. If after the hearing the court finds that the  
17 minor should be sentenced under Chapter V of the Unified Code  
18 of Corrections, then the court shall sentence the minor  
19 accordingly having available to it any or all dispositions so  
20 prescribed.

21 (5)(a) The definition of delinquent minor under Section  
22 5-120 of this Article shall not apply to any minor who is  
23 charged with a violation of subsection (a) of Section 31-6 or  
24 Section 32-10 of the Criminal Code of 1961 or the Criminal Code  
25 of 2012 when the minor is subject to prosecution under the  
26 criminal laws of this State as a result of the application of

1 the provisions of Section 5-125, or subsection (1) or (2) of  
2 this Section. These charges and all other charges arising out  
3 of the same incident shall be prosecuted under the criminal  
4 laws of this State.

5 (b) (i) If before trial or plea an information or indictment  
6 is filed that does not charge an offense specified in paragraph  
7 (a) of this subsection (5), the State's Attorney may proceed on  
8 any lesser charge or charges, but only in Juvenile Court under  
9 the provisions of this Article. The State's Attorney may  
10 proceed under the criminal laws of this State on a lesser  
11 charge if before trial the minor defendant knowingly and with  
12 advice of counsel waives, in writing, his or her right to have  
13 the matter proceed in Juvenile Court.

14 (ii) If before trial or plea an information or indictment  
15 is filed that includes one or more charges specified in  
16 paragraph (a) of this subsection (5) and additional charges  
17 that are not specified in that paragraph, all of the charges  
18 arising out of the same incident shall be prosecuted under the  
19 criminal laws of this State.

20 (c) (i) If after trial or plea the minor is convicted of any  
21 offense covered by paragraph (a) of this subsection (5), then,  
22 in sentencing the minor, the court shall have available any or  
23 all dispositions prescribed for that offense under Chapter V of  
24 the Unified Code of Corrections.

25 (ii) If after trial or plea the court finds that the minor  
26 committed an offense not covered by paragraph (a) of this

1 subsection (5), the conviction shall not invalidate the verdict  
2 or the prosecution of the minor under the criminal laws of this  
3 State; however, unless the State requests a hearing for the  
4 purpose of sentencing the minor under Chapter V of the Unified  
5 Code of Corrections, the Court must proceed under Sections  
6 5-705 and 5-710 of this Article. To request a hearing, the  
7 State must file a written motion within 10 days following the  
8 entry of a finding or the return of a verdict. Reasonable  
9 notice of the motion shall be given to the minor or his or her  
10 counsel. If the motion is made by the State, the court shall  
11 conduct a hearing to determine if whether the minor should be  
12 sentenced under Chapter V of the Unified Code of Corrections.  
13 In making its determination, the court shall consider among  
14 other matters: (a) whether there is evidence that the offense  
15 was committed in an aggressive and premeditated manner; (b) the  
16 age of the minor; (c) the previous delinquent history of the  
17 minor; (d) whether there are facilities particularly available  
18 to the Juvenile Court or the Department of Juvenile Justice for  
19 the treatment and rehabilitation of the minor; (e) whether the  
20 security of the public requires sentencing under Chapter V of  
21 the Unified Code of Corrections; and (f) whether the minor  
22 possessed a deadly weapon when committing the offense. The  
23 rules of evidence shall be the same as if at trial. If after  
24 the hearing the court finds that the minor should be sentenced  
25 under Chapter V of the Unified Code of Corrections, then the  
26 court shall sentence the minor accordingly having available to

1 it any or all dispositions so prescribed.

2 (6) The definition of delinquent minor under Section 5-120  
3 of this Article shall not apply to any minor who, pursuant to  
4 subsection (1) or (3) or Section 5-805 or 5-810, has previously  
5 been placed under the jurisdiction of the criminal court and  
6 has been convicted of a crime under an adult criminal or penal  
7 statute. Such a minor shall be subject to prosecution under the  
8 criminal laws of this State.

9 (7) The procedures set out in this Article for the  
10 investigation, arrest and prosecution of juvenile offenders  
11 shall not apply to minors who are excluded from jurisdiction of  
12 the Juvenile Court, except that minors under 18 years of age  
13 shall be kept separate from confined adults.

14 (8) Nothing in this Act prohibits or limits the prosecution  
15 of any minor for an offense committed on or after his or her  
16 18th birthday even though he or she is at the time of the  
17 offense a ward of the court.

18 (9) If an original petition for adjudication of wardship  
19 alleges the commission by a minor 13 years of age or over of an  
20 act that constitutes a crime under the laws of this State, the  
21 minor, with the consent of his or her counsel, may, at any time  
22 before commencement of the adjudicatory hearing, file with the  
23 court a motion that criminal prosecution be ordered and that  
24 the petition be dismissed insofar as the act or acts involved  
25 in the criminal proceedings are concerned. If such a motion is  
26 filed as herein provided, the court shall enter its order

1 accordingly.

2 (10) If, prior to August 12, 2005 (the effective date of  
3 Public Act 94-574), a minor is charged with a violation of  
4 Section 401 of the Illinois Controlled Substances Act under the  
5 criminal laws of this State, other than a minor charged with a  
6 Class X felony violation of the Illinois Controlled Substances  
7 Act or the Methamphetamine Control and Community Protection  
8 Act, any party including the minor or the court sua sponte may,  
9 before trial, move for a hearing for the purpose of trying and  
10 sentencing the minor as a delinquent minor. To request a  
11 hearing, the party must file a motion prior to trial.  
12 Reasonable notice of the motion shall be given to all parties.  
13 On its own motion or upon the filing of a motion by one of the  
14 parties including the minor, the court shall conduct a hearing  
15 to determine whether the minor should be tried and sentenced as  
16 a delinquent minor under this Article. In making its  
17 determination, the court shall consider among other matters:

18 (a) The age of the minor;

19 (b) Any previous delinquent or criminal history of the  
20 minor;

21 (c) Any previous abuse or neglect history of the minor;

22 (d) Any mental health or educational history of the  
23 minor, or both; and

24 (e) Whether there is probable cause to support the  
25 charge, whether the minor is charged through  
26 accountability, and whether there is evidence the minor

1           possessed a deadly weapon or caused serious bodily harm  
2           during the offense.

3           Any material that is relevant and reliable shall be  
4           admissible at the hearing. In all cases, the judge shall enter  
5           an order permitting prosecution under the criminal laws of  
6           Illinois unless the judge makes a finding based on a  
7           preponderance of the evidence that the minor would be amenable  
8           to the care, treatment, and training programs available through  
9           the facilities of the juvenile court based on an evaluation of  
10          the factors listed in this subsection (10).

11          (11) The changes made to this Section by Public Act 98-61  
12          ~~this amendatory Act of the 98th General Assembly~~ apply to a  
13          minor who has been arrested or taken into custody on or after  
14          January 1, 2014 (the effective date of Public Act 98-61) ~~this~~  
15          ~~amendatory Act.~~

16          (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;  
17          revised 11-22-13.)

18                 (705 ILCS 405/5-401.5)

19                 Sec. 5-401.5. When statements by minor may be used.

20                 (a) In this Section, "custodial interrogation" means any  
21                 interrogation (i) during which a reasonable person in the  
22                 subject's position would consider himself or herself to be in  
23                 custody and (ii) during which a question is asked that is  
24                 reasonably likely to elicit an incriminating response.

25                 In this Section, "electronic recording" includes motion



1 picture, audiotape, videotape, or digital recording.

2 In this Section, "place of detention" means a building or a  
3 police station that is a place of operation for a municipal  
4 police department or county sheriff department or other law  
5 enforcement agency at which persons are or may be held in  
6 detention in connection with criminal charges against those  
7 persons or allegations that those persons are delinquent  
8 minors.

9 (b) An oral, written, or sign language statement of a minor  
10 who, at the time of the commission of the offense was under the  
11 age of 18 years, made as a result of a custodial interrogation  
12 conducted at a police station or other place of detention on or  
13 after the effective date of this amendatory Act of the 93rd  
14 General Assembly shall be presumed to be inadmissible as  
15 evidence against the minor in any criminal proceeding or  
16 juvenile court proceeding, for an act that if committed by an  
17 adult would be brought under Section 9-1, 9-1.2, 9-2, 9-2.1,  
18 9-3, 9-3.2, or 9-3.3, of the Criminal Code of 1961 or the  
19 Criminal Code of 2012, or under clause (d)(1)(F) of Section  
20 11-501 of the Illinois Vehicle Code unless:

21 (1) an electronic recording is made of the custodial  
22 interrogation; and

23 (2) the recording is substantially accurate and not  
24 intentionally altered.

25 (b-5) Under the following circumstances, an oral, written,  
26 or sign language statement of a minor who, at the time of the

1 commission of the offense was under the age of 17 years, made  
2 as a result of a custodial interrogation conducted at a police  
3 station or other place of detention shall be presumed to be  
4 inadmissible as evidence against the minor, unless an  
5 electronic recording is made of the custodial interrogation and  
6 the recording is substantially accurate and not intentionally  
7 altered:

8 (1) in any criminal proceeding or juvenile court  
9 proceeding, for an act that if committed by an adult would  
10 be brought under Section 11-1.40 or 20-1.1 of the Criminal  
11 Code of 1961 or the Criminal Code of 2012, if the custodial  
12 interrogation was conducted on or after June 1, 2014;

13 (2) in any criminal proceeding or juvenile court  
14 proceeding, for an act that if committed by an adult would  
15 be brought under Section 10-2, 18-4, or 19-6 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012, if the  
17 custodial interrogation was conducted on or after June 1,  
18 2015; and

19 (3) in any criminal proceeding or juvenile court  
20 proceeding, for an act that if committed by an adult would  
21 be brought under Section 11-1.30 or 18-2 or subsection (e)  
22 of Section 12-3.05 of the Criminal Code of 1961 or the  
23 Criminal Code of 2012, if the custodial interrogation was  
24 conducted on or after June 1, 2016.

25 (b-10) If, during the course of an electronically recorded  
26 custodial interrogation conducted under this Section of a minor

1 who, at the time of the commission of the offense was under the  
2 age of 17 years, the minor makes a statement that creates a  
3 reasonable suspicion to believe the minor has committed an act  
4 that if committed by an adult would be an offense other than an  
5 offense required to be recorded under subsection (b) or (b-5),  
6 the interrogators may, without the minor's consent, continue to  
7 record the interrogation as it relates to the other offense  
8 notwithstanding any provision of law to the contrary. Any oral,  
9 written, or sign language statement of a minor made as a result  
10 of an interrogation under this subsection shall be presumed to  
11 be inadmissible as evidence against the minor in any criminal  
12 proceeding or juvenile court proceeding, unless the recording  
13 is substantially accurate and not intentionally altered.

14 (c) Every electronic recording made under this Section must  
15 be preserved until such time as the minor's adjudication for  
16 any offense relating to the statement is final and all direct  
17 and habeas corpus appeals are exhausted, or the prosecution of  
18 such offenses is barred by law.

19 (d) If the court finds, by a preponderance of the evidence,  
20 that the minor was subjected to a custodial interrogation in  
21 violation of this Section, then any statements made by the  
22 minor during or following that non-recorded custodial  
23 interrogation, even if otherwise in compliance with this  
24 Section, are presumed to be inadmissible in any criminal  
25 proceeding or juvenile court proceeding against the minor  
26 except for the purposes of impeachment.

1           (e) Nothing in this Section precludes the admission (i) of  
2 a statement made by the minor in open court in any criminal  
3 proceeding or juvenile court proceeding, before a grand jury,  
4 or at a preliminary hearing, (ii) of a statement made during a  
5 custodial interrogation that was not recorded as required by  
6 this Section because electronic recording was not feasible,  
7 (iii) of a voluntary statement, whether or not the result of a  
8 custodial interrogation, that has a bearing on the credibility  
9 of the accused as a witness, (iv) of a spontaneous statement  
10 that is not made in response to a question, (v) of a statement  
11 made after questioning that is routinely asked during the  
12 processing of the arrest of the suspect, (vi) of a statement  
13 made during a custodial interrogation by a suspect who  
14 requests, prior to making the statement, to respond to the  
15 interrogator's questions only if an electronic recording is not  
16 made of the statement, provided that an electronic recording is  
17 made of the statement of agreeing to respond to the  
18 interrogator's question, only if a recording is not made of the  
19 statement, (vii) of a statement made during a custodial  
20 interrogation that is conducted out-of-state, (viii) of a  
21 statement given in violation of subsection (b) at a time when  
22 the interrogators are unaware that a death has in fact  
23 occurred, (ix) of a statement given in violation of subsection  
24 (b-5) at a time when the interrogators are unaware of facts and  
25 circumstances that would create probable cause to believe that  
26 the minor committed an act that if committed by an adult would

1 be an offense required to be recorded under subsection (b-5),  
2 or (x) of any other statement that may be admissible under law.  
3 The State shall bear the burden of proving, by a preponderance  
4 of the evidence, that one of the exceptions described in this  
5 subsection (e) is applicable. Nothing in this Section precludes  
6 the admission of a statement, otherwise inadmissible under this  
7 Section, that is used only for impeachment and not as  
8 substantive evidence.

9 (f) The presumption of inadmissibility of a statement made  
10 by a suspect at a custodial interrogation at a police station  
11 or other place of detention may be overcome by a preponderance  
12 of the evidence that the statement was voluntarily given and is  
13 reliable, based on the totality of the circumstances.

14 (g) Any electronic recording of any statement made by a  
15 minor during a custodial interrogation that is compiled by any  
16 law enforcement agency as required by this Section for the  
17 purposes of fulfilling the requirements of this Section shall  
18 be confidential and exempt from public inspection and copying,  
19 as provided under Section 7 of the Freedom of Information Act,  
20 and the information shall not be transmitted to anyone except  
21 as needed to comply with this Section.

22 (h) A statement, admission, confession, or incriminating  
23 information made by or obtained from a minor related to the  
24 instant offense, as part of any behavioral health screening,  
25 assessment, evaluation, or treatment, whether or not  
26 court-ordered, shall not be admissible as evidence against the

1 minor on the issue of guilt only in the instant juvenile court  
2 proceeding. The provisions of this subsection (h) are in  
3 addition to and do not override any existing statutory and  
4 constitutional prohibition on the admission into evidence in  
5 delinquency proceedings of information obtained during  
6 screening, assessment, or treatment.

7 (i) The changes made to this Section by Public Act 98-61  
8 ~~this amendatory Act of the 98th General Assembly~~ apply to  
9 statements of a minor made on or after January 1, 2014 (the  
10 effective date of Public Act 98-61) ~~this amendatory Act~~.

11 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;  
12 98-547, eff. 1-1-14; revised 9-24-13.)

13 (705 ILCS 405/5-410)

14 Sec. 5-410. Non-secure custody or detention.

15 (1) Any minor arrested or taken into custody pursuant to  
16 this Act who requires care away from his or her home but who  
17 does not require physical restriction shall be given temporary  
18 care in a foster family home or other shelter facility  
19 designated by the court.

20 (2) (a) Any minor 10 years of age or older arrested  
21 pursuant to this Act where there is probable cause to believe  
22 that the minor is a delinquent minor and that (i) secured  
23 custody is a matter of immediate and urgent necessity for the  
24 protection of the minor or of the person or property of  
25 another, (ii) the minor is likely to flee the jurisdiction of

1 the court, or (iii) the minor was taken into custody under a  
2 warrant, may be kept or detained in an authorized detention  
3 facility. No minor under 12 years of age shall be detained in a  
4 county jail or a municipal lockup for more than 6 hours.

5 (b) The written authorization of the probation officer or  
6 detention officer (or other public officer designated by the  
7 court in a county having 3,000,000 or more inhabitants)  
8 constitutes authority for the superintendent of any juvenile  
9 detention home to detain and keep a minor for up to 40 hours,  
10 excluding Saturdays, Sundays and court-designated holidays.  
11 These records shall be available to the same persons and  
12 pursuant to the same conditions as are law enforcement records  
13 as provided in Section 5-905.

14 (b-4) The consultation required by subsection (b-5) shall  
15 not be applicable if the probation officer or detention officer  
16 (or other public officer designated by the court in a county  
17 having 3,000,000 or more inhabitants) utilizes a scorable  
18 detention screening instrument, which has been developed with  
19 input by the State's Attorney, to determine whether a minor  
20 should be detained, however, subsection (b-5) shall still be  
21 applicable where no such screening instrument is used or where  
22 the probation officer, detention officer (or other public  
23 officer designated by the court in a county having 3,000,000 or  
24 more inhabitants) deviates from the screening instrument.

25 (b-5) Subject to the provisions of subsection (b-4), if a  
26 probation officer or detention officer (or other public officer

1 designated by the court in a county having 3,000,000 or more  
2 inhabitants) does not intend to detain a minor for an offense  
3 which constitutes one of the following offenses he or she shall  
4 consult with the State's Attorney's Office prior to the release  
5 of the minor: first degree murder, second degree murder,  
6 involuntary manslaughter, criminal sexual assault, aggravated  
7 criminal sexual assault, aggravated battery with a firearm as  
8 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
9 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous  
10 battery involving permanent disability or disfigurement or  
11 great bodily harm, robbery, aggravated robbery, armed robbery,  
12 vehicular hijacking, aggravated vehicular hijacking, vehicular  
13 invasion, arson, aggravated arson, kidnapping, aggravated  
14 kidnapping, home invasion, burglary, or residential burglary.

15 (c) Except as otherwise provided in paragraph (a), (d), or  
16 (e), no minor shall be detained in a county jail or municipal  
17 lockup for more than 12 hours, unless the offense is a crime of  
18 violence in which case the minor may be detained up to 24  
19 hours. For the purpose of this paragraph, "crime of violence"  
20 has the meaning ascribed to it in Section 1-10 of the  
21 Alcoholism and Other Drug Abuse and Dependency Act.

22 (i) The period of detention is deemed to have begun  
23 once the minor has been placed in a locked room or cell or  
24 handcuffed to a stationary object in a building housing a  
25 county jail or municipal lockup. Time spent transporting a  
26 minor is not considered to be time in detention or secure



1 custody.

2 (ii) Any minor so confined shall be under periodic  
3 supervision and shall not be permitted to come into or  
4 remain in contact with adults in custody in the building.

5 (iii) Upon placement in secure custody in a jail or  
6 lockup, the minor shall be informed of the purpose of the  
7 detention, the time it is expected to last and the fact  
8 that it cannot exceed the time specified under this Act.

9 (iv) A log shall be kept which shows the offense which  
10 is the basis for the detention, the reasons and  
11 circumstances for the decision to detain and the length of  
12 time the minor was in detention.

13 (v) Violation of the time limit on detention in a  
14 county jail or municipal lockup shall not, in and of  
15 itself, render inadmissible evidence obtained as a result  
16 of the violation of this time limit. Minors under 18 years  
17 of age shall be kept separate from confined adults and may  
18 not at any time be kept in the same cell, room or yard with  
19 adults confined pursuant to criminal law. Persons 18 years  
20 of age and older who have a petition of delinquency filed  
21 against them may be confined in an adult detention  
22 facility. In making a determination whether to confine a  
23 person 18 years of age or older who has a petition of  
24 delinquency filed against the person, these factors, among  
25 other matters, shall be considered:

26 (A) The age of the person;

1 (B) Any previous delinquent or criminal history of  
2 the person;

3 (C) Any previous abuse or neglect history of the  
4 person; and

5 (D) Any mental health or educational history of the  
6 person, or both.

7 (d) (i) If a minor 12 years of age or older is confined in a  
8 county jail in a county with a population below 3,000,000  
9 inhabitants, then the minor's confinement shall be implemented  
10 in such a manner that there will be no contact by sight, sound  
11 or otherwise between the minor and adult prisoners. Minors 12  
12 years of age or older must be kept separate from confined  
13 adults and may not at any time be kept in the same cell, room,  
14 or yard with confined adults. This paragraph (d) (i) shall only  
15 apply to confinement pending an adjudicatory hearing and shall  
16 not exceed 40 hours, excluding Saturdays, Sundays and court  
17 designated holidays. To accept or hold minors during this time  
18 period, county jails shall comply with all monitoring standards  
19 promulgated by the Department of Corrections and training  
20 standards approved by the Illinois Law Enforcement Training  
21 Standards Board.

22 (ii) To accept or hold minors, 12 years of age or older,  
23 after the time period prescribed in paragraph (d) (i) of this  
24 subsection (2) of this Section but not exceeding 7 days  
25 including Saturdays, Sundays and holidays pending an  
26 adjudicatory hearing, county jails shall comply with all

1 temporary detention standards promulgated by the Department of  
2 Corrections and training standards approved by the Illinois Law  
3 Enforcement Training Standards Board.

4 (iii) To accept or hold minors 12 years of age or older,  
5 after the time period prescribed in paragraphs (d)(i) and  
6 (d)(ii) of this subsection (2) of this Section, county jails  
7 shall comply with all programmatic and training standards for  
8 juvenile detention homes promulgated by the Department of  
9 Corrections.

10 (e) When a minor who is at least 15 years of age is  
11 prosecuted under the criminal laws of this State, the court may  
12 enter an order directing that the juvenile be confined in the  
13 county jail. However, any juvenile confined in the county jail  
14 under this provision shall be separated from adults who are  
15 confined in the county jail in such a manner that there will be  
16 no contact by sight, sound or otherwise between the juvenile  
17 and adult prisoners.

18 (f) For purposes of appearing in a physical lineup, the  
19 minor may be taken to a county jail or municipal lockup under  
20 the direct and constant supervision of a juvenile police  
21 officer. During such time as is necessary to conduct a lineup,  
22 and while supervised by a juvenile police officer, the sight  
23 and sound separation provisions shall not apply.

24 (g) For purposes of processing a minor, the minor may be  
25 taken to a County Jail or municipal lockup under the direct and  
26 constant supervision of a law enforcement officer or

1 correctional officer. During such time as is necessary to  
2 process the minor, and while supervised by a law enforcement  
3 officer or correctional officer, the sight and sound separation  
4 provisions shall not apply.

5 (3) If the probation officer or State's Attorney (or such  
6 other public officer designated by the court in a county having  
7 3,000,000 or more inhabitants) determines that the minor may be  
8 a delinquent minor as described in subsection (3) of Section  
9 5-105, and should be retained in custody but does not require  
10 physical restriction, the minor may be placed in non-secure  
11 custody for up to 40 hours pending a detention hearing.

12 (4) Any minor taken into temporary custody, not requiring  
13 secure detention, may, however, be detained in the home of his  
14 or her parent or guardian subject to such conditions as the  
15 court may impose.

16 (5) The changes made to this Section by Public Act 98-61  
17 ~~this amendatory Act of the 98th General Assembly~~ apply to a  
18 minor who has been arrested or taken into custody on or after  
19 January 1, 2014 (the effective date of Public Act 98-61) ~~this~~  
20 ~~amendatory Act.~~

21 (Source: P.A. 98-61, eff. 1-1-14; revised 11-22-13.)

22 (705 ILCS 405/5-901)

23 Sec. 5-901. Court file.

24 (1) The Court file with respect to proceedings under this  
25 Article shall consist of the petitions, pleadings, victim

1 impact statements, process, service of process, orders, writs  
2 and docket entries reflecting hearings held and judgments and  
3 decrees entered by the court. The court file shall be kept  
4 separate from other records of the court.

5 (a) The file, including information identifying the  
6 victim or alleged victim of any sex offense, shall be  
7 disclosed only to the following parties when necessary for  
8 discharge of their official duties:

9 (i) A judge of the circuit court and members of the  
10 staff of the court designated by the judge;

11 (ii) Parties to the proceedings and their  
12 attorneys;

13 (iii) Victims and their attorneys, except in cases  
14 of multiple victims of sex offenses in which case the  
15 information identifying the nonrequesting victims  
16 shall be redacted;

17 (iv) Probation officers, law enforcement officers  
18 or prosecutors or their staff;

19 (v) Adult and juvenile Prisoner Review Boards.

20 (b) The Court file redacted to remove any information  
21 identifying the victim or alleged victim of any sex offense  
22 shall be disclosed only to the following parties when  
23 necessary for discharge of their official duties:

24 (i) Authorized military personnel;

25 (ii) Persons engaged in bona fide research, with  
26 the permission of the judge of the juvenile court and

1 the chief executive of the agency that prepared the  
2 particular recording: provided that publication of  
3 such research results in no disclosure of a minor's  
4 identity and protects the confidentiality of the  
5 record;

6 (iii) The Secretary of State to whom the Clerk of  
7 the Court shall report the disposition of all cases, as  
8 required in Section 6-204 or Section 6-205.1 of the  
9 Illinois Vehicle Code. However, information reported  
10 relative to these offenses shall be privileged and  
11 available only to the Secretary of State, courts, and  
12 police officers;

13 (iv) The administrator of a bonafide substance  
14 abuse student assistance program with the permission  
15 of the presiding judge of the juvenile court;

16 (v) Any individual, or any public or private agency  
17 or institution, having custody of the juvenile under  
18 court order or providing educational, medical or  
19 mental health services to the juvenile or a  
20 court-approved advocate for the juvenile or any  
21 placement provider or potential placement provider as  
22 determined by the court.

23 (3) A minor who is the victim or alleged victim in a  
24 juvenile proceeding shall be provided the same confidentiality  
25 regarding disclosure of identity as the minor who is the  
26 subject of record. Information identifying victims and alleged

1 victims of sex offenses, shall not be disclosed or open to  
2 public inspection under any circumstances. Nothing in this  
3 Section shall prohibit the victim or alleged victim of any sex  
4 offense from voluntarily disclosing his or her identity.

5 (4) Relevant information, reports and records shall be made  
6 available to the Department of Juvenile Justice when a juvenile  
7 offender has been placed in the custody of the Department of  
8 Juvenile Justice.

9 (5) Except as otherwise provided in this subsection (5),  
10 juvenile court records shall not be made available to the  
11 general public but may be inspected by representatives of  
12 agencies, associations and news media or other properly  
13 interested persons by general or special order of the court.  
14 The State's Attorney, the minor, his or her parents, guardian  
15 and counsel shall at all times have the right to examine court  
16 files and records.

17 (a) The court shall allow the general public to have  
18 access to the name, address, and offense of a minor who is  
19 adjudicated a delinquent minor under this Act under either  
20 of the following circumstances:

21 (i) The adjudication of delinquency was based upon  
22 the minor's commission of first degree murder, attempt  
23 to commit first degree murder, aggravated criminal  
24 sexual assault, or criminal sexual assault; or

25 (ii) The court has made a finding that the minor  
26 was at least 13 years of age at the time the act was

1 committed and the adjudication of delinquency was  
2 based upon the minor's commission of: (A) an act in  
3 furtherance of the commission of a felony as a member  
4 of or on behalf of a criminal street gang, (B) an act  
5 involving the use of a firearm in the commission of a  
6 felony, (C) an act that would be a Class X felony  
7 offense under or the minor's second or subsequent Class  
8 2 or greater felony offense under the Cannabis Control  
9 Act if committed by an adult, (D) an act that would be  
10 a second or subsequent offense under Section 402 of the  
11 Illinois Controlled Substances Act if committed by an  
12 adult, (E) an act that would be an offense under  
13 Section 401 of the Illinois Controlled Substances Act  
14 if committed by an adult, or (F) an act that would be  
15 an offense under the Methamphetamine Control and  
16 Community Protection Act if committed by an adult.

17 (b) The court shall allow the general public to have  
18 access to the name, address, and offense of a minor who is  
19 at least 13 years of age at the time the offense is  
20 committed and who is convicted, in criminal proceedings  
21 permitted or required under Section 5-805, under either of  
22 the following circumstances:

23 (i) The minor has been convicted of first degree  
24 murder, attempt to commit first degree murder,  
25 aggravated criminal sexual assault, or criminal sexual  
26 assault,



1           (ii) The court has made a finding that the minor  
2           was at least 13 years of age at the time the offense  
3           was committed and the conviction was based upon the  
4           minor's commission of: (A) an offense in furtherance of  
5           the commission of a felony as a member of or on behalf  
6           of a criminal street gang, (B) an offense involving the  
7           use of a firearm in the commission of a felony, (C) a  
8           Class X felony offense under the Cannabis Control Act  
9           or a second or subsequent Class 2 or greater felony  
10          offense under the Cannabis Control Act, (D) a second or  
11          subsequent offense under Section 402 of the Illinois  
12          Controlled Substances Act, (E) an offense under  
13          Section 401 of the Illinois Controlled Substances Act,  
14          or (F) an offense under the Methamphetamine Control and  
15          Community Protection Act.

16          (6) Nothing in this Section shall be construed to limit the  
17          use of a adjudication of delinquency as evidence in any  
18          juvenile or criminal proceeding, where it would otherwise be  
19          admissible under the rules of evidence, including but not  
20          limited to, use as impeachment evidence against any witness,  
21          including the minor if he or she testifies.

22          (7) Nothing in this Section shall affect the right of a  
23          Civil Service Commission or appointing authority examining the  
24          character and fitness of an applicant for a position as a law  
25          enforcement officer to ascertain whether that applicant was  
26          ever adjudicated to be a delinquent minor and, if so, to

1 examine the records or evidence which were made in proceedings  
2 under this Act.

3 (8) Following any adjudication of delinquency for a crime  
4 which would be a felony if committed by an adult, or following  
5 any adjudication of delinquency for a violation of Section  
6 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the  
7 Criminal Code of 2012, the State's Attorney shall ascertain  
8 whether the minor respondent is enrolled in school and, if so,  
9 shall provide a copy of the sentencing order to the principal  
10 or chief administrative officer of the school. Access to such  
11 juvenile records shall be limited to the principal or chief  
12 administrative officer of the school and any guidance counselor  
13 designated by him or her.

14 (9) Nothing contained in this Act prevents the sharing or  
15 disclosure of information or records relating or pertaining to  
16 juveniles subject to the provisions of the Serious Habitual  
17 Offender Comprehensive Action Program when that information is  
18 used to assist in the early identification and treatment of  
19 habitual juvenile offenders.

20 (11) The Clerk of the Circuit Court shall report to the  
21 Department of State Police, in the form and manner required by  
22 the Department of State Police, the final disposition of each  
23 minor who has been arrested or taken into custody before his or  
24 her 18th birthday for those offenses required to be reported  
25 under Section 5 of the Criminal Identification Act. Information  
26 reported to the Department under this Section may be maintained

1 with records that the Department files under Section 2.1 of the  
2 Criminal Identification Act.

3 (12) Information or records may be disclosed to the general  
4 public when the court is conducting hearings under Section  
5 5-805 or 5-810.

6 (13) The changes made to this Section by Public Act 98-61  
7 ~~this amendatory Act of the 98th General Assembly~~ apply to  
8 juvenile court records of a minor who has been arrested or  
9 taken into custody on or after January 1, 2014 (the effective  
10 date of Public Act 98-61) ~~this amendatory Act~~.

11 (Source: P.A. 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14;  
12 revised 11-22-13.)

13 (705 ILCS 405/5-905)

14 Sec. 5-905. Law enforcement records.

15 (1) Law Enforcement Records. Inspection and copying of law  
16 enforcement records maintained by law enforcement agencies  
17 that relate to a minor who has been arrested or taken into  
18 custody before his or her 18th birthday shall be restricted to  
19 the following and when necessary for the discharge of their  
20 official duties:

21 (a) A judge of the circuit court and members of the  
22 staff of the court designated by the judge;

23 (b) Law enforcement officers, probation officers or  
24 prosecutors or their staff, or, when necessary for the  
25 discharge of its official duties in connection with a

1 particular investigation of the conduct of a law  
2 enforcement officer, an independent agency or its staff  
3 created by ordinance and charged by a unit of local  
4 government with the duty of investigating the conduct of  
5 law enforcement officers;

6 (c) The minor, the minor's parents or legal guardian  
7 and their attorneys, but only when the juvenile has been  
8 charged with an offense;

9 (d) Adult and Juvenile Prisoner Review Boards;

10 (e) Authorized military personnel;

11 (f) Persons engaged in bona fide research, with the  
12 permission of the judge of juvenile court and the chief  
13 executive of the agency that prepared the particular  
14 recording: provided that publication of such research  
15 results in no disclosure of a minor's identity and protects  
16 the confidentiality of the record;

17 (g) Individuals responsible for supervising or  
18 providing temporary or permanent care and custody of minors  
19 pursuant to orders of the juvenile court or directives from  
20 officials of the Department of Children and Family Services  
21 or the Department of Human Services who certify in writing  
22 that the information will not be disclosed to any other  
23 party except as provided under law or order of court;

24 (h) The appropriate school official only if the agency  
25 or officer believes that there is an imminent threat of  
26 physical harm to students, school personnel, or others who

1 are present in the school or on school grounds.

2 (A) Inspection and copying shall be limited to law  
3 enforcement records transmitted to the appropriate  
4 school official or officials whom the school has  
5 determined to have a legitimate educational or safety  
6 interest by a local law enforcement agency under a  
7 reciprocal reporting system established and maintained  
8 between the school district and the local law  
9 enforcement agency under Section 10-20.14 of the  
10 School Code concerning a minor enrolled in a school  
11 within the school district who has been arrested or  
12 taken into custody for any of the following offenses:

13 (i) any violation of Article 24 of the Criminal  
14 Code of 1961 or the Criminal Code of 2012;

15 (ii) a violation of the Illinois Controlled  
16 Substances Act;

17 (iii) a violation of the Cannabis Control Act;

18 (iv) a forcible felony as defined in Section  
19 2-8 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012;

21 (v) a violation of the Methamphetamine Control  
22 and Community Protection Act;

23 (vi) a violation of Section 1-2 of the  
24 Harassing and Obscene Communications Act;

25 (vii) a violation of the Hazing Act; or

26 (viii) a violation of Section 12-1, 12-2,

1           12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,  
2           12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the  
3           Criminal Code of 1961 or the Criminal Code of 2012.

4           The information derived from the law enforcement  
5           records shall be kept separate from and shall not  
6           become a part of the official school record of that  
7           child and shall not be a public record. The information  
8           shall be used solely by the appropriate school official  
9           or officials whom the school has determined to have a  
10          legitimate educational or safety interest to aid in the  
11          proper rehabilitation of the child and to protect the  
12          safety of students and employees in the school. If the  
13          designated law enforcement and school officials deem  
14          it to be in the best interest of the minor, the student  
15          may be referred to in-school or community based social  
16          services if those services are available.  
17          "Rehabilitation services" may include interventions by  
18          school support personnel, evaluation for eligibility  
19          for special education, referrals to community-based  
20          agencies such as youth services, behavioral healthcare  
21          service providers, drug and alcohol prevention or  
22          treatment programs, and other interventions as deemed  
23          appropriate for the student.

24          (B) Any information provided to appropriate school  
25          officials whom the school has determined to have a  
26          legitimate educational or safety interest by local law

1 enforcement officials about a minor who is the subject  
2 of a current police investigation that is directly  
3 related to school safety shall consist of oral  
4 information only, and not written law enforcement  
5 records, and shall be used solely by the appropriate  
6 school official or officials to protect the safety of  
7 students and employees in the school and aid in the  
8 proper rehabilitation of the child. The information  
9 derived orally from the local law enforcement  
10 officials shall be kept separate from and shall not  
11 become a part of the official school record of the  
12 child and shall not be a public record. This limitation  
13 on the use of information about a minor who is the  
14 subject of a current police investigation shall in no  
15 way limit the use of this information by prosecutors in  
16 pursuing criminal charges arising out of the  
17 information disclosed during a police investigation of  
18 the minor. For purposes of this paragraph,  
19 "investigation" means an official systematic inquiry  
20 by a law enforcement agency into actual or suspected  
21 criminal activity;

22 (i) The president of a park district. Inspection and  
23 copying shall be limited to law enforcement records  
24 transmitted to the president of the park district by the  
25 Illinois State Police under Section 8-23 of the Park  
26 District Code or Section 16a-5 of the Chicago Park District

1 Act concerning a person who is seeking employment with that  
2 park district and who has been adjudicated a juvenile  
3 delinquent for any of the offenses listed in subsection (c)  
4 of Section 8-23 of the Park District Code or subsection (c)  
5 of Section 16a-5 of the Chicago Park District Act.

6 (2) Information identifying victims and alleged victims of  
7 sex offenses, shall not be disclosed or open to public  
8 inspection under any circumstances. Nothing in this Section  
9 shall prohibit the victim or alleged victim of any sex offense  
10 from voluntarily disclosing his or her identity.

11 (2.5) If the minor is a victim of aggravated battery,  
12 battery, attempted first degree murder, or other non-sexual  
13 violent offense, the identity of the victim may be disclosed to  
14 appropriate school officials, for the purpose of preventing  
15 foreseeable future violence involving minors, by a local law  
16 enforcement agency pursuant to an agreement established  
17 between the school district and a local law enforcement agency  
18 subject to the approval by the presiding judge of the juvenile  
19 court.

20 (3) Relevant information, reports and records shall be made  
21 available to the Department of Juvenile Justice when a juvenile  
22 offender has been placed in the custody of the Department of  
23 Juvenile Justice.

24 (4) Nothing in this Section shall prohibit the inspection  
25 or disclosure to victims and witnesses of photographs contained  
26 in the records of law enforcement agencies when the inspection



1 or disclosure is conducted in the presence of a law enforcement  
2 officer for purposes of identification or apprehension of any  
3 person in the course of any criminal investigation or  
4 prosecution.

5 (5) The records of law enforcement officers, or of an  
6 independent agency created by ordinance and charged by a unit  
7 of local government with the duty of investigating the conduct  
8 of law enforcement officers, concerning all minors under 18  
9 years of age must be maintained separate from the records of  
10 adults and may not be open to public inspection or their  
11 contents disclosed to the public except by order of the court  
12 or when the institution of criminal proceedings has been  
13 permitted under Section 5-130 or 5-805 or required under  
14 Section 5-130 or 5-805 or such a person has been convicted of a  
15 crime and is the subject of pre-sentence investigation or when  
16 provided by law.

17 (6) Except as otherwise provided in this subsection (6),  
18 law enforcement officers, and personnel of an independent  
19 agency created by ordinance and charged by a unit of local  
20 government with the duty of investigating the conduct of law  
21 enforcement officers, may not disclose the identity of any  
22 minor in releasing information to the general public as to the  
23 arrest, investigation or disposition of any case involving a  
24 minor. Any victim or parent or legal guardian of a victim may  
25 petition the court to disclose the name and address of the  
26 minor and the minor's parents or legal guardian, or both. Upon

1 a finding by clear and convincing evidence that the disclosure  
2 is either necessary for the victim to pursue a civil remedy  
3 against the minor or the minor's parents or legal guardian, or  
4 both, or to protect the victim's person or property from the  
5 minor, then the court may order the disclosure of the  
6 information to the victim or to the parent or legal guardian of  
7 the victim only for the purpose of the victim pursuing a civil  
8 remedy against the minor or the minor's parents or legal  
9 guardian, or both, or to protect the victim's person or  
10 property from the minor.

11 (7) Nothing contained in this Section shall prohibit law  
12 enforcement agencies when acting in their official capacity  
13 from communicating with each other by letter, memorandum,  
14 teletype or intelligence alert bulletin or other means the  
15 identity or other relevant information pertaining to a person  
16 under 18 years of age. The information provided under this  
17 subsection (7) shall remain confidential and shall not be  
18 publicly disclosed, except as otherwise allowed by law.

19 (8) No person shall disclose information under this Section  
20 except when acting in his or her official capacity and as  
21 provided by law or order of court.

22 (9) The changes made to this Section by Public Act 98-61  
23 ~~this amendatory Act of the 98th General Assembly~~ apply to law  
24 enforcement records of a minor who has been arrested or taken  
25 into custody on or after January 1, 2014 (the effective date of  
26 Public Act 98-61) ~~this amendatory Act.~~

1 (Source: P.A. 97-700, eff. 6-22-12; 97-1104, eff. 1-1-13;  
2 97-1150, eff. 1-25-13; 98-61, eff. 1-1-14; revised 11-22-13.)

3 (705 ILCS 405/5-915)

4 Sec. 5-915. Expungement of juvenile law enforcement and  
5 court records.

6 (0.05) For purposes of this Section and Section 5-622:

7 "Expunge" means to physically destroy the records and  
8 to obliterate the minor's name from any official index or  
9 public record, or both. Nothing in this Act shall require  
10 the physical destruction of the internal office records,  
11 files, or databases maintained by a State's Attorney's  
12 Office or other prosecutor.

13 "Law enforcement record" includes but is not limited to  
14 records of arrest, station adjustments, fingerprints,  
15 probation adjustments, the issuance of a notice to appear,  
16 or any other records maintained by a law enforcement agency  
17 relating to a minor suspected of committing an offense.

18 (1) Whenever any person has attained the age of 18 or  
19 whenever all juvenile court proceedings relating to that person  
20 have been terminated, whichever is later, the person may  
21 petition the court to expunge law enforcement records relating  
22 to incidents occurring before his or her 18th birthday or his  
23 or her juvenile court records, or both, but only in the  
24 following circumstances:

25 (a) the minor was arrested and no petition for

1 delinquency was filed with the clerk of the circuit court;

2 or

3 (b) the minor was charged with an offense and was found  
4 not delinquent of that offense; or

5 (c) the minor was placed under supervision pursuant to  
6 Section 5-615, and the order of supervision has since been  
7 successfully terminated; or

8 (d) the minor was adjudicated for an offense which  
9 would be a Class B misdemeanor, Class C misdemeanor, or a  
10 petty or business offense if committed by an adult.

11 (2) Any person may petition the court to expunge all law  
12 enforcement records relating to any incidents occurring before  
13 his or her 18th birthday which did not result in proceedings in  
14 criminal court and all juvenile court records with respect to  
15 any adjudications except those based upon first degree murder  
16 and sex offenses which would be felonies if committed by an  
17 adult, if the person for whom expungement is sought has had no  
18 convictions for any crime since his or her 18th birthday and:

19 (a) has attained the age of 21 years; or

20 (b) 5 years have elapsed since all juvenile court  
21 proceedings relating to him or her have been terminated or  
22 his or her commitment to the Department of Juvenile Justice  
23 pursuant to this Act has been terminated;

24 whichever is later of (a) or (b). Nothing in this Section 5-915  
25 precludes a minor from obtaining expungement under Section  
26 5-622.

1           (2.5) If a minor is arrested and no petition for  
2 delinquency is filed with the clerk of the circuit court as  
3 provided in paragraph (a) of subsection (1) at the time the  
4 minor is released from custody, the youth officer, if  
5 applicable, or other designated person from the arresting  
6 agency, shall notify verbally and in writing to the minor or  
7 the minor's parents or guardians that if the State's Attorney  
8 does not file a petition for delinquency, the minor has a right  
9 to petition to have his or her arrest record expunged when the  
10 minor attains the age of 18 or when all juvenile court  
11 proceedings relating to that minor have been terminated and  
12 that unless a petition to expunge is filed, the minor shall  
13 have an arrest record and shall provide the minor and the  
14 minor's parents or guardians with an expungement information  
15 packet, including a petition to expunge juvenile records  
16 obtained from the clerk of the circuit court.

17           (2.6) If a minor is charged with an offense and is found  
18 not delinquent of that offense; or if a minor is placed under  
19 supervision under Section 5-615, and the order of supervision  
20 is successfully terminated; or if a minor is adjudicated for an  
21 offense that would be a Class B misdemeanor, a Class C  
22 misdemeanor, or a business or petty offense if committed by an  
23 adult; or if a minor has incidents occurring before his or her  
24 18th birthday that have not resulted in proceedings in criminal  
25 court, or resulted in proceedings in juvenile court, and the  
26 adjudications were not based upon first degree murder or sex

1 offenses that would be felonies if committed by an adult; then  
2 at the time of sentencing or dismissal of the case, the judge  
3 shall inform the delinquent minor of his or her right to  
4 petition for expungement as provided by law, and the clerk of  
5 the circuit court shall provide an expungement information  
6 packet to the delinquent minor, written in plain language,  
7 including a petition for expungement, a sample of a completed  
8 petition, expungement instructions that shall include  
9 information informing the minor that (i) once the case is  
10 expunged, it shall be treated as if it never occurred, (ii) he  
11 or she may apply to have petition fees waived, (iii) once he or  
12 she obtains an expungement, he or she may not be required to  
13 disclose that he or she had a juvenile record, and (iv) he or  
14 she may file the petition on his or her own or with the  
15 assistance of an attorney. The failure of the judge to inform  
16 the delinquent minor of his or her right to petition for  
17 expungement as provided by law does not create a substantive  
18 right, nor is that failure grounds for: (i) a reversal of an  
19 adjudication of delinquency, (ii) a new trial; or (iii) an  
20 appeal.

21 (2.7) For counties with a population over 3,000,000, the  
22 clerk of the circuit court shall send a "Notification of a  
23 Possible Right to Expungement" post card to the minor at the  
24 address last received by the clerk of the circuit court on the  
25 date that the minor attains the age of 18 based on the  
26 birthdate provided to the court by the minor or his or her

1 guardian in cases under paragraphs (b), (c), and (d) of  
2 subsection (1); and when the minor attains the age of 21 based  
3 on the birthdate provided to the court by the minor or his or  
4 her guardian in cases under subsection (2).

5 (2.8) The petition for expungement for subsection (1) shall  
6 be substantially in the following form:

7 IN THE CIRCUIT COURT OF ....., ILLINOIS  
8 ..... JUDICIAL CIRCUIT

9 IN THE INTEREST OF ) NO.  
10 )  
11 )  
12 .....)  
13 (Name of Petitioner)

14 PETITION TO EXPUNGE JUVENILE RECORDS  
15 (705 ILCS 405/5-915 (SUBSECTION 1))

16 (Please prepare a separate petition for each offense)

17 Now comes ....., petitioner, and respectfully requests  
18 that this Honorable Court enter an order expunging all juvenile  
19 law enforcement and court records of petitioner and in support  
20 thereof states that: Petitioner has attained the age of 18,  
21 his/her birth date being ....., or all Juvenile Court  
22 proceedings terminated as of ....., whichever occurred later.  
23 Petitioner was arrested on ..... by the ..... Police  
24 Department for the offense of ....., and:

1 (Check One:)

2 ( ) a. no petition was filed with the Clerk of the Circuit  
3 Court.

4 ( ) b. was charged with ..... and was found not delinquent of  
5 the offense.

6 ( ) c. a petition was filed and the petition was dismissed  
7 without a finding of delinquency on .....

8 ( ) d. on ..... placed under supervision pursuant to Section  
9 5-615 of the Juvenile Court Act of 1987 and such order of  
10 supervision successfully terminated on .....

11 ( ) e. was adjudicated for the offense, which would have been a  
12 Class B misdemeanor, a Class C misdemeanor, or a petty offense  
13 or business offense if committed by an adult.

14 Petitioner .... has .... has not been arrested on charges in  
15 this or any county other than the charges listed above. If  
16 petitioner has been arrested on additional charges, please list  
17 the charges below:

18 Charge(s): .....

19 Arresting Agency or Agencies: .....

20 Disposition/Result: (choose from a. through e., above): .....

21 WHEREFORE, the petitioner respectfully requests this Honorable  
22 Court to (1) order all law enforcement agencies to expunge all  
23 records of petitioner to this incident, and (2) to order the  
24 Clerk of the Court to expunge all records concerning the  
25 petitioner regarding this incident.



1 .....  
2

3  
4 Petitioner (Signature)

5 .....  
6

7 Petitioner's Street Address

8 .....  
9

10 City, State, Zip Code

11 .....  
12

13 Petitioner's Telephone Number

14 Pursuant to the penalties of perjury under the Code of Civil  
15 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
16 statements in this petition are true and correct, or on  
17 information and belief I believe the same to be true.

18 .....  
19

20 Petitioner (Signature)

21 The Petition for Expungement for subsection (2) shall be  
22 substantially in the following form:

23 IN THE CIRCUIT COURT OF ....., ILLINOIS

24 ..... JUDICIAL CIRCUIT

25 IN THE INTEREST OF ) NO.

1 )  
 2 )  
 3 .....)  
 4 (Name of Petitioner)

PETITION TO EXPUNGE JUVENILE RECORDS

(705 ILCS 405/5-915 (SUBSECTION 2))

(Please prepare a separate petition for each offense)

8 Now comes ....., petitioner, and respectfully requests  
 9 that this Honorable Court enter an order expunging all Juvenile  
 10 Law Enforcement and Court records of petitioner and in support  
 11 thereof states that:

12 The incident for which the Petitioner seeks expungement  
 13 occurred before the Petitioner's 18th birthday and did not  
 14 result in proceedings in criminal court and the Petitioner has  
 15 not had any convictions for any crime since his/her 18th  
 16 birthday; and

17 The incident for which the Petitioner seeks expungement  
 18 occurred before the Petitioner's 18th birthday and the  
 19 adjudication was not based upon first-degree murder or sex  
 20 offenses which would be felonies if committed by an adult, and  
 21 the Petitioner has not had any convictions for any crime since  
 22 his/her 18th birthday.

23 Petitioner was arrested on ..... by the ..... Police  
 24 Department for the offense of ....., and:

(Check whichever one occurred the latest:)

1 ( ) a. The Petitioner has attained the age of 21 years, his/her  
2 birthday being .....; or

3 ( ) b. 5 years have elapsed since all juvenile court  
4 proceedings relating to the Petitioner have been terminated; or  
5 the Petitioner's commitment to the Department of Juvenile  
6 Justice pursuant to the expungement of juvenile law enforcement  
7 and court records provisions of the Juvenile Court Act of 1987  
8 has been terminated. Petitioner ...has ...has not been arrested  
9 on charges in this or any other county other than the charge  
10 listed above. If petitioner has been arrested on additional  
11 charges, please list the charges below:

12 Charge(s): .....

13 Arresting Agency or Agencies: .....

14 Disposition/Result: (choose from a or b, above): .....

15 WHEREFORE, the petitioner respectfully requests this Honorable  
16 Court to (1) order all law enforcement agencies to expunge all  
17 records of petitioner related to this incident, and (2) to  
18 order the Clerk of the Court to expunge all records concerning  
19 the petitioner regarding this incident.

20 .....

21 Petitioner (Signature)

22 .....

23 Petitioner's Street Address

1 .....  
 2 City, State, Zip Code  
 3 .....  
 4 Petitioner's Telephone Number

5 Pursuant to the penalties of perjury under the Code of Civil  
 6 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
 7 statements in this petition are true and correct, or on  
 8 information and belief I believe the same to be true.

9 .....  
 10 Petitioner (Signature)

11 (3) The chief judge of the circuit in which an arrest was  
 12 made or a charge was brought or any judge of that circuit  
 13 designated by the chief judge may, upon verified petition of a  
 14 person who is the subject of an arrest or a juvenile court  
 15 proceeding under subsection (1) or (2) of this Section, order  
 16 the law enforcement records or official court file, or both, to  
 17 be expunged from the official records of the arresting  
 18 authority, the clerk of the circuit court and the Department of  
 19 State Police. The person whose records are to be expunged shall  
 20 petition the court using the appropriate form containing his or  
 21 her current address and shall promptly notify the clerk of the  
 22 circuit court of any change of address. Notice of the petition  
 23 shall be served upon the State's Attorney or prosecutor charged  
 24 with the duty of prosecuting the offense, the Department of  
 25 State Police, and the arresting agency or agencies by the clerk

1 of the circuit court. If an objection is filed within 45 days  
 2 of the notice of the petition, the clerk of the circuit court  
 3 shall set a date for hearing after the 45 day objection period.  
 4 At the hearing the court shall hear evidence on whether the  
 5 expungement should or should not be granted. Unless the State's  
 6 Attorney or prosecutor, the Department of State Police, or an  
 7 arresting agency objects to the expungement within 45 days of  
 8 the notice, the court may enter an order granting expungement.  
 9 The person whose records are to be expunged shall pay the clerk  
 10 of the circuit court a fee equivalent to the cost associated  
 11 with expungement of records by the clerk and the Department of  
 12 State Police. The clerk shall forward a certified copy of the  
 13 order to the Department of State Police, the appropriate  
 14 portion of the fee to the Department of State Police for  
 15 processing, and deliver a certified copy of the order to the  
 16 arresting agency.

17 (3.1) The Notice of Expungement shall be in substantially  
 18 the following form:

19 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 20 ..... JUDICIAL CIRCUIT

21 IN THE INTEREST OF ) NO.  
 22 )  
 23 )  
 24 .....)  
 25 (Name of Petitioner)

1  
2  
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25

NOTICE

TO: State's Attorney

TO: Arresting Agency

.....

.....

.....

.....

TO: Illinois State Police

.....

.....

ATTENTION: Expungement

You are hereby notified that on ....., at ....., in courtroom  
..., located at ..., before the Honorable ..., Judge, or any  
judge sitting in his/her stead, I shall then and there present  
a Petition to Expunge Juvenile records in the above-entitled  
matter, at which time and place you may appear.

.....

Petitioner's Signature

.....

Petitioner's Street Address

.....

1 City, State, Zip Code

2 .....

3 Petitioner's Telephone Number

4 PROOF OF SERVICE

5 On the ..... day of ....., 20..., I on oath state that I  
6 served this notice and true and correct copies of the  
7 above-checked documents by:

8 (Check One:)

9 delivering copies personally to each entity to whom they are  
10 directed;

11 or

12 by mailing copies to each entity to whom they are directed by  
13 depositing the same in the U.S. Mail, proper postage fully  
14 prepaid, before the hour of 5:00 p.m., at the United States  
15 Postal Depository located at .....

16 .....

17

18 Signature

19 Clerk of the Circuit Court or Deputy Clerk

20 Printed Name of Delinquent Minor/Petitioner: ....

21 Address: .....

22 Telephone Number: .....

23 (3.2) The Order of Expungement shall be in substantially  
24 the following form:

25 IN THE CIRCUIT COURT OF ....., ILLINOIS

26 ..... JUDICIAL CIRCUIT

1 IN THE INTEREST OF ) NO.  
 2 )  
 3 )  
 4 .....)  
 5 (Name of Petitioner)

6 DOB .....

7 Arresting Agency/Agencies .....

8 ORDER OF EXPUNGEMENT

9 (705 ILCS 405/5-915 (SUBSECTION 3))

10 This matter having been heard on the petitioner's motion and  
 11 the court being fully advised in the premises does find that  
 12 the petitioner is indigent or has presented reasonable cause to  
 13 waive all costs in this matter, IT IS HEREBY ORDERED that:

14 ( ) 1. Clerk of Court and Department of State Police costs  
 15 are hereby waived in this matter.

16 ( ) 2. The Illinois State Police Bureau of Identification  
 17 and the following law enforcement agencies expunge all records  
 18 of petitioner relating to an arrest dated ..... for the  
 19 offense of .....

20 Law Enforcement Agencies:

21 .....

22 .....

23 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
 24 Court expunge all records regarding the above-captioned case.



1 ENTER: .....

2

3 JUDGE

4 DATED: .....

5 Name:

6 Attorney for:

7 Address: City/State/Zip:

8 Attorney Number:

9 (3.3) The Notice of Objection shall be in substantially the  
10 following form:

11 IN THE CIRCUIT COURT OF ....., ILLINOIS  
12 ..... JUDICIAL CIRCUIT

13 IN THE INTEREST OF ) NO.  
14 )  
15 )  
16 .....)  
17 (Name of Petitioner)

18 NOTICE OF OBJECTION

19 TO:(Attorney, Public Defender, Minor)

20 .....

21 .....

22 TO:(Illinois State Police)

23 .....

24 .....

1 TO: (Clerk of the Court)  
 2 .....  
 3 .....

4 TO: (Judge)  
 5 .....  
 6 .....

7 TO: (Arresting Agency/Agencies)  
 8 .....  
 9 .....

10 ATTENTION: You are hereby notified that an objection has been  
 11 filed by the following entity regarding the above-named minor's  
 12 petition for expungement of juvenile records:

- 13 ( ) State's Attorney's Office;
- 14 ( ) Prosecutor (other than State's Attorney's Office) charged
- 15 with the duty of prosecuting the offense sought to be expunged;
- 16 ( ) Department of Illinois State Police; or
- 17 ( ) Arresting Agency or Agencies.

18 The agency checked above respectfully requests that this case  
 19 be continued and set for hearing on whether the expungement  
 20 should or should not be granted.

21 DATED: .....

22 Name:

23 Attorney For:

24 Address:

25 City/State/Zip:

26 Telephone:

1 Attorney No.:

2 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

3 This matter has been set for hearing on the foregoing  
4 objection, on ..... in room ....., located at ....., before the  
5 Honorable ....., Judge, or any judge sitting in his/her stead.

6 (Only one hearing shall be set, regardless of the number of  
7 Notices of Objection received on the same case).

8 A copy of this completed Notice of Objection containing the  
9 court date, time, and location, has been sent via regular U.S.  
10 Mail to the following entities. (If more than one Notice of  
11 Objection is received on the same case, each one must be  
12 completed with the court date, time and location and mailed to  
13 the following entities):

14 ( ) Attorney, Public Defender or Minor;

15 ( ) State's Attorney's Office;

16 ( ) Prosecutor (other than State's Attorney's Office) charged  
17 with the duty of prosecuting the offense sought to be expunged;

18 ( ) Department of Illinois State Police; and

19 ( ) Arresting agency or agencies.

20 Date: .....

21 Initials of Clerk completing this section: .....

22 (4) Upon entry of an order expunging records or files, the  
23 offense, which the records or files concern shall be treated as  
24 if it never occurred. Law enforcement officers and other public  
25 offices and agencies shall properly reply on inquiry that no  
26 record or file exists with respect to the person.

1 (5) Records which have not been expunged are sealed, and  
2 may be obtained only under the provisions of Sections 5-901,  
3 5-905 and 5-915.

4 (6) Nothing in this Section shall be construed to prohibit  
5 the maintenance of information relating to an offense after  
6 records or files concerning the offense have been expunged if  
7 the information is kept in a manner that does not enable  
8 identification of the offender. This information may only be  
9 used for statistical and bona fide research purposes.

10 (7)(a) The State Appellate Defender shall establish,  
11 maintain, and carry out, by December 31, 2004, a juvenile  
12 expungement program to provide information and assistance to  
13 minors eligible to have their juvenile records expunged.

14 (b) The State Appellate Defender shall develop brochures,  
15 pamphlets, and other materials in printed form and through the  
16 agency's World Wide Web site. The pamphlets and other materials  
17 shall include at a minimum the following information:

18 (i) An explanation of the State's juvenile expungement  
19 process;

20 (ii) The circumstances under which juvenile  
21 expungement may occur;

22 (iii) The juvenile offenses that may be expunged;

23 (iv) The steps necessary to initiate and complete the  
24 juvenile expungement process; and

25 (v) Directions on how to contact the State Appellate  
26 Defender.

1           (c) The State Appellate Defender shall establish and  
2 maintain a statewide toll-free telephone number that a person  
3 may use to receive information or assistance concerning the  
4 expungement of juvenile records. The State Appellate Defender  
5 shall advertise the toll-free telephone number statewide. The  
6 State Appellate Defender shall develop an expungement  
7 information packet that may be sent to eligible persons seeking  
8 expungement of their juvenile records, which may include, but  
9 is not limited to, a pre-printed expungement petition with  
10 instructions on how to complete the petition and a pamphlet  
11 containing information that would assist individuals through  
12 the juvenile expungement process.

13           (d) The State Appellate Defender shall compile a statewide  
14 list of volunteer attorneys willing to assist eligible  
15 individuals through the juvenile expungement process.

16           (e) This Section shall be implemented from funds  
17 appropriated by the General Assembly to the State Appellate  
18 Defender for this purpose. The State Appellate Defender shall  
19 employ the necessary staff and adopt the necessary rules for  
20 implementation of this Section.

21           (8) (a) Except with respect to law enforcement agencies, the  
22 Department of Corrections, State's Attorneys, or other  
23 prosecutors, an expunged juvenile record may not be considered  
24 by any private or public entity in employment matters,  
25 certification, licensing, revocation of certification or  
26 licensure, or registration. Applications for employment must

1 contain specific language that states that the applicant is not  
2 obligated to disclose expunged juvenile records of conviction  
3 or arrest. Employers may not ask if an applicant has had a  
4 juvenile record expunged. Effective January 1, 2005, the  
5 Department of Labor shall develop a link on the Department's  
6 website to inform employers that employers may not ask if an  
7 applicant had a juvenile record expunged and that application  
8 for employment must contain specific language that states that  
9 the applicant is not obligated to disclose expunged juvenile  
10 records of arrest or conviction.

11 (b) A person whose juvenile records have been expunged is  
12 not entitled to remission of any fines, costs, or other money  
13 paid as a consequence of expungement. This amendatory Act of  
14 the 93rd General Assembly does not affect the right of the  
15 victim of a crime to prosecute or defend a civil action for  
16 damages.

17 (c) The expungement of juvenile records under Section 5-622  
18 shall be funded by the additional fine imposed under Section  
19 5-9-1.17 of the Unified Code of Corrections and additional  
20 appropriations made by the General Assembly for such purpose.

21 (9) The changes made to this Section by Public Act 98-61  
22 ~~this amendatory Act of the 98th General Assembly~~ apply to law  
23 enforcement records of a minor who has been arrested or taken  
24 into custody on or after January 1, 2014 (the effective date of  
25 Public Act 98-61) ~~this amendatory Act~~.

26 (Source: P.A. 98-61, eff. 1-1-14; revised 3-27-14.)

1           Section 695. The Criminal Code of 2012 is amended by  
2 changing Sections 2-10.1, 3-6, 10-9, 11-1.40, 11-9.1B, 11-14,  
3 12-3.05, 12C-10, 19-4, 21-1.3, 31A-1.1, 33-1, and 33E-18 as  
4 follows:

5           (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

6           Sec. 2-10.1. "Severely or profoundly intellectually  
7 disabled person" means a person (i) whose intelligence quotient  
8 does not exceed 40 or (ii) whose intelligence quotient does not  
9 exceed 55 and who suffers from significant mental illness to  
10 the extent that the person's ability to exercise rational  
11 judgment is impaired. In any proceeding in which the defendant  
12 is charged with committing a violation of Section 10-2, 10-5,  
13 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,  
14 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16, or subdivision  
15 (b) (1) of Section 12-3.05, of this Code against a victim who is  
16 alleged to be a severely or profoundly intellectually disabled  
17 person, any findings concerning the victim's status as a  
18 severely or profoundly intellectually disabled person, made by  
19 a court after a judicial admission hearing concerning the  
20 victim under Articles V and VI of Chapter IV 4 of the Mental  
21 Health and Developmental Disabilities Code shall be  
22 admissible.

23           (Source: P.A. 96-1551, Article 1, Section 960, eff. 7-1-11;  
24 96-1551, Article 2, Section 1035, eff. 7-1-11; 97-227, eff.

1 1-1-12; 97-1109, eff. 1-1-13; revised 9-11-13.)

2 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

3 Sec. 3-6. Extended limitations. The period within which a  
4 prosecution must be commenced under the provisions of Section  
5 3-5 or other applicable statute is extended under the following  
6 conditions:

7 (a) A prosecution for theft involving a breach of a  
8 fiduciary obligation to the aggrieved person may be commenced  
9 as follows:

10 (1) If the aggrieved person is a minor or a person  
11 under legal disability, then during the minority or legal  
12 disability or within one year after the termination  
13 thereof.

14 (2) In any other instance, within one year after the  
15 discovery of the offense by an aggrieved person, or by a  
16 person who has legal capacity to represent an aggrieved  
17 person or has a legal duty to report the offense, and is  
18 not himself or herself a party to the offense; or in the  
19 absence of such discovery, within one year after the proper  
20 prosecuting officer becomes aware of the offense. However,  
21 in no such case is the period of limitation so extended  
22 more than 3 years beyond the expiration of the period  
23 otherwise applicable.

24 (b) A prosecution for any offense based upon misconduct in  
25 office by a public officer or employee may be commenced within



1 one year after discovery of the offense by a person having a  
2 legal duty to report such offense, or in the absence of such  
3 discovery, within one year after the proper prosecuting officer  
4 becomes aware of the offense. However, in no such case is the  
5 period of limitation so extended more than 3 years beyond the  
6 expiration of the period otherwise applicable.

7 (b-5) When the victim is under 18 years of age at the time  
8 of the offense, a prosecution for involuntary servitude,  
9 involuntary sexual servitude of a minor, or trafficking in  
10 persons and related offenses under Section 10-9 of this Code  
11 may be commenced within one year of the victim attaining the  
12 age of 18 years. However, in no such case shall the time period  
13 for prosecution expire sooner than 3 years after the commission  
14 of the offense.

15 (c) (Blank).

16 (d) A prosecution for child pornography, aggravated child  
17 pornography, indecent solicitation of a child, soliciting for a  
18 juvenile prostitute, juvenile pimping, exploitation of a  
19 child, or promoting juvenile prostitution except for keeping a  
20 place of juvenile prostitution may be commenced within one year  
21 of the victim attaining the age of 18 years. However, in no  
22 such case shall the time period for prosecution expire sooner  
23 than 3 years after the commission of the offense. When the  
24 victim is under 18 years of age, a prosecution for criminal  
25 sexual abuse may be commenced within one year of the victim  
26 attaining the age of 18 years. However, in no such case shall

1 the time period for prosecution expire sooner than 3 years  
2 after the commission of the offense.

3 (e) Except as otherwise provided in subdivision (j), a  
4 prosecution for any offense involving sexual conduct or sexual  
5 penetration, as defined in Section 11-0.1 of this Code, where  
6 the defendant was within a professional or fiduciary  
7 relationship or a purported professional or fiduciary  
8 relationship with the victim at the time of the commission of  
9 the offense may be commenced within one year after the  
10 discovery of the offense by the victim.

11 (f) A prosecution for any offense set forth in Section 44  
12 of the "Environmental Protection Act", approved June 29, 1970,  
13 as amended, may be commenced within 5 years after the discovery  
14 of such an offense by a person or agency having the legal duty  
15 to report the offense or in the absence of such discovery,  
16 within 5 years after the proper prosecuting officer becomes  
17 aware of the offense.

18 (f-5) A prosecution for any offense set forth in Section  
19 16-30 of this Code may be commenced within 5 years after the  
20 discovery of the offense by the victim of that offense.

21 (g) (Blank).

22 (h) (Blank).

23 (i) Except as otherwise provided in subdivision (j), a  
24 prosecution for criminal sexual assault, aggravated criminal  
25 sexual assault, or aggravated criminal sexual abuse may be  
26 commenced within 10 years of the commission of the offense if

1 the victim reported the offense to law enforcement authorities  
2 within 3 years after the commission of the offense.

3 Nothing in this subdivision (i) shall be construed to  
4 shorten a period within which a prosecution must be commenced  
5 under any other provision of this Section.

6 (j) (1) When the victim is under 18 years of age at the  
7 time of the offense, a prosecution for criminal sexual assault,  
8 aggravated criminal sexual assault, predatory criminal sexual  
9 assault of a child, aggravated criminal sexual abuse, or felony  
10 criminal sexual abuse may be commenced at any time when  
11 corroborating physical evidence is available or an individual  
12 who is required to report an alleged or suspected commission of  
13 any of these offenses under the Abused and Neglected Child  
14 Reporting Act fails to do so.

15 (2) In circumstances other than as described in paragraph  
16 (1) of this subsection (j), when the victim is under 18 years  
17 of age at the time of the offense, a prosecution for criminal  
18 sexual assault, aggravated criminal sexual assault, predatory  
19 criminal sexual assault of a child, aggravated criminal sexual  
20 abuse, or felony criminal sexual abuse, or a prosecution for  
21 failure of a person who is required to report an alleged or  
22 suspected commission of any of these offenses under the Abused  
23 and Neglected Child Reporting Act may be commenced within 20  
24 years after the child victim attains 18 years of age.

25 (3) When the victim is under 18 years of age at the time of  
26 the offense, a prosecution for misdemeanor criminal sexual

1 abuse may be commenced within 10 years after the child victim  
2 attains 18 years of age.

3 (4) Nothing in this subdivision (j) shall be construed to  
4 shorten a period within which a prosecution must be commenced  
5 under any other provision of this Section.

6 (k) A prosecution for theft involving real property  
7 exceeding \$100,000 in value under Section 16-1, identity theft  
8 under subsection (a) of Section 16-30, aggravated identity  
9 theft under subsection (b) of Section 16-30, or any offense set  
10 forth in Article 16H or Section 17-10.6 may be commenced within  
11 7 years of the last act committed in furtherance of the crime.

12 (l) A prosecution for any offense set forth in Section 26-4  
13 of this Code may be commenced within one year after the  
14 discovery of the offense by the victim of that offense.

15 (Source: P.A. 97-597, eff. 1-1-12; 97-897, eff. 1-1-13; 98-293,  
16 eff. 1-1-14; 98-379, eff. 1-1-14; revised 9-24-13.)

17 (720 ILCS 5/10-9)

18 Sec. 10-9. Trafficking in persons, involuntary servitude,  
19 and related offenses.

20 (a) Definitions. In this Section:

21 (1) "Intimidation" has the meaning prescribed in  
22 Section 12-6.

23 (2) "Commercial sexual activity" means any sex act on  
24 account of which anything of value is given, promised to,  
25 or received by any person.

1           (3) "Financial harm" includes intimidation that brings  
2           about financial loss, criminal usury, or employment  
3           contracts that violate the Frauds Act.

4           (4) (Blank). " "

5           (5) "Labor" means work of economic or financial value.

6           (6) "Maintain" means, in relation to labor or services,  
7           to secure continued performance thereof, regardless of any  
8           initial agreement on the part of the victim to perform that  
9           type of service.

10          (7) "Obtain" means, in relation to labor or services,  
11          to secure performance thereof.

12          (7.5) "Serious harm" means any harm, whether physical  
13          or nonphysical, including psychological, financial, or  
14          reputational harm, that is sufficiently serious, under all  
15          the surrounding circumstances, to compel a reasonable  
16          person of the same background and in the same circumstances  
17          to perform or to continue performing labor or services in  
18          order to avoid incurring that harm.

19          (8) "Services" means activities resulting from a  
20          relationship between a person and the actor in which the  
21          person performs activities under the supervision of or for  
22          the benefit of the actor. Commercial sexual activity and  
23          sexually-explicit performances are forms of activities  
24          that are "services" under this Section. Nothing in this  
25          definition may be construed to legitimize or legalize  
26          prostitution.

1           (9) "Sexually-explicit performance" means a live,  
2 recorded, broadcast (including over the Internet), or  
3 public act or show intended to arouse or satisfy the sexual  
4 desires or appeal to the prurient interests of patrons.

5           (10) "Trafficking victim" means a person subjected to  
6 the practices set forth in subsection (b), (c), or (d).

7           (b) Involuntary servitude. A person commits involuntary  
8 servitude when he or she knowingly subjects, attempts to  
9 subject, or engages in a conspiracy to subject another person  
10 to labor or services obtained or maintained through any of the  
11 following means, or any combination of these means:

12           (1) causes or threatens to cause physical harm to any  
13 person;

14           (2) physically restrains or threatens to physically  
15 restrain another person;

16           (3) abuses or threatens to abuse the law or legal  
17 process;

18           (4) knowingly destroys, conceals, removes,  
19 confiscates, or possesses any actual or purported passport  
20 or other immigration document, or any other actual or  
21 purported government identification document, of another  
22 person;

23           (5) uses intimidation, or exerts financial control  
24 over any person; or

25           (6) uses any scheme, plan, or pattern intended to cause  
26 the person to believe that, if the person did not perform

1 the labor or services, that person or another person would  
2 suffer serious harm or physical restraint.

3 Sentence. Except as otherwise provided in subsection (e) or  
4 (f), a violation of subsection (b)(1) is a Class X felony,  
5 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)  
6 is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

7 (c) Involuntary sexual servitude of a minor. A person  
8 commits involuntary sexual servitude of a minor when he or she  
9 knowingly recruits, entices, harbors, transports, provides, or  
10 obtains by any means, or attempts to recruit, entice, harbor,  
11 provide, or obtain by any means, another person under 18 years  
12 of age, knowing that the minor will engage in commercial sexual  
13 activity, a sexually-explicit performance, or the production  
14 of pornography, or causes or attempts to cause a minor to  
15 engage in one or more of those activities and:

16 (1) there is no overt force or threat and the minor is  
17 between the ages of 17 and 18 years;

18 (2) there is no overt force or threat and the minor is  
19 under the age of 17 years; or

20 (3) there is overt force or threat.

21 Sentence. Except as otherwise provided in subsection (e) or  
22 (f), a violation of subsection (c)(1) is a Class 1 felony,  
23 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

24 (d) Trafficking in persons. A person commits trafficking in  
25 persons when he or she knowingly: (1) recruits, entices,  
26 harbors, transports, provides, or obtains by any means, or

1 attempts to recruit, entice, harbor, transport, provide, or  
2 obtain by any means, another person, intending or knowing that  
3 the person will be subjected to involuntary servitude; or (2)  
4 benefits, financially or by receiving anything of value, from  
5 participation in a venture that has engaged in an act of  
6 involuntary servitude or involuntary sexual servitude of a  
7 minor.

8 Sentence. Except as otherwise provided in subsection (e) or  
9 (f), a violation of this subsection is a Class 1 felony.

10 (e) Aggravating factors. A violation of this Section  
11 involving kidnapping or an attempt to kidnap, aggravated  
12 criminal sexual assault or an attempt to commit aggravated  
13 criminal sexual assault, or an attempt to commit first degree  
14 murder is a Class X felony.

15 (f) Sentencing considerations.

16 (1) Bodily injury. If, pursuant to a violation of this  
17 Section, a victim suffered bodily injury, the defendant may  
18 be sentenced to an extended-term sentence under Section  
19 5-8-2 of the Unified Code of Corrections. The sentencing  
20 court must take into account the time in which the victim  
21 was held in servitude, with increased penalties for cases  
22 in which the victim was held for between 180 days and one  
23 year, and increased penalties for cases in which the victim  
24 was held for more than one year.

25 (2) Number of victims. In determining sentences within  
26 statutory maximums, the sentencing court should take into



1 account the number of victims, and may provide for  
2 substantially increased sentences in cases involving more  
3 than 10 victims.

4 (g) Restitution. Restitution is mandatory under this  
5 Section. In addition to any other amount of loss identified,  
6 the court shall order restitution including the greater of (1)  
7 the gross income or value to the defendant of the victim's  
8 labor or services or (2) the value of the victim's labor as  
9 guaranteed under the Minimum Wage Law and overtime provisions  
10 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,  
11 whichever is greater.

12 (h) Trafficking victim services. Subject to the  
13 availability of funds, the Department of Human Services may  
14 provide or fund emergency services and assistance to  
15 individuals who are victims of one or more offenses defined in  
16 this Section.

17 (i) Certification. The Attorney General, a State's  
18 Attorney, or any law enforcement official shall certify in  
19 writing to the United States Department of Justice or other  
20 federal agency, such as the United States Department of  
21 Homeland Security, that an investigation or prosecution under  
22 this Section has begun and the individual who is a likely  
23 victim of a crime described in this Section is willing to  
24 cooperate or is cooperating with the investigation to enable  
25 the individual, if eligible under federal law, to qualify for  
26 an appropriate special immigrant visa and to access available

1 federal benefits. Cooperation with law enforcement shall not be  
2 required of victims of a crime described in this Section who  
3 are under 18 years of age. This certification shall be made  
4 available to the victim and his or her designated legal  
5 representative.

6 (j) A person who commits involuntary servitude,  
7 involuntary sexual servitude of a minor, or trafficking in  
8 persons under subsection (b), (c), or (d) of this Section is  
9 subject to the property forfeiture provisions set forth in  
10 Article 124B of the Code of Criminal Procedure of 1963.

11 (Source: P.A. 96-710, eff. 1-1-10; incorporates 96-712, eff.  
12 1-1-10; 96-1000, eff. 7-2-10; 97-897, eff. 1-1-13; revised  
13 11-12-13.)

14 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

15 Sec. 11-1.40. Predatory criminal sexual assault of a child.

16 (a) A person commits predatory criminal sexual assault of a  
17 child if that person commits an act of sexual penetration or an  
18 act of contact, however slight, between the sex organ or anus  
19 of one person and the part of the body of another, and the  
20 accused is 17 years of age or older, and:

21 (1) the victim is under 13 years of age; or

22 (2) the victim is under 13 years of age and that  
23 person:

24 (A) is armed with a firearm;

25 (B) personally discharges a firearm during the

1 commission of the offense;

2 (C) causes great bodily harm to the victim that:

3 (i) results in permanent disability; or

4 (ii) is life threatening; or

5 (D) delivers (by injection, inhalation, ingestion,  
6 transfer of possession, or any other means) any  
7 controlled substance to the victim without the  
8 victim's consent or by threat or deception, for other  
9 than medical purposes.

10 (b) Sentence.

11 (1) A person convicted of a violation of subsection  
12 (a) (1) commits a Class X felony, for which the person shall  
13 be sentenced to a term of imprisonment of not less than 6  
14 years and not more than 60 years. A person convicted of a  
15 violation of subsection (a) (2) (A) commits a Class X felony  
16 for which 15 years shall be added to the term of  
17 imprisonment imposed by the court. A person convicted of a  
18 violation of subsection (a) (2) (B) commits a Class X felony  
19 for which 20 years shall be added to the term of  
20 imprisonment imposed by the court. A person convicted of a  
21 violation of subsection (a) (2) (C) commits a Class X felony  
22 for which the person shall be sentenced to a term of  
23 imprisonment of not less than 50 years or up to a term of  
24 natural life imprisonment.

25 (1.1) A person convicted of a violation of subsection  
26 (a) (2) (D) commits a Class X felony for which the person

1 shall be sentenced to a term of imprisonment of not less  
2 than 50 years and not more than 60 years.

3 (1.2) A person convicted of predatory criminal sexual  
4 assault of a child committed against 2 or more persons  
5 regardless of whether the offenses occurred as the result  
6 of the same act or of several related or unrelated acts  
7 shall be sentenced to a term of natural life imprisonment.

8 (2) A person who is convicted of a second or subsequent  
9 offense of predatory criminal sexual assault of a child, or  
10 who is convicted of the offense of predatory criminal  
11 sexual assault of a child after having previously been  
12 convicted of the offense of criminal sexual assault or the  
13 offense of aggravated criminal sexual assault, or who is  
14 convicted of the offense of predatory criminal sexual  
15 assault of a child after having previously been convicted  
16 under the laws of this State or any other state of an  
17 offense that is substantially equivalent to the offense of  
18 predatory criminal sexual assault of a child, the offense  
19 of aggravated criminal sexual assault or the offense of  
20 criminal sexual assault, shall be sentenced to a term of  
21 natural life imprisonment. The commission of the second or  
22 subsequent offense is required to have been after the  
23 initial conviction for this paragraph (2) to apply.

24 (Source: P.A. 98-370, eff. 1-1-14; revised 11-12-13.)

25 (720 ILCS 5/11-9.1B)

1           Sec. 11-9.1B. Failure to report sexual abuse of a child.

2           (a) For the purposes of this Section:

3           "Child" means any person under the age of 13.

4           "Sexual abuse" means any contact, however slight, between  
5 the sex organ or anus of the victim or the accused and an  
6 object or body part, including, but not limited to, the sex  
7 organ, mouth, or anus of the victim or the accused, or any  
8 intrusion, however slight, of any part of the body of the  
9 victim or the accused or of any animal or object into the sex  
10 organ or anus of the victim or the accused, including, but not  
11 limited to, cunnilingus, fellatio, or anal penetration.  
12 Evidence of emission of semen is not required to prove sexual  
13 abuse.

14           (b) A person over the age of 18 commits failure to report  
15 sexual abuse of a child when he or she personally observes  
16 sexual abuse, as defined by this Section, between a person who  
17 he or she knows is over the age of 18 and a person he or she  
18 knows is a child, and knowingly fails to report the sexual  
19 abuse to law enforcement.

20           (c) This Section does not apply to a person who makes  
21 timely and reasonable efforts to stop the sexual abuse by  
22 reporting the sexual abuse in conformance with the Abused and  
23 Neglected Child Reporting Act or by reporting the sexual abuse  
24 or causing a report to be made, to medical or law enforcement  
25 authorities or anyone who is a mandated reporter under Section  
26 4 of the Abused and Neglected Child Reporting Act.

1 (d) A person may not be charged with the offense of failure  
2 to report sexual abuse of a child under this Section until the  
3 person who committed the offense is charged with criminal  
4 sexual assault, aggravated criminal sexual assault, predatory  
5 criminal sexual assault of a child, criminal sexual abuse, or  
6 aggravated criminal sexual abuse.

7 (e) It is an affirmative defense to a charge of failure to  
8 report sexual abuse of a child under this Section that the  
9 person who personally observed the sexual abuse had a  
10 reasonable apprehension that timely action to stop the abuse  
11 would result in the imminent infliction of death, great bodily  
12 harm, permanent disfigurement, or permanent disability to that  
13 person or another in retaliation for reporting.

14 (f) Sentence. A person who commits failure to report sexual  
15 abuse of a child is guilty of a Class A misdemeanor for the  
16 first violation and a Class 4 felony for a second or subsequent  
17 violation.

18 (g) Nothing in this Section shall be construed to allow  
19 prosecution of a person who personally observes the act of  
20 sexual abuse and assists with an investigation and any  
21 subsequent prosecution of the offender.

22 (Source: P.A. 98-370, eff. 1-1-14; revised 11-12-13.)

23 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

24 Sec. 11-14. Prostitution.

25 (a) Any person who knowingly performs, offers or agrees to

1 perform any act of sexual penetration as defined in Section  
2 11-0.1 of this Code for anything of value, or any touching or  
3 fondling of the sex organs of one person by another person, for  
4 anything of value, for the purpose of sexual arousal or  
5 gratification commits an act of prostitution.

6 (b) Sentence. A violation of this Section is a Class A  
7 misdemeanor.

8 (c) (Blank). ~~or 5-6-3.4~~

9 (d) Notwithstanding the foregoing, if it is determined,  
10 after a reasonable detention for investigative purposes, that a  
11 person suspected of or charged with a violation of this Section  
12 is a person under the age of 18, that person shall be immune  
13 from prosecution for a prostitution offense under this Section,  
14 and shall be subject to the temporary protective custody  
15 provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of  
16 1987. Pursuant to the provisions of Section 2-6 of the Juvenile  
17 Court Act of 1987, a law enforcement officer who takes a person  
18 under 18 years of age into custody under this Section shall  
19 immediately report an allegation of a violation of Section 10-9  
20 of this Code to the Illinois Department of Children and Family  
21 Services State Central Register, which shall commence an  
22 initial investigation into child abuse or child neglect within  
23 24 hours pursuant to Section 7.4 of the Abused and Neglected  
24 Child Reporting Act.

25 (Source: P.A. 97-1118, eff. 1-1-13; 98-164, eff. 1-1-14;  
26 98-538, eff. 8-23-13; revised 9-24-13.)

1 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

2 Sec. 12-3.05. Aggravated battery.

3 (a) Offense based on injury. A person commits aggravated  
4 battery when, in committing a battery, other than by the  
5 discharge of a firearm, he or she knowingly does any of the  
6 following:

7 (1) Causes great bodily harm or permanent disability or  
8 disfigurement.

9 (2) Causes severe and permanent disability, great  
10 bodily harm, or disfigurement by means of a caustic or  
11 flammable substance, a poisonous gas, a deadly biological  
12 or chemical contaminant or agent, a radioactive substance,  
13 or a bomb or explosive compound.

14 (3) Causes great bodily harm or permanent disability or  
15 disfigurement to an individual whom the person knows to be  
16 a peace officer, community policing volunteer, fireman,  
17 private security officer, correctional institution  
18 employee, or Department of Human Services employee  
19 supervising or controlling sexually dangerous persons or  
20 sexually violent persons:

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her  
23 official duties; or

24 (iii) battered in retaliation for performing his  
25 or her official duties.



1           (4) Causes great bodily harm or permanent disability or  
2           disfigurement to an individual 60 years of age or older.

3           (5) Strangles another individual.

4           (b) Offense based on injury to a child or intellectually  
5           disabled person. A person who is at least 18 years of age  
6           commits aggravated battery when, in committing a battery, he or  
7           she knowingly and without legal justification by any means:

8           (1) causes great bodily harm or permanent disability or  
9           disfigurement to any child under the age of 13 years, or to  
10          any severely or profoundly intellectually disabled person;  
11          or

12          (2) causes bodily harm or disability or disfigurement  
13          to any child under the age of 13 years or to any severely  
14          or profoundly intellectually disabled person.

15          (c) Offense based on location of conduct. A person commits  
16          aggravated battery when, in committing a battery, other than by  
17          the discharge of a firearm, he or she is or the person battered  
18          is on or about a public way, public property, a public place of  
19          accommodation or amusement, a sports venue, or a domestic  
20          violence shelter.

21          (d) Offense based on status of victim. A person commits  
22          aggravated battery when, in committing a battery, other than by  
23          discharge of a firearm, he or she knows the individual battered  
24          to be any of the following:

25                 (1) A person 60 years of age or older.

26                 (2) A person who is pregnant or physically handicapped.

1           (3) A teacher or school employee upon school grounds or  
2 grounds adjacent to a school or in any part of a building  
3 used for school purposes.

4           (4) A peace officer, community policing volunteer,  
5 fireman, private security officer, correctional  
6 institution employee, or Department of Human Services  
7 employee supervising or controlling sexually dangerous  
8 persons or sexually violent persons:

9                 (i) performing his or her official duties;

10                (ii) battered to prevent performance of his or her  
11 official duties; or

12                (iii) battered in retaliation for performing his  
13 or her official duties.

14           (5) A judge, emergency management worker, emergency  
15 medical technician, or utility worker:

16                 (i) performing his or her official duties;

17                (ii) battered to prevent performance of his or her  
18 official duties; or

19                (iii) battered in retaliation for performing his  
20 or her official duties.

21           (6) An officer or employee of the State of Illinois, a  
22 unit of local government, or a school district, while  
23 performing his or her official duties.

24           (7) A transit employee performing his or her official  
25 duties, or a transit passenger.

26           (8) A taxi driver on duty.

1           (9) A merchant who detains the person for an alleged  
2           commission of retail theft under Section 16-26 of this Code  
3           and the person without legal justification by any means  
4           causes bodily harm to the merchant.

5           (10) A person authorized to serve process under Section  
6           2-202 of the Code of Civil Procedure or a special process  
7           server appointed by the circuit court while that individual  
8           is in the performance of his or her duties as a process  
9           server.

10          (11) A nurse while in the performance of his or her  
11          duties as a nurse.

12          (e) Offense based on use of a firearm. A person commits  
13          aggravated battery when, in committing a battery, he or she  
14          knowingly does any of the following:

15               (1) Discharges a firearm, other than a machine gun or a  
16               firearm equipped with a silencer, and causes any injury to  
17               another person.

18               (2) Discharges a firearm, other than a machine gun or a  
19               firearm equipped with a silencer, and causes any injury to  
20               a person he or she knows to be a peace officer, community  
21               policing volunteer, person summoned by a police officer,  
22               fireman, private security officer, correctional  
23               institution employee, or emergency management worker:

24                       (i) performing his or her official duties;

25                       (ii) battered to prevent performance of his or her  
26               official duties; or

1           (iii) battered in retaliation for performing his  
2           or her official duties.

3           (3) Discharges a firearm, other than a machine gun or a  
4           firearm equipped with a silencer, and causes any injury to  
5           a person he or she knows to be an emergency medical  
6           technician employed by a municipality or other  
7           governmental unit:

8                 (i) performing his or her official duties;

9                 (ii) battered to prevent performance of his or her  
10           official duties; or

11                (iii) battered in retaliation for performing his  
12           or her official duties.

13           (4) Discharges a firearm and causes any injury to a  
14           person he or she knows to be a teacher, a student in a  
15           school, or a school employee, and the teacher, student, or  
16           employee is upon school grounds or grounds adjacent to a  
17           school or in any part of a building used for school  
18           purposes.

19           (5) Discharges a machine gun or a firearm equipped with  
20           a silencer, and causes any injury to another person.

21           (6) Discharges a machine gun or a firearm equipped with  
22           a silencer, and causes any injury to a person he or she  
23           knows to be a peace officer, community policing volunteer,  
24           person summoned by a police officer, fireman, private  
25           security officer, correctional institution employee or  
26           emergency management worker:

- 1 (i) performing his or her official duties;  
2 (ii) battered to prevent performance of his or her  
3 official duties; or  
4 (iii) battered in retaliation for performing his  
5 or her official duties.

6 (7) Discharges a machine gun or a firearm equipped with  
7 a silencer, and causes any injury to a person he or she  
8 knows to be an emergency medical technician employed by a  
9 municipality or other governmental unit:

- 10 (i) performing his or her official duties;  
11 (ii) battered to prevent performance of his or her  
12 official duties; or  
13 (iii) battered in retaliation for performing his  
14 or her official duties.

15 (8) Discharges a machine gun or a firearm equipped with  
16 a silencer, and causes any injury to a person he or she  
17 knows to be a teacher, or a student in a school, or a  
18 school employee, and the teacher, student, or employee is  
19 upon school grounds or grounds adjacent to a school or in  
20 any part of a building used for school purposes.

21 (f) Offense based on use of a weapon or device. A person  
22 commits aggravated battery when, in committing a battery, he or  
23 she does any of the following:

24 (1) Uses a deadly weapon other than by discharge of a  
25 firearm, or uses an air rifle as defined in Section  
26 24.8-0.1 of this Code ~~the Air Rifle Act.~~

1           (2) Wears a hood, robe, or mask to conceal his or her  
2 identity.

3           (3) Knowingly and without lawful justification shines  
4 or flashes a laser gunsight or other laser device attached  
5 to a firearm, or used in concert with a firearm, so that  
6 the laser beam strikes upon or against the person of  
7 another.

8           (4) Knowingly video or audio records the offense with  
9 the intent to disseminate the recording.

10          (g) Offense based on certain conduct. A person commits  
11 aggravated battery when, other than by discharge of a firearm,  
12 he or she does any of the following:

13           (1) Violates Section 401 of the Illinois Controlled  
14 Substances Act by unlawfully delivering a controlled  
15 substance to another and any user experiences great bodily  
16 harm or permanent disability as a result of the injection,  
17 inhalation, or ingestion of any amount of the controlled  
18 substance.

19           (2) Knowingly administers to an individual or causes  
20 him or her to take, without his or her consent or by threat  
21 or deception, and for other than medical purposes, any  
22 intoxicating, poisonous, stupefying, narcotic, anesthetic,  
23 or controlled substance, or gives to another person any  
24 food containing any substance or object intended to cause  
25 physical injury if eaten.

26           (3) Knowingly causes or attempts to cause a

1 correctional institution employee or Department of Human  
2 Services employee to come into contact with blood, seminal  
3 fluid, urine, or feces by throwing, tossing, or expelling  
4 the fluid or material, and the person is an inmate of a  
5 penal institution or is a sexually dangerous person or  
6 sexually violent person in the custody of the Department of  
7 Human Services.

8 (h) Sentence. Unless otherwise provided, aggravated  
9 battery is a Class 3 felony.

10 Aggravated battery as defined in subdivision (a)(4),  
11 (d)(4), or (g)(3) is a Class 2 felony.

12 Aggravated battery as defined in subdivision (a)(3) or  
13 (g)(1) is a Class 1 felony.

14 Aggravated battery as defined in subdivision (a)(1) is a  
15 Class 1 felony when the aggravated battery was intentional and  
16 involved the infliction of torture, as defined in paragraph  
17 (14) of subsection (b) of Section 9-1 of this Code, as the  
18 infliction of or subjection to extreme physical pain, motivated  
19 by an intent to increase or prolong the pain, suffering, or  
20 agony of the victim.

21 Aggravated battery under subdivision (a)(5) is a Class 1  
22 felony if:

23 (A) the person used or attempted to use a dangerous  
24 instrument while committing the offense; or

25 (B) the person caused great bodily harm or permanent  
26 disability or disfigurement to the other person while

1 committing the offense; or

2 (C) the person has been previously convicted of a  
3 violation of subdivision (a)(5) under the laws of this  
4 State or laws similar to subdivision (a)(5) of any other  
5 state.

6 Aggravated battery as defined in subdivision (e)(1) is a  
7 Class X felony.

8 Aggravated battery as defined in subdivision (a)(2) is a  
9 Class X felony for which a person shall be sentenced to a term  
10 of imprisonment of a minimum of 6 years and a maximum of 45  
11 years.

12 Aggravated battery as defined in subdivision (e)(5) is a  
13 Class X felony for which a person shall be sentenced to a term  
14 of imprisonment of a minimum of 12 years and a maximum of 45  
15 years.

16 Aggravated battery as defined in subdivision (e)(2),  
17 (e)(3), or (e)(4) is a Class X felony for which a person shall  
18 be sentenced to a term of imprisonment of a minimum of 15 years  
19 and a maximum of 60 years.

20 Aggravated battery as defined in subdivision (e)(6),  
21 (e)(7), or (e)(8) is a Class X felony for which a person shall  
22 be sentenced to a term of imprisonment of a minimum of 20 years  
23 and a maximum of 60 years.

24 Aggravated battery as defined in subdivision (b)(1) is a  
25 Class X felony, except that:

26 (1) if the person committed the offense while armed



1 with a firearm, 15 years shall be added to the term of  
2 imprisonment imposed by the court;

3 (2) if, during the commission of the offense, the  
4 person personally discharged a firearm, 20 years shall be  
5 added to the term of imprisonment imposed by the court;

6 (3) if, during the commission of the offense, the  
7 person personally discharged a firearm that proximately  
8 caused great bodily harm, permanent disability, permanent  
9 disfigurement, or death to another person, 25 years or up  
10 to a term of natural life shall be added to the term of  
11 imprisonment imposed by the court.

12 (i) Definitions. For the purposes of this Section:

13 "Building or other structure used to provide shelter" has  
14 the meaning ascribed to "shelter" in Section 1 of the Domestic  
15 Violence Shelters Act.

16 "Domestic violence" has the meaning ascribed to it in  
17 Section 103 of the Illinois Domestic Violence Act of 1986.

18 "Domestic violence shelter" means any building or other  
19 structure used to provide shelter or other services to victims  
20 or to the dependent children of victims of domestic violence  
21 pursuant to the Illinois Domestic Violence Act of 1986 or the  
22 Domestic Violence Shelters Act, or any place within 500 feet of  
23 such a building or other structure in the case of a person who  
24 is going to or from such a building or other structure.

25 "Firearm" has the meaning provided under Section 1.1 of the  
26 Firearm Owners Identification Card Act, and does not include an

1 air rifle as defined by Section 24.8-0.1 of this Code.

2 "Machine gun" has the meaning ascribed to it in Section  
3 24-1 of this Code.

4 "Merchant" has the meaning ascribed to it in Section 16-0.1  
5 of this Code.

6 "Strangle" means intentionally impeding the normal  
7 breathing or circulation of the blood of an individual by  
8 applying pressure on the throat or neck of that individual or  
9 by blocking the nose or mouth of that individual.

10 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-227, eff.  
11 1-1-12, 97-313, eff. 1-1-12, and 97-467, eff. 1-1-12; 97-1109,  
12 eff. 1-1-13; 98-369, eff. 1-1-14; 98-385, eff. 1-1-14; revised  
13 9-24-13.)

14 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

15 Sec. 12C-10. Child abandonment.

16 (a) A person commits child abandonment when he or she, as a  
17 parent, guardian, or other person having physical custody or  
18 control of a child, without regard for the mental or physical  
19 health, safety, or welfare of that child, knowingly leaves that  
20 child who is under the age of 13 without supervision by a  
21 responsible person over the age of 14 for a period of 24 hours  
22 or more. It is not a violation of this Section for a person to  
23 relinquish a child in accordance with the Abandoned Newborn  
24 Infant Protection Act.

25 (b) For the purposes of determining whether the child was

1 left without regard for the mental or physical health, safety,  
2 or welfare of that child, the trier of fact shall consider the  
3 following factors:

4 (1) the age of the child;

5 (2) the number of children left at the location;

6 (3) special needs of the child, including whether the  
7 child is physically or mentally handicapped, or otherwise  
8 in need of ongoing prescribed medical treatment such as  
9 periodic doses of insulin or other medications;

10 (4) the duration of time in which the child was left  
11 without supervision;

12 (5) the condition and location of the place where the  
13 child was left without supervision;

14 (6) the time of day or night when the child was left  
15 without supervision;

16 (7) the weather conditions, including whether the  
17 child was left in a location with adequate protection from  
18 the natural elements such as adequate heat or light;

19 (8) the location of the parent, guardian, or other  
20 person having physical custody or control of the child at  
21 the time the child was left without supervision, the  
22 physical distance the child was from the parent, guardian,  
23 or other person having physical custody or control of the  
24 child at the time the child was without supervision;

25 (9) whether the child's movement was restricted, or the  
26 child was otherwise locked within a room or other

1 structure;

2 (10) whether the child was given a phone number of a  
3 person or location to call in the event of an emergency and  
4 whether the child was capable of making an emergency call;

5 (11) whether there was food and other provision left  
6 for the child;

7 (12) whether any of the conduct is attributable to  
8 economic hardship or illness and the parent, guardian or  
9 other person having physical custody or control of the  
10 child made a good faith effort to provide for the health  
11 and safety of the child;

12 (13) the age and physical and mental capabilities of  
13 the person or persons who provided supervision for the  
14 child;

15 (14) any other factor that would endanger the health or  
16 safety of that particular child;

17 (15) whether the child was left under the supervision  
18 of another person.

19 (c) ~~(d)~~ Child abandonment is a Class 4 felony. A second or  
20 subsequent offense after a prior conviction is a Class 3  
21 felony. A parent, who is found to be in violation of this  
22 Section with respect to his or her child, may be sentenced to  
23 probation for this offense pursuant to Section 12C-15.

24 (Source: P.A. 97-1109, eff. 1-1-13; revised 11-12-13.)

25 (720 ILCS 5/19-4) (from Ch. 38, par. 19-4)

1           Sec. 19-4. Criminal trespass to a residence.

2           (a) (1) A person commits criminal trespass to a residence  
3 when, without authority, he or she knowingly enters or remains  
4 within any residence, including a house trailer that is the  
5 dwelling place of another.

6           (2) A person commits criminal trespass to a residence when,  
7 without authority, he or she knowingly enters the residence of  
8 another and knows or has reason to know that one or more  
9 persons is present or he or she knowingly enters the residence  
10 of another and remains in the residence after he or she knows  
11 or has reason to know that one or more persons is present.

12           (a-5) ~~(3)~~ For purposes of this Section, in the case of a  
13 multi-unit residential building or complex, "residence" shall  
14 only include the portion of the building or complex which is  
15 the actual dwelling place of any person and shall not include  
16 such places as common recreational areas or lobbies.

17           (b) Sentence.

18           (1) Criminal trespass to a residence under paragraph  
19 (1) of subsection (a) is a Class A misdemeanor.

20           (2) Criminal trespass to a residence under paragraph  
21 (2) of subsection (a) is a Class 4 felony.

22 (Source: P.A. 97-1108, eff. 1-1-13; revised 11-12-13.)

23           (720 ILCS 5/21-1.3)

24           Sec. 21-1.3. Criminal defacement of property.

25           (a) A person commits criminal defacement of property when

1 the person knowingly damages the property of another by  
2 defacing, deforming, or otherwise damaging the property by the  
3 use of paint or any other similar substance, or by the use of a  
4 writing instrument, etching tool, or any other similar device.  
5 It is an affirmative defense to a violation of this Section  
6 that the owner of the property damaged consented to such  
7 damage.

8 (b) Sentence.

9 (1) Criminal defacement of property is a Class A  
10 misdemeanor for a first offense when the aggregate value of the  
11 damage to the property does not exceed \$300. Criminal  
12 defacement of property is a Class 4 felony when the aggregate  
13 value of the damage to property does not exceed \$300 and the  
14 property damaged is a school building or place of worship or  
15 property which memorializes or honors an individual or group of  
16 police officers, fire fighters, members of the United States  
17 Armed Forces or National Guard, or veterans. Criminal  
18 defacement of property is a Class 4 felony for a second or  
19 subsequent conviction or when the aggregate value of the damage  
20 to the property exceeds \$300. Criminal defacement of property  
21 is a Class 3 felony when the aggregate value of the damage to  
22 property exceeds \$300 and the property damaged is a school  
23 building or place of worship or property which memorializes or  
24 honors an individual or group of police officers, fire  
25 fighters, members of the United States Armed Forces or  
26 National Guard, or veterans.

1           (2) In addition to any other sentence that may be imposed  
2 for a violation of this Section, a person convicted of criminal  
3 defacement of property shall:

4           (A) pay the actual costs incurred by the property owner  
5 or the unit of government to abate, remediate, repair, or  
6 remove the effect of the damage to the property. To the  
7 extent permitted by law, reimbursement for the costs of  
8 abatement, remediation, repair, or removal shall be  
9 payable to the person who incurred the costs; and

10           (B) if convicted of criminal defacement of property  
11 that is chargeable as a Class 3 or Class 4 felony, pay a  
12 mandatory minimum fine of \$500.

13           (3) In addition to any other sentence that may be imposed,  
14 a court shall order any person convicted of criminal defacement  
15 of property to perform community service for not less than 30  
16 and not more than 120 hours, if community service is available  
17 in the jurisdiction. The community service shall include, but  
18 need not be limited to, the cleanup and repair of the damage to  
19 property that was caused by the offense, or similar damage to  
20 property located in the municipality or county in which the  
21 offense occurred. When the property damaged is a school  
22 building, the community service may include cleanup, removal,  
23 or painting over the defacement. In addition, whenever any  
24 person is placed on supervision for an alleged offense under  
25 this Section, the supervision shall be conditioned upon the  
26 performance of the community service.

1           (4) For the purposes of this subsection (b), aggregate  
2 value shall be determined by adding the value of the damage to  
3 one or more properties if the offenses were committed as part  
4 of a single course of conduct.

5           (Source: P.A. 97-1108, eff. 1-1-13; 98-315, eff. 1-1-14;  
6 98-466, eff. 8-16-13; revised 9-24-13.)

7           (720 ILCS 5/31A-1.1) (from Ch. 38, par. 31A-1.1)

8           Sec. 31A-1.1. Bringing Contraband into a Penal  
9 Institution; Possessing Contraband in a Penal Institution.

10          (a) A person commits bringing contraband into a penal  
11 institution when he or she knowingly and without authority of  
12 any person designated or authorized to grant this authority (1)  
13 brings an item of contraband into a penal institution or (2)  
14 causes another to bring an item of contraband into a penal  
15 institution or (3) places an item of contraband in such  
16 proximity to a penal institution as to give an inmate access to  
17 the contraband.

18          (b) A person commits possessing contraband in a penal  
19 institution when he or she knowingly possesses contraband in a  
20 penal institution, regardless of the intent with which he or  
21 she possesses it.

22          (c) (Blank).

23          (d) Sentence.

24                 (1) Bringing into or possessing alcoholic liquor in a  
25 penal institution is a Class 4 felony.



1           (2) Bringing into or possessing cannabis in a penal  
2 institution is a Class 3 felony.

3           (3) Bringing into or possessing any amount of a  
4 controlled substance classified in Schedules III, IV or V  
5 of Article II of the Illinois Controlled Substances  
6 ~~Substance~~ Act in a penal institution is a Class 2 felony.

7           (4) Bringing into or possessing any amount of a  
8 controlled substance classified in Schedules I or II of  
9 Article II of the Illinois Controlled Substances ~~Substance~~  
10 Act in a penal institution is a Class 1 felony.

11           (5) Bringing into or possessing a hypodermic syringe in  
12 a penal institution is a Class 1 felony.

13           (6) Bringing into or possessing a weapon, tool to  
14 defeat security mechanisms, cutting tool, or electronic  
15 contraband in a penal institution is a Class 1 felony.

16           (7) Bringing into or possessing a firearm, firearm  
17 ammunition, or explosive in a penal institution is a Class  
18 X felony.

19           (e) It shall be an affirmative defense to subsection (b),  
20 that the possession was specifically authorized by rule,  
21 regulation, or directive of the governing authority of the  
22 penal institution or order issued under it.

23           (f) It shall be an affirmative defense to subsection (a) (1)  
24 and subsection (b) that the person bringing into or possessing  
25 contraband in a penal institution had been arrested, and that  
26 person possessed the contraband at the time of his or her

1 arrest, and that the contraband was brought into or possessed  
2 in the penal institution by that person as a direct and  
3 immediate result of his or her arrest.

4 (g) Items confiscated may be retained for use by the  
5 Department of Corrections or disposed of as deemed appropriate  
6 by the Chief Administrative Officer in accordance with  
7 Department rules or disposed of as required by law.

8 (Source: P.A. 96-1112, eff. 1-1-11; 97-1108, eff. 1-1-13;  
9 revised 11-12-13.)

10 (720 ILCS 5/33-1) (from Ch. 38, par. 33-1)

11 Sec. 33-1. Bribery. A person commits bribery when:

12 (a) With intent to influence the performance of any act  
13 related to the employment or function of any public  
14 officer, public employee, juror or witness, he or she  
15 promises or tenders to that person any property or personal  
16 advantage which he or she is not authorized by law to  
17 accept; or

18 (b) With intent to influence the performance of any act  
19 related to the employment or function of any public  
20 officer, public employee, juror or witness, he or she  
21 promises or tenders to one whom he or she believes to be a  
22 public officer, public employee, juror or witness, any  
23 property or personal advantage which a public officer,  
24 public employee, juror or witness would not be authorized  
25 by law to accept; or

1           (c) With intent to cause any person to influence the  
2 performance of any act related to the employment or  
3 function of any public officer, public employee, juror or  
4 witness, he or she promises or tenders to that person any  
5 property or personal advantage which he or she is not  
6 authorized by law to accept; or

7           (d) He or she receives, retains or agrees to accept any  
8 property or personal advantage which he or she is not  
9 authorized by law to accept knowing that the property or  
10 personal advantage was promised or tendered with intent to  
11 cause him or her to influence the performance of any act  
12 related to the employment or function of any public  
13 officer, public employee, juror or witness; or

14           (e) He or she solicits, receives, retains, or agrees to  
15 accept any property or personal advantage pursuant to an  
16 understanding that he or she shall improperly influence or  
17 attempt to influence the performance of any act related to  
18 the employment or function of any public officer, public  
19 employee, juror or witness.

20           ~~(f)~~ As used in this Section, "tenders" means any delivery  
21 or proffer made with the requisite intent.

22           ~~(g)~~ Sentence. Bribery is a Class 2 felony.  
23 (Source: P.A. 97-1108, eff. 1-1-13; revised 11-12-13.)

24           (720 ILCS 5/33E-18)

25           Sec. 33E-18. Unlawful stringing of bids.

1           (a) A person commits unlawful stringing of bids when he or  
2 she, with the intent to evade the bidding requirements of any  
3 unit of local government or school district, knowingly strings  
4 or assists in stringing~~r~~ or attempts to string any contract or  
5 job order with the unit of local government or school district.

6           (b) Sentence. Unlawful stringing of bids is a Class 4  
7 felony.

8 (Source: P.A. 97-1108, eff. 1-1-13; revised 11-12-13.)

9           Section 700. The Cannabis Control Act is amended by  
10 changing Section 15.1 as follows:

11           (720 ILCS 550/15.1) (from Ch. 56 1/2, par. 715.1)

12           Sec. 15.1. (a) If any cannabis derivative is designated or  
13 rescheduled as a controlled substance under federal law and  
14 notice thereof is given to the Department, the Department shall  
15 similarly control the substance under the Illinois Controlled  
16 Substances Act after the expiration of 30 days from publication  
17 in the Federal Register of a final order designating a  
18 substance as a controlled substance or rescheduling a substance  
19 unless within that 30 day period the Department objects, or a  
20 party adversely affected files with the Department substantial  
21 written objections to inclusion or rescheduling. In that case,  
22 the Department shall publish the reasons for objection or the  
23 substantial written objections and afford all interested  
24 parties an opportunity to be heard. At the conclusion of the

1 hearing, the Department shall publish its decision, by means of  
2 a rule, which shall be final unless altered by statute. Upon  
3 publication of objections by the Department, similar control  
4 under the Illinois Controlled Substances Act whether by  
5 inclusion or rescheduling is suspended until the Department  
6 publishes its ruling.

7 (b) If any cannabis derivative is deleted as a controlled  
8 substance under Federal law and notice thereof is given to the  
9 Department, the Department shall similarly control the  
10 substance under this Act after the expiration of 30 days from  
11 publication in the Federal Register of a final order deleting a  
12 substance as a controlled substance or rescheduling a substance  
13 unless within that 30 day period the Department objects, or a  
14 party adversely affected files with the Department substantial  
15 written objections to inclusion or rescheduling. In that case,  
16 the Department shall publish the reasons for objection or the  
17 substantial written objections and afford all interested  
18 parties an opportunity to be heard. At the conclusion of the  
19 hearing, the Department shall publish its decision, by means of  
20 a rule, which shall be final unless altered by statute. Upon  
21 publication of objections by the Department, similar control  
22 under this Act whether by inclusion or rescheduling is  
23 suspended until the Department publishes its ruling.

24 (c) Cannabis derivatives are deemed to be regulated under  
25 this Act until such time as those derivatives are scheduled as  
26 provided for under the Illinois Controlled Substances Act.

1 Following such scheduling, those derivatives shall be excepted  
2 from this Act and shall be regulated pursuant to the Illinois  
3 Controlled Substances Act. At such time that any derivative is  
4 deleted from schedules provided for under the Illinois  
5 Controlled Substances ~~Substance~~ Act, that derivative shall be  
6 regulated pursuant to this Act.

7 (Source: P.A. 84-1313; 84-1362; revised 11-12-13.)

8 Section 705. The Illinois Controlled Substances Act is  
9 amended by changing Sections 102 and 201 as follows:

10 (720 ILCS 570/102) (from Ch. 56 1/2, par. 1102)

11 Sec. 102. Definitions. As used in this Act, unless the  
12 context otherwise requires:

13 (a) "Addict" means any person who habitually uses any drug,  
14 chemical, substance or dangerous drug other than alcohol so as  
15 to endanger the public morals, health, safety or welfare or who  
16 is so far addicted to the use of a dangerous drug or controlled  
17 substance other than alcohol as to have lost the power of self  
18 control with reference to his or her addiction.

19 (b) "Administer" means the direct application of a  
20 controlled substance, whether by injection, inhalation,  
21 ingestion, or any other means, to the body of a patient,  
22 research subject, or animal (as defined by the Humane  
23 Euthanasia in Animal Shelters Act) by:

24 (1) a practitioner (or, in his or her presence, by his

1 or her authorized agent),

2 (2) the patient or research subject pursuant to an  
3 order, or

4 (3) a euthanasia technician as defined by the Humane  
5 Euthanasia in Animal Shelters Act.

6 (c) "Agent" means an authorized person who acts on behalf  
7 of or at the direction of a manufacturer, distributor,  
8 dispenser, prescriber, or practitioner. It does not include a  
9 common or contract carrier, public warehouseman or employee of  
10 the carrier or warehouseman.

11 (c-1) "Anabolic Steroids" means any drug or hormonal  
12 substance, chemically and pharmacologically related to  
13 testosterone (other than estrogens, progestins,  
14 corticosteroids, and dehydroepiandrosterone), and includes:

15 (i) 3[ beta] ,17-dihydroxy-5a-androstane,

16 (ii) 3[ alpha] ,17[ beta] -dihydroxy-5a-androstane,

17 (iii) 5[ alpha] -androstane-3,17-dione,

18 (iv) 1-androstenediol (3[ beta] ,

19 17[ beta] -dihydroxy-5[ alpha] -androst-1-ene),

20 (v) 1-androstenediol (3[ alpha] ,

21 17[ beta] -dihydroxy-5[ alpha] -androst-1-ene),

22 (vi) 4-androstenediol

23 (3[ beta] ,17[ beta] -dihydroxy-androst-4-ene),

24 (vii) 5-androstenediol

25 (3[ beta] ,17[ beta] -dihydroxy-androst-5-ene),

26 (viii) 1-androstenedione

1 ([ 5alpha] -androst-1-en-3,17-dione),  
2 (ix) 4-androstenedione  
3 (androst-4-en-3,17-dione),  
4 (x) 5-androstenedione  
5 (androst-5-en-3,17-dione),  
6 (xi) bolasterone (7[ alpha] ,17a-dimethyl-17[ beta] -  
7 hydroxyandrost-4-en-3-one),  
8 (xii) boldenone (17[ beta] -hydroxyandrost-  
9 1,4,-diene-3-one),  
10 (xiii) boldione (androsta-1,4-  
11 diene-3,17-dione),  
12 (xiv) calusterone (7[ beta] ,17[ alpha] -dimethyl-17  
13 [ beta] -hydroxyandrost-4-en-3-one),  
14 (xv) clostebol (4-chloro-17[ beta] -  
15 hydroxyandrost-4-en-3-one),  
16 (xvi) dehydrochloromethyltestosterone (4-chloro-  
17 17[ beta] -hydroxy-17[ alpha] -methyl-  
18 androst-1,4-dien-3-one),  
19 (xvii) desoxymethyltestosterone  
20 (17[ alpha] -methyl-5[ alpha]  
21 -androst-2-en-17[ beta] -ol) (a.k.a., madol),  
22 (xviii) [ delta] 1-dihydrotestosterone (a.k.a.  
23 '1-testosterone') (17[ beta] -hydroxy-  
24 5[ alpha] -androst-1-en-3-one),  
25 (xix) 4-dihydrotestosterone (17[ beta] -hydroxy-  
26 androstan-3-one),



- 1 (xx) drostanolone (17[ beta] -hydroxy-2[ alpha] -methyl-  
2 5[ alpha] -androst-3-one),  
3 (xxi) ethylestrenol (17[ alpha] -ethyl-17[ beta] -  
4 hydroxyestr-4-ene),  
5 (xxii) fluoxymesterone (9-fluoro-17[ alpha] -methyl-  
6 1[ beta] ,17[ beta] -dihydroxyandrost-4-en-3-one),  
7 (xxiii) formebolone (2-formyl-17[ alpha] -methyl-11[ alpha] ,  
8 17[ beta] -dihydroxyandrost-1,4-dien-3-one),  
9 (xxiv) furazabol (17[ alpha] -methyl-17[ beta] -  
10 hydroxyandrostano[ 2,3-c] -furan),  
11 (xxv) 13[ beta] -ethyl-17[ beta] -hydroxygon-4-en-3-one)  
12 (xxvi) 4-hydroxytestosterone (4,17[ beta] -dihydroxy-  
13 androst-4-en-3-one),  
14 (xxvii) 4-hydroxy-19-nortestosterone (4,17[ beta] -  
15 dihydroxy-estr-4-en-3-one),  
16 (xxviii) mestanolone (17[ alpha] -methyl-17[ beta] -  
17 hydroxy-5-androst-3-one),  
18 (xxix) mesterolone (1-methyl-17[ beta] -hydroxy-  
19 [ 5a] -androst-3-one),  
20 (xxx) methandienone (17[ alpha] -methyl-17[ beta] -  
21 hydroxyandrost-1,4-dien-3-one),  
22 (xxxii) methandriol (17[ alpha] -methyl-3[ beta] ,17[ beta] -  
23 dihydroxyandrost-5-ene),  
24 (xxxiii) methenolone (1-methyl-17[ beta] -hydroxy-  
25 5[ alpha] -androst-1-en-3-one),  
26 (xxxiiii) 17[ alpha] -methyl-3[ beta] , 17[ beta] -

1 dihydroxy-5a-androstane),  
2 (xxxiv) 17[ alpha] -methyl-3[ alpha] ,17[ beta] -dihydroxy  
3 -5a-androstane),  
4 (xxxv) 17[ alpha] -methyl-3[ beta] ,17[ beta] -  
5 dihydroxyandrost-4-ene),  
6 (xxxvi) 17[ alpha] -methyl-4-hydroxynandrolone (17[ alpha] -  
7 methyl-4-hydroxy-17[ beta] -hydroxyestr-4-en-3-one),  
8 (xxxvii) methyldienolone (17[ alpha] -methyl-17[ beta] -  
9 hydroxyestra-4,9(10)-dien-3-one),  
10 (xxxviii) methyltrienolone (17[ alpha] -methyl-17[ beta] -  
11 hydroxyestra-4,9-11-trien-3-one),  
12 (xxxix) methyltestosterone (17[ alpha] -methyl-17[ beta] -  
13 hydroxyandrost-4-en-3-one),  
14 (xl) mibolerone (7[ alpha] ,17a-dimethyl-17[ beta] -  
15 hydroxyestr-4-en-3-one),  
16 (xli) 17[ alpha] -methyl-[ delta] 1-dihydrotestosterone  
17 (17b[ beta] -hydroxy-17[ alpha] -methyl-5[ alpha] -  
18 androst-1-en-3-one) (a.k.a. '17-[ alpha] -methyl-  
19 1-testosterone'),  
20 (xlii) nandrolone (17[ beta] -hydroxyestr-4-en-3-one),  
21 (xliii) 19-nor-4-androstenediol (3[ beta] , 17[ beta] -  
22 dihydroxyestr-4-ene),  
23 (xliv) 19-nor-4-androstenediol (3[ alpha] , 17[ beta] -  
24 dihydroxyestr-4-ene),  
25 (xlv) 19-nor-5-androstenediol (3[ beta] , 17[ beta] -  
26 dihydroxyestr-5-ene),

- 1 (xlvi) 19-nor-5-androstenediol (3[ alpha] , 17[ beta] -  
2 dihydroxyestr-5-ene) ,  
3 (xlvii) 19-nor-4,9(10)-androstadienedione  
4 (estra-4,9(10)-diene-3,17-dione) ,  
5 (xlvi) 19-nor-4-androstenedione (estr-4-  
6 en-3,17-dione) ,  
7 (xlix) 19-nor-5-androstenedione (estr-5-  
8 en-3,17-dione) ,  
9 (l) norbolethone (13[ beta] , 17a-diethyl-17[ beta] -  
10 hydroxygon-4-en-3-one) ,  
11 (li) norclostebol (4-chloro-17[ beta] -  
12 hydroxyestr-4-en-3-one) ,  
13 (lii) norethandrolone (17[ alpha] -ethyl-17[ beta] -  
14 hydroxyestr-4-en-3-one) ,  
15 (liii) normethandrolone (17[ alpha] -methyl-17[ beta] -  
16 hydroxyestr-4-en-3-one) ,  
17 (liv) oxandrolone (17[ alpha] -methyl-17[ beta] -hydroxy-  
18 2-oxa-5[ alpha] -androstan-3-one) ,  
19 (lv) oxymesterone (17[ alpha] -methyl-4,17[ beta] -  
20 dihydroxyandrost-4-en-3-one) ,  
21 (lvi) oxymetholone (17[ alpha] -methyl-2-hydroxymethylene-  
22 17[ beta] -hydroxy- (5[ alpha] -androstan-3-one) ,  
23 (lvii) stanozolol (17[ alpha] -methyl-17[ beta] -hydroxy-  
24 (5[ alpha] -androst-2-en[ 3,2-c] -pyrazole) ,  
25 (lviii) stenbolone (17[ beta] -hydroxy-2-methyl-  
26 (5[ alpha] -androst-1-en-3-one) ,

- 1 (lix) testolactone (13-hydroxy-3-oxo-13,17-  
2 secoandrosta-1,4-dien-17-oic  
3 acid lactone),  
4 (lx) testosterone (17[ beta] -hydroxyandrost-  
5 4-en-3-one),  
6 (lxi) tetrahydrogestrinone (13[ beta] , 17[ alpha] -  
7 diethyl-17[ beta] -hydroxygon-  
8 4,9,11-trien-3-one),  
9 (lxii) trenbolone (17[ beta] -hydroxyestr-4,9,  
10 11-trien-3-one).

11 Any person who is otherwise lawfully in possession of an  
12 anabolic steroid, or who otherwise lawfully manufactures,  
13 distributes, dispenses, delivers, or possesses with intent to  
14 deliver an anabolic steroid, which anabolic steroid is  
15 expressly intended for and lawfully allowed to be administered  
16 through implants to livestock or other nonhuman species, and  
17 which is approved by the Secretary of Health and Human Services  
18 for such administration, and which the person intends to  
19 administer or have administered through such implants, shall  
20 not be considered to be in unauthorized possession or to  
21 unlawfully manufacture, distribute, dispense, deliver, or  
22 possess with intent to deliver such anabolic steroid for  
23 purposes of this Act.

24 (d) "Administration" means the Drug Enforcement  
25 Administration, United States Department of Justice, or its  
26 successor agency.

1           (d-5) "Clinical Director, Prescription Monitoring Program"  
2 means a Department of Human Services administrative employee  
3 licensed to either prescribe or dispense controlled substances  
4 who shall run the clinical aspects of the Department of Human  
5 Services Prescription Monitoring Program and its Prescription  
6 Information Library.

7           (d-10) "Compounding" means the preparation and mixing of  
8 components, excluding flavorings, (1) as the result of a  
9 prescriber's prescription drug order or initiative based on the  
10 prescriber-patient-pharmacist relationship in the course of  
11 professional practice or (2) for the purpose of, or incident  
12 to, research, teaching, or chemical analysis and not for sale  
13 or dispensing. "Compounding" includes the preparation of drugs  
14 or devices in anticipation of receiving prescription drug  
15 orders based on routine, regularly observed dispensing  
16 patterns. Commercially available products may be compounded  
17 for dispensing to individual patients only if both of the  
18 following conditions are met: (i) the commercial product is not  
19 reasonably available from normal distribution channels in a  
20 timely manner to meet the patient's needs and (ii) the  
21 prescribing practitioner has requested that the drug be  
22 compounded.

23           (e) "Control" means to add a drug or other substance, or  
24 immediate precursor, to a Schedule whether by transfer from  
25 another Schedule or otherwise.

26           (f) "Controlled Substance" means (i) a drug, substance, or

1 immediate precursor in the Schedules of Article II of this Act  
2 or (ii) a drug or other substance, or immediate precursor,  
3 designated as a controlled substance by the Department through  
4 administrative rule. The term does not include distilled  
5 spirits, wine, malt beverages, or tobacco, as those terms are  
6 defined or used in the Liquor Control Act of 1934 and the  
7 Tobacco Products Tax Act of 1995.

8 (f-5) "Controlled substance analog" means a substance:

9 (1) the chemical structure of which is substantially  
10 similar to the chemical structure of a controlled substance  
11 in Schedule I or II;

12 (2) which has a stimulant, depressant, or  
13 hallucinogenic effect on the central nervous system that is  
14 substantially similar to or greater than the stimulant,  
15 depressant, or hallucinogenic effect on the central  
16 nervous system of a controlled substance in Schedule I or  
17 II; or

18 (3) with respect to a particular person, which such  
19 person represents or intends to have a stimulant,  
20 depressant, or hallucinogenic effect on the central  
21 nervous system that is substantially similar to or greater  
22 than the stimulant, depressant, or hallucinogenic effect  
23 on the central nervous system of a controlled substance in  
24 Schedule I or II.

25 (g) "Counterfeit substance" means a controlled substance,  
26 which, or the container or labeling of which, without

1 authorization bears the trademark, trade name, or other  
2 identifying mark, imprint, number or device, or any likeness  
3 thereof, of a manufacturer, distributor, or dispenser other  
4 than the person who in fact manufactured, distributed, or  
5 dispensed the substance.

6 (h) "Deliver" or "delivery" means the actual, constructive  
7 or attempted transfer of possession of a controlled substance,  
8 with or without consideration, whether or not there is an  
9 agency relationship.

10 (i) "Department" means the Illinois Department of Human  
11 Services (as successor to the Department of Alcoholism and  
12 Substance Abuse) or its successor agency.

13 (j) (Blank).

14 (k) "Department of Corrections" means the Department of  
15 Corrections of the State of Illinois or its successor agency.

16 (l) "Department of Financial and Professional Regulation"  
17 means the Department of Financial and Professional Regulation  
18 of the State of Illinois or its successor agency.

19 (m) "Depressant" means any drug that (i) causes an overall  
20 depression of central nervous system functions, (ii) causes  
21 impaired consciousness and awareness, and (iii) can be  
22 habit-forming or lead to a substance abuse problem, including  
23 but not limited to alcohol, cannabis and its active principles  
24 and their analogs, benzodiazepines and their analogs,  
25 barbiturates and their analogs, opioids (natural and  
26 synthetic) and their analogs, and chloral hydrate and similar

1 sedative hypnotics.

2 (n) (Blank).

3 (o) "Director" means the Director of the Illinois State  
4 Police or his or her designated agents.

5 (p) "Dispense" means to deliver a controlled substance to  
6 an ultimate user or research subject by or pursuant to the  
7 lawful order of a prescriber, including the prescribing,  
8 administering, packaging, labeling, or compounding necessary  
9 to prepare the substance for that delivery.

10 (q) "Dispenser" means a practitioner who dispenses.

11 (r) "Distribute" means to deliver, other than by  
12 administering or dispensing, a controlled substance.

13 (s) "Distributor" means a person who distributes.

14 (t) "Drug" means (1) substances recognized as drugs in the  
15 official United States Pharmacopoeia, Official Homeopathic  
16 Pharmacopoeia of the United States, or official National  
17 Formulary, or any supplement to any of them; (2) substances  
18 intended for use in diagnosis, cure, mitigation, treatment, or  
19 prevention of disease in man or animals; (3) substances (other  
20 than food) intended to affect the structure of any function of  
21 the body of man or animals and (4) substances intended for use  
22 as a component of any article specified in clause (1), (2), or  
23 (3) of this subsection. It does not include devices or their  
24 components, parts, or accessories.

25 (t-5) "Euthanasia agency" means an entity certified by the  
26 Department of Financial and Professional Regulation for the



1 purpose of animal euthanasia that holds an animal control  
2 facility license or animal shelter license under the Animal  
3 Welfare Act. A euthanasia agency is authorized to purchase,  
4 store, possess, and utilize Schedule II nonnarcotic and  
5 Schedule III nonnarcotic drugs for the sole purpose of animal  
6 euthanasia.

7 (t-10) "Euthanasia drugs" means Schedule II or Schedule III  
8 substances (nonnarcotic controlled substances) that are used  
9 by a euthanasia agency for the purpose of animal euthanasia.

10 (u) "Good faith" means the prescribing or dispensing of a  
11 controlled substance by a practitioner in the regular course of  
12 professional treatment to or for any person who is under his or  
13 her treatment for a pathology or condition other than that  
14 individual's physical or psychological dependence upon or  
15 addiction to a controlled substance, except as provided herein:  
16 and application of the term to a pharmacist shall mean the  
17 dispensing of a controlled substance pursuant to the  
18 prescriber's order which in the professional judgment of the  
19 pharmacist is lawful. The pharmacist shall be guided by  
20 accepted professional standards including, but not limited to  
21 the following, in making the judgment:

22 (1) lack of consistency of prescriber-patient  
23 relationship,

24 (2) frequency of prescriptions for same drug by one  
25 prescriber for large numbers of patients,

26 (3) quantities beyond those normally prescribed,

1           (4) unusual dosages (recognizing that there may be  
2           clinical circumstances where more or less than the usual  
3           dose may be used legitimately),

4           (5) unusual geographic distances between patient,  
5           pharmacist and prescriber,

6           (6) consistent prescribing of habit-forming drugs.

7           (u-0.5) "Hallucinogen" means a drug that causes markedly  
8           altered sensory perception leading to hallucinations of any  
9           type.

10          (u-1) "Home infusion services" means services provided by a  
11          pharmacy in compounding solutions for direct administration to  
12          a patient in a private residence, long-term care facility, or  
13          hospice setting by means of parenteral, intravenous,  
14          intramuscular, subcutaneous, or intraspinal infusion.

15          (u-5) "Illinois State Police" means the State Police of the  
16          State of Illinois, or its successor agency.

17          (v) "Immediate precursor" means a substance:

18               (1) which the Department has found to be and by rule  
19               designated as being a principal compound used, or produced  
20               primarily for use, in the manufacture of a controlled  
21               substance;

22               (2) which is an immediate chemical intermediary used or  
23               likely to be used in the manufacture of such controlled  
24               substance; and

25               (3) the control of which is necessary to prevent,  
26               curtail or limit the manufacture of such controlled

1 substance.

2 (w) "Instructional activities" means the acts of teaching,  
3 educating or instructing by practitioners using controlled  
4 substances within educational facilities approved by the State  
5 Board of Education or its successor agency.

6 (x) "Local authorities" means a duly organized State,  
7 County or Municipal peace unit or police force.

8 (y) "Look-alike substance" means a substance, other than a  
9 controlled substance which (1) by overall dosage unit  
10 appearance, including shape, color, size, markings or lack  
11 thereof, taste, consistency, or any other identifying physical  
12 characteristic of the substance, would lead a reasonable person  
13 to believe that the substance is a controlled substance, or (2)  
14 is expressly or impliedly represented to be a controlled  
15 substance or is distributed under circumstances which would  
16 lead a reasonable person to believe that the substance is a  
17 controlled substance. For the purpose of determining whether  
18 the representations made or the circumstances of the  
19 distribution would lead a reasonable person to believe the  
20 substance to be a controlled substance under this clause (2) of  
21 subsection (y), the court or other authority may consider the  
22 following factors in addition to any other factor that may be  
23 relevant:

24 (a) statements made by the owner or person in control  
25 of the substance concerning its nature, use or effect;

26 (b) statements made to the buyer or recipient that the

1 substance may be resold for profit;

2 (c) whether the substance is packaged in a manner  
3 normally used for the illegal distribution of controlled  
4 substances;

5 (d) whether the distribution or attempted distribution  
6 included an exchange of or demand for money or other  
7 property as consideration, and whether the amount of the  
8 consideration was substantially greater than the  
9 reasonable retail market value of the substance.

10 Clause (1) of this subsection (y) shall not apply to a  
11 noncontrolled substance in its finished dosage form that was  
12 initially introduced into commerce prior to the initial  
13 introduction into commerce of a controlled substance in its  
14 finished dosage form which it may substantially resemble.

15 Nothing in this subsection (y) prohibits the dispensing or  
16 distributing of noncontrolled substances by persons authorized  
17 to dispense and distribute controlled substances under this  
18 Act, provided that such action would be deemed to be carried  
19 out in good faith under subsection (u) if the substances  
20 involved were controlled substances.

21 Nothing in this subsection (y) or in this Act prohibits the  
22 manufacture, preparation, propagation, compounding,  
23 processing, packaging, advertising or distribution of a drug or  
24 drugs by any person registered pursuant to Section 510 of the  
25 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

26 (y-1) "Mail-order pharmacy" means a pharmacy that is

1 located in a state of the United States that delivers,  
2 dispenses or distributes, through the United States Postal  
3 Service or other common carrier, to Illinois residents, any  
4 substance which requires a prescription.

5 (z) "Manufacture" means the production, preparation,  
6 propagation, compounding, conversion or processing of a  
7 controlled substance other than methamphetamine, either  
8 directly or indirectly, by extraction from substances of  
9 natural origin, or independently by means of chemical  
10 synthesis, or by a combination of extraction and chemical  
11 synthesis, and includes any packaging or repackaging of the  
12 substance or labeling of its container, except that this term  
13 does not include:

14 (1) by an ultimate user, the preparation or compounding  
15 of a controlled substance for his or her own use; or

16 (2) by a practitioner, or his or her authorized agent  
17 under his or her supervision, the preparation,  
18 compounding, packaging, or labeling of a controlled  
19 substance:

20 (a) as an incident to his or her administering or  
21 dispensing of a controlled substance in the course of  
22 his or her professional practice; or

23 (b) as an incident to lawful research, teaching or  
24 chemical analysis and not for sale.

25 (z-1) (Blank).

26 (z-5) "Medication shopping" means the conduct prohibited

1 under subsection (a) of Section 314.5 of this Act.

2 (z-10) "Mid-level practitioner" means (i) a physician  
3 assistant who has been delegated authority to prescribe through  
4 a written delegation of authority by a physician licensed to  
5 practice medicine in all of its branches, in accordance with  
6 Section 7.5 of the Physician Assistant Practice Act of 1987,  
7 (ii) an advanced practice nurse who has been delegated  
8 authority to prescribe through a written delegation of  
9 authority by a physician licensed to practice medicine in all  
10 of its branches or by a podiatric physician, in accordance with  
11 Section 65-40 of the Nurse Practice Act, or (iii) an animal  
12 euthanasia agency.

13 (aa) "Narcotic drug" means any of the following, whether  
14 produced directly or indirectly by extraction from substances  
15 of vegetable origin, or independently by means of chemical  
16 synthesis, or by a combination of extraction and chemical  
17 synthesis:

18 (1) opium, opiates, derivatives of opium and opiates,  
19 including their isomers, esters, ethers, salts, and salts  
20 of isomers, esters, and ethers, whenever the existence of  
21 such isomers, esters, ethers, and salts is possible within  
22 the specific chemical designation; however the term  
23 "narcotic drug" does not include the isoquinoline  
24 alkaloids of opium;

25 (2) (blank);

26 (3) opium poppy and poppy straw;

1           (4) coca leaves, except coca leaves and extracts of  
2           coca leaves from which substantially all of the cocaine and  
3           ecgonine, and their isomers, derivatives and salts, have  
4           been removed;

5           (5) cocaine, its salts, optical and geometric isomers,  
6           and salts of isomers;

7           (6) ecgonine, its derivatives, their salts, isomers,  
8           and salts of isomers;

9           (7) any compound, mixture, or preparation which  
10          contains any quantity of any of the substances referred to  
11          in subparagraphs (1) through (6).

12          (bb) "Nurse" means a registered nurse licensed under the  
13          Nurse Practice Act.

14          (cc) (Blank).

15          (dd) "Opiate" means any substance having an addiction  
16          forming or addiction sustaining liability similar to morphine  
17          or being capable of conversion into a drug having addiction  
18          forming or addiction sustaining liability.

19          (ee) "Opium poppy" means the plant of the species *Papaver*  
20          *somniferum* L., except its seeds.

21          (ee-5) "Oral dosage" means a tablet, capsule, elixir, or  
22          solution or other liquid form of medication intended for  
23          administration by mouth, but the term does not include a form  
24          of medication intended for buccal, sublingual, or transmucosal  
25          administration.

26          (ff) "Parole and Pardon Board" means the Parole and Pardon

1 Board of the State of Illinois or its successor agency.

2 (gg) "Person" means any individual, corporation,  
3 mail-order pharmacy, government or governmental subdivision or  
4 agency, business trust, estate, trust, partnership or  
5 association, or any other entity.

6 (hh) "Pharmacist" means any person who holds a license or  
7 certificate of registration as a registered pharmacist, a local  
8 registered pharmacist or a registered assistant pharmacist  
9 under the Pharmacy Practice Act.

10 (ii) "Pharmacy" means any store, ship or other place in  
11 which pharmacy is authorized to be practiced under the Pharmacy  
12 Practice Act.

13 (ii-5) "Pharmacy shopping" means the conduct prohibited  
14 under subsection (b) of Section 314.5 of this Act.

15 (ii-10) "Physician" (except when the context otherwise  
16 requires) means a person licensed to practice medicine in all  
17 of its branches.

18 (jj) "Poppy straw" means all parts, except the seeds, of  
19 the opium poppy, after mowing.

20 (kk) "Practitioner" means a physician licensed to practice  
21 medicine in all its branches, dentist, optometrist, podiatric  
22 physician, veterinarian, scientific investigator, pharmacist,  
23 physician assistant, advanced practice nurse, licensed  
24 practical nurse, registered nurse, hospital, laboratory, or  
25 pharmacy, or other person licensed, registered, or otherwise  
26 lawfully permitted by the United States or this State to



1 distribute, dispense, conduct research with respect to,  
2 administer or use in teaching or chemical analysis, a  
3 controlled substance in the course of professional practice or  
4 research.

5 (ll) "Pre-printed prescription" means a written  
6 prescription upon which the designated drug has been indicated  
7 prior to the time of issuance; the term does not mean a written  
8 prescription that is individually generated by machine or  
9 computer in the prescriber's office.

10 (mm) "Prescriber" means a physician licensed to practice  
11 medicine in all its branches, dentist, optometrist, podiatric  
12 physician or veterinarian who issues a prescription, a  
13 physician assistant who issues a prescription for a controlled  
14 substance in accordance with Section 303.05, a written  
15 delegation, and a written supervision agreement required under  
16 Section 7.5 of the Physician Assistant Practice Act of 1987, or  
17 an advanced practice nurse with prescriptive authority  
18 delegated under Section 65-40 of the Nurse Practice Act and in  
19 accordance with Section 303.05, a written delegation, and a  
20 written collaborative agreement under Section 65-35 of the  
21 Nurse Practice Act.

22 (nn) "Prescription" means a written, facsimile, or oral  
23 order, or an electronic order that complies with applicable  
24 federal requirements, of a physician licensed to practice  
25 medicine in all its branches, dentist, podiatric physician or  
26 veterinarian for any controlled substance, of an optometrist

1 for a Schedule III, IV, or V controlled substance in accordance  
2 with Section 15.1 of the Illinois Optometric Practice Act of  
3 1987, of a physician assistant for a controlled substance in  
4 accordance with Section 303.05, a written delegation, and a  
5 written supervision agreement required under Section 7.5 of the  
6 Physician Assistant Practice Act of 1987, or of an advanced  
7 practice nurse with prescriptive authority delegated under  
8 Section 65-40 of the Nurse Practice Act who issues a  
9 prescription for a controlled substance in accordance with  
10 Section 303.05, a written delegation, and a written  
11 collaborative agreement under Section 65-35 of the Nurse  
12 Practice Act when required by law.

13 (nn-5) "Prescription Information Library" (PIL) means an  
14 electronic library that contains reported controlled substance  
15 data.

16 (nn-10) "Prescription Monitoring Program" (PMP) means the  
17 entity that collects, tracks, and stores reported data on  
18 controlled substances and select drugs pursuant to Section 316.

19 (oo) "Production" or "produce" means manufacture,  
20 planting, cultivating, growing, or harvesting of a controlled  
21 substance other than methamphetamine.

22 (pp) "Registrant" means every person who is required to  
23 register under Section 302 of this Act.

24 (qq) "Registry number" means the number assigned to each  
25 person authorized to handle controlled substances under the  
26 laws of the United States and of this State.

1 (qq-5) "Secretary" means, as the context requires, either  
2 the Secretary of the Department or the Secretary of the  
3 Department of Financial and Professional Regulation, and the  
4 Secretary's designated agents.

5 (rr) "State" includes the State of Illinois and any state,  
6 district, commonwealth, territory, insular possession thereof,  
7 and any area subject to the legal authority of the United  
8 States of America.

9 (rr-5) "Stimulant" means any drug that (i) causes an  
10 overall excitation of central nervous system functions, (ii)  
11 causes impaired consciousness and awareness, and (iii) can be  
12 habit-forming or lead to a substance abuse problem, including  
13 but not limited to amphetamines and their analogs,  
14 methylphenidate and its analogs, cocaine, and phencyclidine  
15 and its analogs.

16 (ss) "Ultimate user" means a person who lawfully possesses  
17 a controlled substance for his or her own use or for the use of  
18 a member of his or her household or for administering to an  
19 animal owned by him or her or by a member of his or her  
20 household.

21 (Source: P.A. 97-334, eff. 1-1-12; 98-214, eff. 8-9-13; revised  
22 11-12-13.)

23 (720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

24 Sec. 201. (a) The Department shall carry out the provisions  
25 of this Article. The Department or its successor agency may, by

1 administrative rule, add additional substances to or delete or  
2 reschedule all controlled substances in the Schedules of  
3 Sections 204, 206, 208, 210 and 212 of this Act. In making a  
4 determination regarding the addition, deletion, or  
5 rescheduling of a substance, the Department shall consider the  
6 following:

7 (1) the actual or relative potential for abuse;

8 (2) the scientific evidence of its pharmacological  
9 effect, if known;

10 (3) the state of current scientific knowledge  
11 regarding the substance;

12 (4) the history and current pattern of abuse;

13 (5) the scope, duration, and significance of abuse;

14 (6) the risk to the public health;

15 (7) the potential of the substance to produce  
16 psychological or physiological dependence;

17 (8) whether the substance is an immediate precursor of  
18 a substance already controlled under this Article;

19 (9) the immediate harmful effect in terms of  
20 potentially fatal dosage; and

21 (10) the long-range effects in terms of permanent  
22 health impairment.

23 (b) (Blank).

24 (c) (Blank).

25 (d) If any substance is scheduled, rescheduled, or deleted  
26 as a controlled substance under Federal law and notice thereof

1 is given to the Department, the Department shall similarly  
2 control the substance under this Act after the expiration of 30  
3 days from publication in the Federal Register of a final order  
4 scheduling a substance as a controlled substance or  
5 rescheduling or deleting a substance, unless within that 30 day  
6 period the Department objects, or a party adversely affected  
7 files with the Department substantial written objections  
8 objecting to inclusion, rescheduling, or deletion. In that  
9 case, the Department shall publish the reasons for objection or  
10 the substantial written objections and afford all interested  
11 parties an opportunity to be heard. At the conclusion of the  
12 hearing, the Department shall publish its decision, by means of  
13 a rule, which shall be final unless altered by statute. Upon  
14 publication of objections by the Department, similar control  
15 under this Act whether by inclusion, rescheduling or deletion  
16 is stayed until the Department publishes its ruling.

17 (e) (Blank).

18 (f) (Blank).

19 (g) Authority to control under this Section does not extend  
20 to distilled spirits, wine, malt beverages, or tobacco as those  
21 terms are defined or used in the Liquor Control Act of 1934 and  
22 the Tobacco Products Tax Act of 1995.

23 (h) Persons registered with the Drug Enforcement  
24 Administration to manufacture or distribute controlled  
25 substances shall maintain adequate security and provide  
26 effective controls and procedures to guard against theft and

1 diversion, but shall not otherwise be required to meet the  
2 physical security control requirements (such as cage or vault)  
3 for Schedule V controlled substances containing  
4 pseudoephedrine or Schedule II controlled substances  
5 containing dextromethorphan.

6 (Source: P.A. 97-334, eff. 1-1-12; revised 11-12-13.)

7 Section 710. The Rights of Crime Victims and Witnesses Act  
8 is amended by changing Section 4.5 as follows:

9 (725 ILCS 120/4.5)

10 Sec. 4.5. Procedures to implement the rights of crime  
11 victims. To afford crime victims their rights, law enforcement,  
12 prosecutors, judges and corrections will provide information,  
13 as appropriate of the following procedures:

14 (a) At the request of the crime victim, law enforcement  
15 authorities investigating the case shall provide notice of the  
16 status of the investigation, except where the State's Attorney  
17 determines that disclosure of such information would  
18 unreasonably interfere with the investigation, until such time  
19 as the alleged assailant is apprehended or the investigation is  
20 closed.

21 (a-5) When law enforcement authorities re-open a closed  
22 case to resume investigating, they shall provide notice of the  
23 re-opening of the case, except where the State's Attorney  
24 determines that disclosure of such information would

1 unreasonably interfere with the investigation.

2 (b) The office of the State's Attorney:

3 (1) shall provide notice of the filing of information,  
4 the return of an indictment by which a prosecution for any  
5 violent crime is commenced, or the filing of a petition to  
6 adjudicate a minor as a delinquent for a violent crime;

7 (2) shall provide notice of the date, time, and place  
8 of trial;

9 (3) or victim advocate personnel shall provide  
10 information of social services and financial assistance  
11 available for victims of crime, including information of  
12 how to apply for these services and assistance;

13 (3.5) or victim advocate personnel shall provide  
14 information about available victim services, including  
15 referrals to programs, counselors, and agencies that  
16 assist a victim to deal with trauma, loss, and grief;

17 (4) shall assist in having any stolen or other personal  
18 property held by law enforcement authorities for  
19 evidentiary or other purposes returned as expeditiously as  
20 possible, pursuant to the procedures set out in Section  
21 115-9 of the Code of Criminal Procedure of 1963;

22 (5) or victim advocate personnel shall provide  
23 appropriate employer intercession services to ensure that  
24 employers of victims will cooperate with the criminal  
25 justice system in order to minimize an employee's loss of  
26 pay and other benefits resulting from court appearances;

1           (6) shall provide information whenever possible, of a  
2           secure waiting area during court proceedings that does not  
3           require victims to be in close proximity to defendant or  
4           juveniles accused of a violent crime, and their families  
5           and friends;

6           (7) shall provide notice to the crime victim of the  
7           right to have a translator present at all court proceedings  
8           and, in compliance with the federal Americans with  
9           Disabilities Act of 1990, the right to communications  
10          access through a sign language interpreter or by other  
11          means;

12          (8) in the case of the death of a person, which death  
13          occurred in the same transaction or occurrence in which  
14          acts occurred for which a defendant is charged with an  
15          offense, shall notify the spouse, parent, child or sibling  
16          of the decedent of the date of the trial of the person or  
17          persons allegedly responsible for the death;

18          (9) shall inform the victim of the right to have  
19          present at all court proceedings, subject to the rules of  
20          evidence, an advocate or other support person of the  
21          victim's choice, and the right to retain an attorney, at  
22          the victim's own expense, who, upon written notice filed  
23          with the clerk of the court and State's Attorney, is to  
24          receive copies of all notices, motions and court orders  
25          filed thereafter in the case, in the same manner as if the  
26          victim were a named party in the case;



1           (9.5) shall inform the victim of (A) the victim's right  
2           under Section 6 of this Act to make a victim impact  
3           statement at the sentencing hearing; (B) the right of the  
4           victim's spouse, guardian, parent, grandparent and other  
5           immediate family and household members under Section 6 of  
6           this Act to present an impact statement at sentencing; and  
7           (C) if a presentence report is to be prepared, the right of  
8           the victim's spouse, guardian, parent, grandparent and  
9           other immediate family and household members to submit  
10          information to the preparer of the presentence report about  
11          the effect the offense has had on the victim and the  
12          person;

13          (10) at the sentencing hearing shall make a good faith  
14          attempt to explain the minimum amount of time during which  
15          the defendant may actually be physically imprisoned. The  
16          Office of the State's Attorney shall further notify the  
17          crime victim of the right to request from the Prisoner  
18          Review Board information concerning the release of the  
19          defendant under subparagraph (d) (1) of this Section;

20          (11) shall request restitution at sentencing and shall  
21          consider restitution in any plea negotiation, as provided  
22          by law; and

23          (12) shall, upon the court entering a verdict of not  
24          guilty by reason of insanity, inform the victim of the  
25          notification services available from the Department of  
26          Human Services, including the statewide telephone number,

1 under subparagraph (d) (2) of this Section.

2 (c) At the written request of the crime victim, the office  
3 of the State's Attorney shall:

4 (1) provide notice a reasonable time in advance of the  
5 following court proceedings: preliminary hearing, any  
6 hearing the effect of which may be the release of defendant  
7 from custody, or to alter the conditions of bond and the  
8 sentencing hearing. The crime victim shall also be notified  
9 of the cancellation of the court proceeding in sufficient  
10 time, wherever possible, to prevent an unnecessary  
11 appearance in court;

12 (2) provide notice within a reasonable time after  
13 receipt of notice from the custodian, of the release of the  
14 defendant on bail or personal recognizance or the release  
15 from detention of a minor who has been detained for a  
16 violent crime;

17 (3) explain in nontechnical language the details of any  
18 plea or verdict of a defendant, or any adjudication of a  
19 juvenile as a delinquent for a violent crime;

20 (4) where practical, consult with the crime victim  
21 before the Office of the State's Attorney makes an offer of  
22 a plea bargain to the defendant or enters into negotiations  
23 with the defendant concerning a possible plea agreement,  
24 and shall consider the written victim impact statement, if  
25 prepared prior to entering into a plea agreement;

26 (5) provide notice of the ultimate disposition of the

1 cases arising from an indictment or an information, or a  
2 petition to have a juvenile adjudicated as a delinquent for  
3 a violent crime;

4 (6) provide notice of any appeal taken by the defendant  
5 and information on how to contact the appropriate agency  
6 handling the appeal;

7 (7) provide notice of any request for post-conviction  
8 review filed by the defendant under Article 122 of the Code  
9 of Criminal Procedure of 1963, and of the date, time and  
10 place of any hearing concerning the petition. Whenever  
11 possible, notice of the hearing shall be given in advance;

12 (8) forward a copy of any statement presented under  
13 Section 6 to the Prisoner Review Board to be considered by  
14 the Board in making its determination under subsection (b)  
15 of Section 3-3-8 of the Unified Code of Corrections.

16 (d)(1) The Prisoner Review Board shall inform a victim or  
17 any other concerned citizen, upon written request, of the  
18 prisoner's release on parole, aftercare release, mandatory  
19 supervised release, electronic detention, work release,  
20 international transfer or exchange, or by the custodian of the  
21 discharge of any individual who was adjudicated a delinquent  
22 for a violent crime from State custody and by the sheriff of  
23 the appropriate county of any such person's final discharge  
24 from county custody. The Prisoner Review Board, upon written  
25 request, shall provide to a victim or any other concerned  
26 citizen a recent photograph of any person convicted of a

1 felony, upon his or her release from custody. The Prisoner  
2 Review Board, upon written request, shall inform a victim or  
3 any other concerned citizen when feasible at least 7 days prior  
4 to the prisoner's release on furlough of the times and dates of  
5 such furlough. Upon written request by the victim or any other  
6 concerned citizen, the State's Attorney shall notify the person  
7 once of the times and dates of release of a prisoner sentenced  
8 to periodic imprisonment. Notification shall be based on the  
9 most recent information as to victim's or other concerned  
10 citizen's residence or other location available to the  
11 notifying authority.

12 (2) When the defendant has been committed to the Department  
13 of Human Services pursuant to Section 5-2-4 or any other  
14 provision of the Unified Code of Corrections, the victim may  
15 request to be notified by the releasing authority of the  
16 approval by the court of an on-grounds pass, a supervised  
17 off-grounds pass, an unsupervised off-grounds pass, or  
18 conditional release; the release on an off-grounds pass; the  
19 return from an off-grounds pass; transfer to another facility;  
20 conditional release; escape; death; or final discharge from  
21 State custody. The Department of Human Services shall establish  
22 and maintain a statewide telephone number to be used by victims  
23 to make notification requests under these provisions and shall  
24 publicize this telephone number on its website and to the  
25 State's Attorney of each county.

26 (3) In the event of an escape from State custody, the

1 Department of Corrections or the Department of Juvenile Justice  
2 immediately shall notify the Prisoner Review Board of the  
3 escape and the Prisoner Review Board shall notify the victim.  
4 The notification shall be based upon the most recent  
5 information as to the victim's residence or other location  
6 available to the Board. When no such information is available,  
7 the Board shall make all reasonable efforts to obtain the  
8 information and make the notification. When the escapee is  
9 apprehended, the Department of Corrections or the Department of  
10 Juvenile Justice immediately shall notify the Prisoner Review  
11 Board and the Board shall notify the victim.

12 (4) The victim of the crime for which the prisoner has been  
13 sentenced shall receive reasonable written notice not less than  
14 30 days prior to the parole or aftercare release hearing and  
15 may submit, in writing, on film, videotape or other electronic  
16 means or in the form of a recording or in person at the parole  
17 or aftercare release hearing or if a victim of a violent crime,  
18 by calling the toll-free number established in subsection (f)  
19 of this Section, information for consideration by the Prisoner  
20 Review Board. The victim shall be notified within 7 days after  
21 the prisoner has been granted parole or aftercare release and  
22 shall be informed of the right to inspect the registry of  
23 parole or aftercare release decisions, established under  
24 subsection (g) of Section 3-3-5 of the Unified Code of  
25 Corrections. The provisions of this paragraph (4) are subject  
26 to the Open Parole Hearings Act.

1           (5) If a statement is presented under Section 6, the  
2 Prisoner Review Board shall inform the victim of any order of  
3 discharge entered by the Board pursuant to Section 3-3-8 of the  
4 Unified Code of Corrections.

5           (6) At the written request of the victim of the crime for  
6 which the prisoner was sentenced or the State's Attorney of the  
7 county where the person seeking parole or aftercare release was  
8 prosecuted, the Prisoner Review Board shall notify the victim  
9 and the State's Attorney of the county where the person seeking  
10 parole or aftercare release was prosecuted of the death of the  
11 prisoner if the prisoner died while on parole or aftercare  
12 release or mandatory supervised release.

13           (7) When a defendant who has been committed to the  
14 Department of Corrections, the Department of Juvenile Justice,  
15 or the Department of Human Services is released or discharged  
16 and subsequently committed to the Department of Human Services  
17 as a sexually violent person and the victim had requested to be  
18 notified by the releasing authority of the defendant's  
19 discharge, conditional release, death, or escape from State  
20 custody, the releasing authority shall provide to the  
21 Department of Human Services such information that would allow  
22 the Department of Human Services to contact the victim.

23           (8) When a defendant has been convicted of a sex offense as  
24 defined in Section 2 of the Sex Offender Registration Act and  
25 has been sentenced to the Department of Corrections or the  
26 Department of Juvenile Justice, the Prisoner Review Board shall

1 notify the victim of the sex offense of the prisoner's  
2 eligibility for release on parole, aftercare release,  
3 mandatory supervised release, electronic detention, work  
4 release, international transfer or exchange, or by the  
5 custodian of the discharge of any individual who was  
6 adjudicated a delinquent for a sex offense from State custody  
7 and by the sheriff of the appropriate county of any such  
8 person's final discharge from county custody. The notification  
9 shall be made to the victim at least 30 days, whenever  
10 possible, before release of the sex offender.

11 (e) The officials named in this Section may satisfy some or  
12 all of their obligations to provide notices and other  
13 information through participation in a statewide victim and  
14 witness notification system established by the Attorney  
15 General under Section 8.5 of this Act.

16 (f) To permit a victim of a violent crime to provide  
17 information to the Prisoner Review Board for consideration by  
18 the Board at a parole or aftercare release hearing of a person  
19 who committed the crime against the victim in accordance with  
20 clause (d) (4) of this Section or at a proceeding to determine  
21 the conditions of mandatory supervised release of a person  
22 sentenced to a determinate sentence or at a hearing on  
23 revocation of mandatory supervised release of a person  
24 sentenced to a determinate sentence, the Board shall establish  
25 a toll-free number that may be accessed by the victim of a  
26 violent crime to present that information to the Board.

1 (Source: P.A. 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813,  
2 eff. 7-13-12; 97-815, eff. 1-1-13; 98-372, eff. 1-1-14; 98-558,  
3 eff. 1-1-14; revised 9-24-13.)

4 Section 715. The Sexually Violent Persons Commitment Act is  
5 amended by changing Section 30 as follows:

6 (725 ILCS 207/30)

7 Sec. 30. Detention; probable cause hearing; transfer for  
8 examination.

9 (a) Upon the filing of a petition under Section 15 of this  
10 Act, the court shall review the petition to determine whether  
11 to issue an order for detention of the person who is the  
12 subject of the petition. The person shall be detained only if  
13 there is cause to believe that the person is eligible for  
14 commitment under subsection (f) of Section 35 of this Act. A  
15 person detained under this Section shall be held in a facility  
16 approved by the Department. The Department may elect to place  
17 persons who have been ordered by the court to be detained in a  
18 State-operated mental health facility or a portion of that  
19 facility. Persons placed in a State-operated mental health  
20 facility under this Act shall be separated and shall not  
21 comingle with the recipients of the mental health facility. The  
22 portion of a State-operated mental health facility that is used  
23 for the persons detained under this Act shall not be a part of  
24 the mental health facility for the enforcement and



1 implementation of the Mental Health and Developmental  
2 Disabilities Code nor shall their care and treatment be subject  
3 to the provisions of the Mental Health and Developmental  
4 Disabilities Code. The changes added to this Section by Public  
5 Act 98-79 ~~this amendatory Act of the 98th General Assembly~~ are  
6 inoperative on and after June 30, 2015. If the person is  
7 serving a sentence of imprisonment, is in a Department of  
8 Corrections correctional facility or juvenile correctional  
9 facility or is committed to institutional care, and the court  
10 orders detention under this Section, the court shall order that  
11 the person be transferred to a detention facility approved by  
12 the Department. A detention order under this Section remains in  
13 effect until the person is discharged after a trial under  
14 Section 35 of this Act or until the effective date of a  
15 commitment order under Section 40 of this Act, whichever is  
16 applicable.

17 (b) Whenever a petition is filed under Section 15 of this  
18 Act, the court shall hold a hearing to determine whether there  
19 is probable cause to believe that the person named in the  
20 petition is a sexually violent person. If the person named in  
21 the petition is in custody, the court shall hold the probable  
22 cause hearing within 72 hours after the petition is filed,  
23 excluding Saturdays, Sundays and legal holidays. The court may  
24 grant a continuance of the probable cause hearing for no more  
25 than 7 additional days upon the motion of the respondent, for  
26 good cause. If the person named in the petition has been

1 released, is on parole, is on aftercare release, is on  
2 mandatory supervised release, or otherwise is not in custody,  
3 the court shall hold the probable cause hearing within a  
4 reasonable time after the filing of the petition. At the  
5 probable cause hearing, the court shall admit and consider all  
6 relevant hearsay evidence.

7 (c) If the court determines after a hearing that there is  
8 probable cause to believe that the person named in the petition  
9 is a sexually violent person, the court shall order that the  
10 person be taken into custody if he or she is not in custody and  
11 shall order the person to be transferred within a reasonable  
12 time to an appropriate facility for an evaluation as to whether  
13 the person is a sexually violent person. If the person who is  
14 named in the petition refuses to speak to, communicate with, or  
15 otherwise fails to cooperate with the examining evaluator from  
16 the Department of Human Services or the Department of  
17 Corrections, that person may only introduce evidence and  
18 testimony from any expert or professional person who is  
19 retained or court-appointed to conduct an examination of the  
20 person that results from a review of the records and may not  
21 introduce evidence resulting from an examination of the person.  
22 Notwithstanding the provisions of Section 10 of the Mental  
23 Health and Developmental Disabilities Confidentiality Act, all  
24 evaluations conducted pursuant to this Act and all Illinois  
25 Department of Corrections treatment records shall be  
26 admissible at all proceedings held pursuant to this Act,

1 including the probable cause hearing and the trial.

2 If the court determines that probable cause does not exist  
3 to believe that the person is a sexually violent person, the  
4 court shall dismiss the petition.

5 (d) The Department shall promulgate rules that provide the  
6 qualifications for persons conducting evaluations under  
7 subsection (c) of this Section.

8 (e) If the person named in the petition claims or appears  
9 to be indigent, the court shall, prior to the probable cause  
10 hearing under subsection (b) of this Section, appoint counsel.

11 (Source: P.A. 98-79, eff. 7-15-13; 98-558, eff. 1-1-14; revised  
12 9-24-13.)

13 Section 720. The Unified Code of Corrections is amended by  
14 changing Sections 3-2-2, 3-2.5-20, 3-3-2, 3-5-1, 5-5-3,  
15 5-5-3.2, 5-5-5, and 5-8A-3 as follows:

16 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

17 Sec. 3-2-2. Powers and Duties of the Department.

18 (1) In addition to the powers, duties and responsibilities  
19 which are otherwise provided by law, the Department shall have  
20 the following powers:

21 (a) To accept persons committed to it by the courts of  
22 this State for care, custody, treatment and  
23 rehabilitation, and to accept federal prisoners and aliens  
24 over whom the Office of the Federal Detention Trustee is

1 authorized to exercise the federal detention function for  
2 limited purposes and periods of time.

3 (b) To develop and maintain reception and evaluation  
4 units for purposes of analyzing the custody and  
5 rehabilitation needs of persons committed to it and to  
6 assign such persons to institutions and programs under its  
7 control or transfer them to other appropriate agencies. In  
8 consultation with the Department of Alcoholism and  
9 Substance Abuse (now the Department of Human Services), the  
10 Department of Corrections shall develop a master plan for  
11 the screening and evaluation of persons committed to its  
12 custody who have alcohol or drug abuse problems, and for  
13 making appropriate treatment available to such persons;  
14 the Department shall report to the General Assembly on such  
15 plan not later than April 1, 1987. The maintenance and  
16 implementation of such plan shall be contingent upon the  
17 availability of funds.

18 (b-1) To create and implement, on January 1, 2002, a  
19 pilot program to establish the effectiveness of  
20 pupillometer technology (the measurement of the pupil's  
21 reaction to light) as an alternative to a urine test for  
22 purposes of screening and evaluating persons committed to  
23 its custody who have alcohol or drug problems. The pilot  
24 program shall require the pupillometer technology to be  
25 used in at least one Department of Corrections facility.  
26 The Director may expand the pilot program to include an

1 additional facility or facilities as he or she deems  
2 appropriate. A minimum of 4,000 tests shall be included in  
3 the pilot program. The Department must report to the  
4 General Assembly on the effectiveness of the program by  
5 January 1, 2003.

6 (b-5) To develop, in consultation with the Department  
7 of State Police, a program for tracking and evaluating each  
8 inmate from commitment through release for recording his or  
9 her gang affiliations, activities, or ranks.

10 (c) To maintain and administer all State correctional  
11 institutions and facilities under its control and to  
12 establish new ones as needed. Pursuant to its power to  
13 establish new institutions and facilities, the Department  
14 may, with the written approval of the Governor, authorize  
15 the Department of Central Management Services to enter into  
16 an agreement of the type described in subsection (d) of  
17 Section 405-300 of the Department of Central Management  
18 Services Law (20 ILCS 405/405-300). The Department shall  
19 designate those institutions which shall constitute the  
20 State Penitentiary System.

21 Pursuant to its power to establish new institutions and  
22 facilities, the Department may authorize the Department of  
23 Central Management Services to accept bids from counties  
24 and municipalities for the construction, remodeling or  
25 conversion of a structure to be leased to the Department of  
26 Corrections for the purposes of its serving as a

1 correctional institution or facility. Such construction,  
2 remodeling or conversion may be financed with revenue bonds  
3 issued pursuant to the Industrial Building Revenue Bond Act  
4 by the municipality or county. The lease specified in a bid  
5 shall be for a term of not less than the time needed to  
6 retire any revenue bonds used to finance the project, but  
7 not to exceed 40 years. The lease may grant to the State  
8 the option to purchase the structure outright.

9 Upon receipt of the bids, the Department may certify  
10 one or more of the bids and shall submit any such bids to  
11 the General Assembly for approval. Upon approval of a bid  
12 by a constitutional majority of both houses of the General  
13 Assembly, pursuant to joint resolution, the Department of  
14 Central Management Services may enter into an agreement  
15 with the county or municipality pursuant to such bid.

16 (c-5) To build and maintain regional juvenile  
17 detention centers and to charge a per diem to the counties  
18 as established by the Department to defray the costs of  
19 housing each minor in a center. In this subsection (c-5),  
20 "juvenile detention center" means a facility to house  
21 minors during pendency of trial who have been transferred  
22 from proceedings under the Juvenile Court Act of 1987 to  
23 prosecutions under the criminal laws of this State in  
24 accordance with Section 5-805 of the Juvenile Court Act of  
25 1987, whether the transfer was by operation of law or  
26 permissive under that Section. The Department shall

1 designate the counties to be served by each regional  
2 juvenile detention center.

3 (d) To develop and maintain programs of control,  
4 rehabilitation and employment of committed persons within  
5 its institutions.

6 (d-5) To provide a pre-release job preparation program  
7 for inmates at Illinois adult correctional centers.

8 (e) To establish a system of supervision and guidance  
9 of committed persons in the community.

10 (f) To establish in cooperation with the Department of  
11 Transportation to supply a sufficient number of prisoners  
12 for use by the Department of Transportation to clean up the  
13 trash and garbage along State, county, township, or  
14 municipal highways as designated by the Department of  
15 Transportation. The Department of Corrections, at the  
16 request of the Department of Transportation, shall furnish  
17 such prisoners at least annually for a period to be agreed  
18 upon between the Director of Corrections and the Director  
19 of Transportation. The prisoners used on this program shall  
20 be selected by the Director of Corrections on whatever  
21 basis he deems proper in consideration of their term,  
22 behavior and earned eligibility to participate in such  
23 program - where they will be outside of the prison facility  
24 but still in the custody of the Department of Corrections.  
25 Prisoners convicted of first degree murder, or a Class X  
26 felony, or armed violence, or aggravated kidnapping, or

1 criminal sexual assault, aggravated criminal sexual abuse  
2 or a subsequent conviction for criminal sexual abuse, or  
3 forcible detention, or arson, or a prisoner adjudged a  
4 Habitual Criminal shall not be eligible for selection to  
5 participate in such program. The prisoners shall remain as  
6 prisoners in the custody of the Department of Corrections  
7 and such Department shall furnish whatever security is  
8 necessary. The Department of Transportation shall furnish  
9 trucks and equipment for the highway cleanup program and  
10 personnel to supervise and direct the program. Neither the  
11 Department of Corrections nor the Department of  
12 Transportation shall replace any regular employee with a  
13 prisoner.

14 (g) To maintain records of persons committed to it and  
15 to establish programs of research, statistics and  
16 planning.

17 (h) To investigate the grievances of any person  
18 committed to the Department, to inquire into any alleged  
19 misconduct by employees or committed persons, and to  
20 investigate the assets of committed persons to implement  
21 Section 3-7-6 of this Code; and for these purposes it may  
22 issue subpoenas and compel the attendance of witnesses and  
23 the production of writings and papers, and may examine  
24 under oath any witnesses who may appear before it; to also  
25 investigate alleged violations of a parolee's or  
26 releasee's conditions of parole or release; and for this



1 purpose it may issue subpoenas and compel the attendance of  
2 witnesses and the production of documents only if there is  
3 reason to believe that such procedures would provide  
4 evidence that such violations have occurred.

5 If any person fails to obey a subpoena issued under  
6 this subsection, the Director may apply to any circuit  
7 court to secure compliance with the subpoena. The failure  
8 to comply with the order of the court issued in response  
9 thereto shall be punishable as contempt of court.

10 (i) To appoint and remove the chief administrative  
11 officers, and administer programs of training and  
12 development of personnel of the Department. Personnel  
13 assigned by the Department to be responsible for the  
14 custody and control of committed persons or to investigate  
15 the alleged misconduct of committed persons or employees or  
16 alleged violations of a parolee's or releasee's conditions  
17 of parole shall be conservators of the peace for those  
18 purposes, and shall have the full power of peace officers  
19 outside of the facilities of the Department in the  
20 protection, arrest, retaking and reconfining of committed  
21 persons or where the exercise of such power is necessary to  
22 the investigation of such misconduct or violations. This  
23 subsection shall not apply to persons committed to the  
24 Department of Juvenile Justice under the Juvenile Court Act  
25 of 1987 on aftercare release.

26 (j) To cooperate with other departments and agencies

1 and with local communities for the development of standards  
2 and programs for better correctional services in this  
3 State.

4 (k) To administer all moneys and properties of the  
5 Department.

6 (l) To report annually to the Governor on the committed  
7 persons, institutions and programs of the Department.

8 (l-5) (Blank).

9 (m) To make all rules and regulations and exercise all  
10 powers and duties vested by law in the Department.

11 (n) To establish rules and regulations for  
12 administering a system of sentence credits, established in  
13 accordance with Section 3-6-3, subject to review by the  
14 Prisoner Review Board.

15 (o) To administer the distribution of funds from the  
16 State Treasury to reimburse counties where State penal  
17 institutions are located for the payment of assistant  
18 state's attorneys' salaries under Section 4-2001 of the  
19 Counties Code.

20 (p) To exchange information with the Department of  
21 Human Services and the Department of Healthcare and Family  
22 Services for the purpose of verifying living arrangements  
23 and for other purposes directly connected with the  
24 administration of this Code and the Illinois Public Aid  
25 Code.

26 (q) To establish a diversion program.

1           The program shall provide a structured environment for  
2 selected technical parole or mandatory supervised release  
3 violators and committed persons who have violated the rules  
4 governing their conduct while in work release. This program  
5 shall not apply to those persons who have committed a new  
6 offense while serving on parole or mandatory supervised  
7 release or while committed to work release.

8           Elements of the program shall include, but shall not be  
9 limited to, the following:

10           (1) The staff of a diversion facility shall provide  
11 supervision in accordance with required objectives set  
12 by the facility.

13           (2) Participants shall be required to maintain  
14 employment.

15           (3) Each participant shall pay for room and board  
16 at the facility on a sliding-scale basis according to  
17 the participant's income.

18           (4) Each participant shall:

19           (A) provide restitution to victims in  
20 accordance with any court order;

21           (B) provide financial support to his  
22 dependents; and

23           (C) make appropriate payments toward any other  
24 court-ordered obligations.

25           (5) Each participant shall complete community  
26 service in addition to employment.

1           (6) Participants shall take part in such  
2 counseling, educational and other programs as the  
3 Department may deem appropriate.

4           (7) Participants shall submit to drug and alcohol  
5 screening.

6           (8) The Department shall promulgate rules  
7 governing the administration of the program.

8           (r) To enter into intergovernmental cooperation  
9 agreements under which persons in the custody of the  
10 Department may participate in a county impact  
11 incarceration program established under Section 3-6038 or  
12 3-15003.5 of the Counties Code.

13           (r-5) (Blank).

14           (r-10) To systematically and routinely identify with  
15 respect to each streetgang active within the correctional  
16 system: (1) each active gang; (2) every existing inter-gang  
17 affiliation or alliance; and (3) the current leaders in  
18 each gang. The Department shall promptly segregate leaders  
19 from inmates who belong to their gangs and allied gangs.  
20 "Segregate" means no physical contact and, to the extent  
21 possible under the conditions and space available at the  
22 correctional facility, prohibition of visual and sound  
23 communication. For the purposes of this paragraph (r-10),  
24 "leaders" means persons who:

25           (i) are members of a criminal streetgang;

26           (ii) with respect to other individuals within the

1 streetgang, occupy a position of organizer,  
2 supervisor, or other position of management or  
3 leadership; and

4 (iii) are actively and personally engaged in  
5 directing, ordering, authorizing, or requesting  
6 commission of criminal acts by others, which are  
7 punishable as a felony, in furtherance of streetgang  
8 related activity both within and outside of the  
9 Department of Corrections.

10 "Streetgang", "gang", and "streetgang related" have the  
11 meanings ascribed to them in Section 10 of the Illinois  
12 Streetgang Terrorism Omnibus Prevention Act.

13 (s) To operate a super-maximum security institution,  
14 in order to manage and supervise inmates who are disruptive  
15 or dangerous and provide for the safety and security of the  
16 staff and the other inmates.

17 (t) To monitor any unprivileged conversation or any  
18 unprivileged communication, whether in person or by mail,  
19 telephone, or other means, between an inmate who, before  
20 commitment to the Department, was a member of an organized  
21 gang and any other person without the need to show cause or  
22 satisfy any other requirement of law before beginning the  
23 monitoring, except as constitutionally required. The  
24 monitoring may be by video, voice, or other method of  
25 recording or by any other means. As used in this  
26 subdivision (1)(t), "organized gang" has the meaning

1 ascribed to it in Section 10 of the Illinois Streetgang  
2 Terrorism Omnibus Prevention Act.

3 As used in this subdivision (1)(t), "unprivileged  
4 conversation" or "unprivileged communication" means a  
5 conversation or communication that is not protected by any  
6 privilege recognized by law or by decision, rule, or order  
7 of the Illinois Supreme Court.

8 (u) To establish a Women's and Children's Pre-release  
9 Community Supervision Program for the purpose of providing  
10 housing and services to eligible female inmates, as  
11 determined by the Department, and their newborn and young  
12 children.

13 (u-5) To issue an order, whenever a person committed to  
14 the Department absconds or absents himself or herself,  
15 without authority to do so, from any facility or program to  
16 which he or she is assigned. The order shall be certified  
17 by the Director, the Supervisor of the Apprehension Unit,  
18 or any person duly designated by the Director, with the  
19 seal of the Department affixed. The order shall be directed  
20 to all sheriffs, coroners, and police officers, or to any  
21 particular person named in the order. Any order issued  
22 pursuant to this subdivision (1) (u-5) shall be sufficient  
23 warrant for the officer or person named in the order to  
24 arrest and deliver the committed person to the proper  
25 correctional officials and shall be executed the same as  
26 criminal process.

1           (v) To do all other acts necessary to carry out the  
2           provisions of this Chapter.

3           (2) The Department of Corrections shall by January 1, 1998,  
4           consider building and operating a correctional facility within  
5           100 miles of a county of over 2,000,000 inhabitants, especially  
6           a facility designed to house juvenile participants in the  
7           impact incarceration program.

8           (3) When the Department lets bids for contracts for medical  
9           services to be provided to persons committed to Department  
10          facilities by a health maintenance organization, medical  
11          service corporation, or other health care provider, the bid may  
12          only be let to a health care provider that has obtained an  
13          irrevocable letter of credit or performance bond issued by a  
14          company whose bonds have an investment grade or higher rating  
15          by a bond rating organization.

16          (4) When the Department lets bids for contracts for food or  
17          commissary services to be provided to Department facilities,  
18          the bid may only be let to a food or commissary services  
19          provider that has obtained an irrevocable letter of credit or  
20          performance bond issued by a company whose bonds have an  
21          investment grade or higher rating by a bond rating  
22          organization.

23          (5) On and after the date 6 months after August 16, 2013  
24          (the effective date of Public Act 98-488) ~~this amendatory Act~~  
25          ~~of the 98th General Assembly,~~ as provided in the Executive  
26          Order 1 (2012) Implementation Act, all of the powers, duties,

1 rights, and responsibilities related to State healthcare  
2 purchasing under this Code that were transferred from the  
3 Department of Corrections to the Department of Healthcare and  
4 Family Services by Executive Order 3 (2005) are transferred  
5 back to the Department of Corrections; however, powers, duties,  
6 rights, and responsibilities related to State healthcare  
7 purchasing under this Code that were exercised by the  
8 Department of Corrections before the effective date of  
9 Executive Order 3 (2005) but that pertain to individuals  
10 resident in facilities operated by the Department of Juvenile  
11 Justice are transferred to the Department of Juvenile Justice.

12 (Source: P.A. 97-697, eff. 6-22-12; 97-800, eff. 7-13-12;  
13 97-802, eff. 7-13-12; 98-463, eff. 8-16-13; 98-488, eff.  
14 8-16-13; 98-558, eff. 1-1-14; revised 9-24-13.)

15 (730 ILCS 5/3-2.5-20)

16 Sec. 3-2.5-20. General powers and duties.

17 (a) In addition to the powers, duties, and responsibilities  
18 which are otherwise provided by law or transferred to the  
19 Department as a result of this Article, the Department, as  
20 determined by the Director, shall have, but are not limited to,  
21 the following rights, powers, functions and duties:

22 (1) To accept juveniles committed to it by the courts  
23 of this State for care, custody, treatment, and  
24 rehabilitation.

25 (2) To maintain and administer all State juvenile



1 correctional institutions previously under the control of  
2 the Juvenile and Women's & Children Divisions of the  
3 Department of Corrections, and to establish and maintain  
4 institutions as needed to meet the needs of the youth  
5 committed to its care.

6 (3) To identify the need for and recommend the funding  
7 and implementation of an appropriate mix of programs and  
8 services within the juvenile justice continuum, including  
9 but not limited to prevention, nonresidential and  
10 residential commitment programs, day treatment, and  
11 conditional release programs and services, with the  
12 support of educational, vocational, alcohol, drug abuse,  
13 and mental health services where appropriate.

14 (3.5) To assist youth committed to the Department of  
15 Juvenile Justice under the Juvenile Court Act of 1987 with  
16 successful reintegration into society, the Department  
17 shall retain custody and control of all adjudicated  
18 delinquent juveniles released under Section 3-3-10 of this  
19 Code, shall provide a continuum of post-release treatment  
20 and services to those youth, and shall supervise those  
21 youth during their release period in accordance with the  
22 conditions set by the Prisoner Review Board.

23 (4) To establish and provide transitional and  
24 post-release treatment programs for juveniles committed to  
25 the Department. Services shall include but are not limited  
26 to:

1 (i) family and individual counseling and treatment  
2 placement;

3 (ii) referral services to any other State or local  
4 agencies;

5 (iii) mental health services;

6 (iv) educational services;

7 (v) family counseling services; and

8 (vi) substance abuse services.

9 (5) To access vital records of juveniles for the  
10 purposes of providing necessary documentation for  
11 transitional services such as obtaining identification,  
12 educational enrollment, employment, and housing.

13 (6) To develop staffing and workload standards and  
14 coordinate staff development and training appropriate for  
15 juvenile populations.

16 (7) To develop, with the approval of the Office of the  
17 Governor and the Governor's Office of Management and  
18 Budget, annual budget requests.

19 (8) To administer the Interstate Compact for  
20 Juveniles, with respect to all juveniles under its  
21 jurisdiction, and to cooperate with the Department of Human  
22 Services with regard to all non-offender juveniles subject  
23 to the Interstate Compact for Juveniles.

24 (b) The Department may employ personnel in accordance with  
25 the Personnel Code and Section 3-2.5-15 of this Code, provide  
26 facilities, contract for goods and services, and adopt rules as

1 necessary to carry out its functions and purposes, all in  
2 accordance with applicable State and federal law.

3 (c) On and after the date 6 months after August 16, 2013  
4 (the effective date of Public Act 98-488) ~~this amendatory Act~~  
5 ~~of the 98th General Assembly~~, as provided in the Executive  
6 Order 1 (2012) Implementation Act, all of the powers, duties,  
7 rights, and responsibilities related to State healthcare  
8 purchasing under this Code that were transferred from the  
9 Department of Corrections to the Department of Healthcare and  
10 Family Services by Executive Order 3 (2005) are transferred  
11 back to the Department of Corrections; however, powers, duties,  
12 rights, and responsibilities related to State healthcare  
13 purchasing under this Code that were exercised by the  
14 Department of Corrections before the effective date of  
15 Executive Order 3 (2005) but that pertain to individuals  
16 resident in facilities operated by the Department of Juvenile  
17 Justice are transferred to the Department of Juvenile Justice.  
18 (Source: P.A. 98-488, eff. 8-16-13; 98-558, eff. 1-1-14;  
19 revised 9-24-13.)

20 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

21 Sec. 3-3-2. Powers and Duties.

22 (a) The Parole and Pardon Board is abolished and the term  
23 "Parole and Pardon Board" as used in any law of Illinois, shall  
24 read "Prisoner Review Board." After the effective date of this  
25 amendatory Act of 1977, the Prisoner Review Board shall provide

1 by rule for the orderly transition of all files, records, and  
2 documents of the Parole and Pardon Board and for such other  
3 steps as may be necessary to effect an orderly transition and  
4 shall:

5 (1) hear by at least one member and through a panel of  
6 at least 3 members decide, cases of prisoners who were  
7 sentenced under the law in effect prior to the effective  
8 date of this amendatory Act of 1977, and who are eligible  
9 for parole;

10 (2) hear by at least one member and through a panel of  
11 at least 3 members decide, the conditions of parole and the  
12 time of discharge from parole, impose sanctions for  
13 violations of parole, and revoke parole for those sentenced  
14 under the law in effect prior to this amendatory Act of  
15 1977; provided that the decision to parole and the  
16 conditions of parole for all prisoners who were sentenced  
17 for first degree murder or who received a minimum sentence  
18 of 20 years or more under the law in effect prior to  
19 February 1, 1978 shall be determined by a majority vote of  
20 the Prisoner Review Board. One representative supporting  
21 parole and one representative opposing parole will be  
22 allowed to speak. Their comments shall be limited to making  
23 corrections and filling in omissions to the Board's  
24 presentation and discussion;

25 (3) hear by at least one member and through a panel of  
26 at least 3 members decide, the conditions of mandatory

1 supervised release and the time of discharge from mandatory  
2 supervised release, impose sanctions for violations of  
3 mandatory supervised release, and revoke mandatory  
4 supervised release for those sentenced under the law in  
5 effect after the effective date of this amendatory Act of  
6 1977;

7 (3.5) hear by at least one member and through a panel  
8 of at least 3 members decide, the conditions of mandatory  
9 supervised release and the time of discharge from mandatory  
10 supervised release, to impose sanctions for violations of  
11 mandatory supervised release and revoke mandatory  
12 supervised release for those serving extended supervised  
13 release terms pursuant to paragraph (4) of subsection (d)  
14 of Section 5-8-1;

15 (3.6) hear by at least one member and through a panel  
16 of at least 3 members decide, the time of aftercare  
17 release, the conditions of aftercare release and the time  
18 of discharge from aftercare release, impose sanctions for  
19 violations of aftercare release, and revoke aftercare  
20 release for those adjudicated delinquent under the  
21 Juvenile Court Act of 1987;

22 (4) hear by at least one member and through a panel of  
23 at least 3 members, decide cases brought by the Department  
24 of Corrections against a prisoner in the custody of the  
25 Department for alleged violation of Department rules with  
26 respect to sentence credits under Section 3-6-3 of this

1 Code in which the Department seeks to revoke sentence  
2 credits, if the amount of time at issue exceeds 30 days or  
3 when, during any 12 month period, the cumulative amount of  
4 credit revoked exceeds 30 days except where the infraction  
5 is committed or discovered within 60 days of scheduled  
6 release. In such cases, the Department of Corrections may  
7 revoke up to 30 days of sentence credit. The Board may  
8 subsequently approve the revocation of additional sentence  
9 credit, if the Department seeks to revoke sentence credit  
10 in excess of thirty days. However, the Board shall not be  
11 empowered to review the Department's decision with respect  
12 to the loss of 30 days of sentence credit for any prisoner  
13 or to increase any penalty beyond the length requested by  
14 the Department;

15 (5) hear by at least one member and through a panel of  
16 at least 3 members decide, the release dates for certain  
17 prisoners sentenced under the law in existence prior to the  
18 effective date of this amendatory Act of 1977, in  
19 accordance with Section 3-3-2.1 of this Code;

20 (6) hear by at least one member and through a panel of  
21 at least 3 members decide, all requests for pardon,  
22 reprieve or commutation, and make confidential  
23 recommendations to the Governor;

24 (7) comply with the requirements of the Open Parole  
25 Hearings Act;

26 (8) hear by at least one member and, through a panel of

1 at least 3 members, decide cases brought by the Department  
2 of Corrections against a prisoner in the custody of the  
3 Department for court dismissal of a frivolous lawsuit  
4 pursuant to Section 3-6-3(d) of this Code in which the  
5 Department seeks to revoke up to 180 days of sentence  
6 credit, and if the prisoner has not accumulated 180 days of  
7 sentence credit at the time of the dismissal, then all  
8 sentence credit accumulated by the prisoner shall be  
9 revoked;

10 (9) hear by at least 3 members, and, through a panel of  
11 at least 3 members, decide whether to grant certificates of  
12 relief from disabilities or certificates of good conduct as  
13 provided in Article 5.5 of Chapter V;

14 (10) upon a petition by a person who has been convicted  
15 of a Class 3 or Class 4 felony and who meets the  
16 requirements of this paragraph, hear by at least 3 members  
17 and, with the unanimous vote of a panel of 3 members, issue  
18 a certificate of eligibility for sealing recommending that  
19 the court order the sealing of all official records of the  
20 arresting authority, the circuit court clerk, and the  
21 Department of State Police concerning the arrest and  
22 conviction for the Class 3 or 4 felony. A person may not  
23 apply to the Board for a certificate of eligibility for  
24 sealing:

25 (A) until 5 years have elapsed since the expiration  
26 of his or her sentence;

1 (B) until 5 years have elapsed since any arrests or  
2 detentions by a law enforcement officer for an alleged  
3 violation of law, other than a petty offense, traffic  
4 offense, conservation offense, or local ordinance  
5 offense;

6 (C) if convicted of a violation of the Cannabis  
7 Control Act, Illinois Controlled Substances Act, the  
8 Methamphetamine Control and Community Protection Act,  
9 the Methamphetamine Precursor Control Act, or the  
10 Methamphetamine Precursor Tracking Act unless the  
11 petitioner has completed a drug abuse program for the  
12 offense on which sealing is sought and provides proof  
13 that he or she has completed the program successfully;

14 (D) if convicted of:

15 (i) a sex offense described in Article 11 or  
16 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
17 the Criminal Code of 1961 or the Criminal Code of  
18 2012;

19 (ii) aggravated assault;

20 (iii) aggravated battery;

21 (iv) domestic battery;

22 (v) aggravated domestic battery;

23 (vi) violation of an order of protection;

24 (vii) an offense under the Criminal Code of  
25 1961 or the Criminal Code of 2012 involving a  
26 firearm;



1 (viii) driving while under the influence of  
2 alcohol, other drug or drugs, intoxicating  
3 compound or compounds or any combination thereof;

4 (ix) aggravated driving while under the  
5 influence of alcohol, other drug or drugs,  
6 intoxicating compound or compounds or any  
7 combination thereof; or

8 (x) any crime defined as a crime of violence  
9 under Section 2 of the Crime Victims Compensation  
10 Act.

11 If a person has applied to the Board for a certificate  
12 of eligibility for sealing and the Board denies the  
13 certificate, the person must wait at least 4 years before  
14 filing again or filing for pardon from the Governor unless  
15 the Chairman of the Prisoner Review Board grants a waiver.

16 The decision to issue or refrain from issuing a  
17 certificate of eligibility for sealing shall be at the  
18 Board's sole discretion, and shall not give rise to any  
19 cause of action against either the Board or its members.

20 The Board may only authorize the sealing of Class 3 and  
21 4 felony convictions of the petitioner from one information  
22 or indictment under this paragraph (10). A petitioner may  
23 only receive one certificate of eligibility for sealing  
24 under this provision for life; and

25 (11) upon a petition by a person who after having been  
26 convicted of a Class 3 or Class 4 felony thereafter served

1 in the United States Armed Forces or National Guard of this  
2 or any other state and had received an honorable discharge  
3 from the United States Armed Forces or National Guard or  
4 who at the time of filing the petition is enlisted in the  
5 United States Armed Forces or National Guard of this or any  
6 other state and served one tour of duty and who meets the  
7 requirements of this paragraph, hear by at least 3 members  
8 and, with the unanimous vote of a panel of 3 members, issue  
9 a certificate of eligibility for expungement recommending  
10 that the court order the expungement of all official  
11 records of the arresting authority, the circuit court  
12 clerk, and the Department of State Police concerning the  
13 arrest and conviction for the Class 3 or 4 felony. A person  
14 may not apply to the Board for a certificate of eligibility  
15 for expungement:

16 (A) if convicted of:

17 (i) a sex offense described in Article 11 or  
18 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of  
19 the Criminal Code of 1961 or Criminal Code of 2012;

20 (ii) an offense under the Criminal Code of 1961  
21 or Criminal Code of 2012 involving a firearm; or

22 (iii) a crime of violence as defined in Section  
23 2 of the Crime Victims Compensation Act; or

24 (B) if the person has not served in the United  
25 States Armed Forces or National Guard of this or any  
26 other state or has not received an honorable discharge

1 from the United States Armed Forces or National Guard  
2 of this or any other state or who at the time of the  
3 filing of the petition is serving in the United States  
4 Armed Forces or National Guard of this or any other  
5 state and has not completed one tour of duty.

6 If a person has applied to the Board for a certificate  
7 of eligibility for expungement and the Board denies the  
8 certificate, the person must wait at least 4 years before  
9 filing again or filing for a pardon with authorization for  
10 expungement from the Governor unless the Governor or  
11 Chairman of the Prisoner Review Board grants a waiver.

12 (a-5) The Prisoner Review Board, with the cooperation of  
13 and in coordination with the Department of Corrections and the  
14 Department of Central Management Services, shall implement a  
15 pilot project in 3 correctional institutions providing for the  
16 conduct of hearings under paragraphs (1) and (4) of subsection  
17 (a) of this Section through interactive video conferences. The  
18 project shall be implemented within 6 months after the  
19 effective date of this amendatory Act of 1996. Within 6 months  
20 after the implementation of the pilot project, the Prisoner  
21 Review Board, with the cooperation of and in coordination with  
22 the Department of Corrections and the Department of Central  
23 Management Services, shall report to the Governor and the  
24 General Assembly regarding the use, costs, effectiveness, and  
25 future viability of interactive video conferences for Prisoner  
26 Review Board hearings.

1           (b) Upon recommendation of the Department the Board may  
2 restore sentence credit previously revoked.

3           (c) The Board shall cooperate with the Department in  
4 promoting an effective system of parole, aftercare release, and  
5 mandatory supervised release.

6           (d) The Board shall promulgate rules for the conduct of its  
7 work, and the Chairman shall file a copy of such rules and any  
8 amendments thereto with the Director and with the Secretary of  
9 State.

10          (e) The Board shall keep records of all of its official  
11 actions and shall make them accessible in accordance with law  
12 and the rules of the Board.

13          (f) The Board or one who has allegedly violated the  
14 conditions of his or her parole, aftercare release, or  
15 mandatory supervised release may require by subpoena the  
16 attendance and testimony of witnesses and the production of  
17 documentary evidence relating to any matter under  
18 investigation or hearing. The Chairman of the Board may sign  
19 subpoenas which shall be served by any agent or public official  
20 authorized by the Chairman of the Board, or by any person  
21 lawfully authorized to serve a subpoena under the laws of the  
22 State of Illinois. The attendance of witnesses, and the  
23 production of documentary evidence, may be required from any  
24 place in the State to a hearing location in the State before  
25 the Chairman of the Board or his or her designated agent or  
26 agents or any duly constituted Committee or Subcommittee of the

1 Board. Witnesses so summoned shall be paid the same fees and  
2 mileage that are paid witnesses in the circuit courts of the  
3 State, and witnesses whose depositions are taken and the  
4 persons taking those depositions are each entitled to the same  
5 fees as are paid for like services in actions in the circuit  
6 courts of the State. Fees and mileage shall be vouchered for  
7 payment when the witness is discharged from further attendance.

8 In case of disobedience to a subpoena, the Board may  
9 petition any circuit court of the State for an order requiring  
10 the attendance and testimony of witnesses or the production of  
11 documentary evidence or both. A copy of such petition shall be  
12 served by personal service or by registered or certified mail  
13 upon the person who has failed to obey the subpoena, and such  
14 person shall be advised in writing that a hearing upon the  
15 petition will be requested in a court room to be designated in  
16 such notice before the judge hearing motions or extraordinary  
17 remedies at a specified time, on a specified date, not less  
18 than 10 nor more than 15 days after the deposit of the copy of  
19 the written notice and petition in the U.S. mails addressed to  
20 the person at his last known address or after the personal  
21 service of the copy of the notice and petition upon such  
22 person. The court upon the filing of such a petition, may order  
23 the person refusing to obey the subpoena to appear at an  
24 investigation or hearing, or to there produce documentary  
25 evidence, if so ordered, or to give evidence relative to the  
26 subject matter of that investigation or hearing. Any failure to

1 obey such order of the circuit court may be punished by that  
2 court as a contempt of court.

3 Each member of the Board and any hearing officer designated  
4 by the Board shall have the power to administer oaths and to  
5 take the testimony of persons under oath.

6 (g) Except under subsection (a) of this Section, a majority  
7 of the members then appointed to the Prisoner Review Board  
8 shall constitute a quorum for the transaction of all business  
9 of the Board.

10 (h) The Prisoner Review Board shall annually transmit to  
11 the Director a detailed report of its work for the preceding  
12 calendar year. The annual report shall also be transmitted to  
13 the Governor for submission to the Legislature.

14 (Source: P.A. 97-697, eff. 6-22-12; 97-1120, eff. 1-1-13;  
15 97-1150, eff. 1-25-13; 98-399, eff. 8-16-13; 98-558, eff.  
16 1-1-14; revised 8-28-13.)

17 (730 ILCS 5/3-5-1) (from Ch. 38, par. 1003-5-1)

18 (Text of Section before amendment by P.A. 98-528)

19 Sec. 3-5-1. Master Record File.

20 (a) The Department of Corrections and the Department of  
21 Juvenile Justice shall maintain a master record file on each  
22 person committed to it, which shall contain the following  
23 information:

24 (1) all information from the committing court;

25 (2) reception summary;

1           (3) evaluation and assignment reports and  
2           recommendations;

3           (4) reports as to program assignment and progress;

4           (5) reports of disciplinary infractions and  
5           disposition, including tickets and Administrative Review  
6           Board action;

7           (6) any parole or aftercare release plan;

8           (7) any parole or aftercare release reports;

9           (8) the date and circumstances of final discharge;

10          (9) criminal history;

11          (10) current and past gang affiliations and ranks;

12          (11) information regarding associations and family  
13          relationships;

14          (12) any grievances filed and responses to those  
15          grievances; and

16          (13) other information that the respective Department  
17          determines is relevant to the secure confinement and  
18          rehabilitation of the committed person.

19          (b) All files shall be confidential and access shall be  
20          limited to authorized personnel of the respective Department.  
21          Personnel of other correctional, welfare or law enforcement  
22          agencies may have access to files under rules and regulations  
23          of the respective Department. The respective Department shall  
24          keep a record of all outside personnel who have access to  
25          files, the files reviewed, any file material copied, and the  
26          purpose of access. If the respective Department or the Prisoner

1 Review Board makes a determination under this Code which  
2 affects the length of the period of confinement or commitment,  
3 the committed person and his counsel shall be advised of  
4 factual information relied upon by the respective Department or  
5 Board to make the determination, provided that the Department  
6 or Board shall not be required to advise a person committed to  
7 the Department of Juvenile Justice any such information which  
8 in the opinion of the Department of Juvenile Justice or Board  
9 would be detrimental to his treatment or rehabilitation.

10 (c) The master file shall be maintained at a place  
11 convenient to its use by personnel of the respective Department  
12 in charge of the person. When custody of a person is  
13 transferred from the Department to another department or  
14 agency, a summary of the file shall be forwarded to the  
15 receiving agency with such other information required by law or  
16 requested by the agency under rules and regulations of the  
17 respective Department.

18 (d) The master file of a person no longer in the custody of  
19 the respective Department shall be placed on inactive status  
20 and its use shall be restricted subject to rules and  
21 regulations of the Department.

22 (e) All public agencies may make available to the  
23 respective Department on request any factual data not otherwise  
24 privileged as a matter of law in their possession in respect to  
25 individuals committed to the respective Department.

26 (Source: P.A. 97-696, eff. 6-22-12; 98-558, eff. 1-1-14.)



1 (Text of Section after amendment by P.A. 98-528)

2 Sec. 3-5-1. Master Record File.

3 (a) The Department of Corrections and the Department of  
4 Juvenile Justice shall maintain a master record file on each  
5 person committed to it, which shall contain the following  
6 information:

7 (1) all information from the committing court;

8 (1.5) ethnic and racial background data collected in  
9 accordance with Section 4.5 of the Criminal Identification  
10 Act;

11 (2) reception summary;

12 (3) evaluation and assignment reports and  
13 recommendations;

14 (4) reports as to program assignment and progress;

15 (5) reports of disciplinary infractions and  
16 disposition, including tickets and Administrative Review  
17 Board action;

18 (6) any parole or aftercare release plan;

19 (7) any parole or aftercare release reports;

20 (8) the date and circumstances of final discharge;

21 (9) criminal history;

22 (10) current and past gang affiliations and ranks;

23 (11) information regarding associations and family  
24 relationships;

25 (12) any grievances filed and responses to those

1           grievances; and

2           (13) other information that the respective Department  
3           determines is relevant to the secure confinement and  
4           rehabilitation of the committed person.

5           (b) All files shall be confidential and access shall be  
6           limited to authorized personnel of the respective Department.  
7           Personnel of other correctional, welfare or law enforcement  
8           agencies may have access to files under rules and regulations  
9           of the respective Department. The respective Department shall  
10          keep a record of all outside personnel who have access to  
11          files, the files reviewed, any file material copied, and the  
12          purpose of access. If the respective Department or the Prisoner  
13          Review Board makes a determination under this Code which  
14          affects the length of the period of confinement or commitment,  
15          the committed person and his counsel shall be advised of  
16          factual information relied upon by the respective Department or  
17          Board to make the determination, provided that the Department  
18          or Board shall not be required to advise a person committed to  
19          the Department of Juvenile Justice any such information which  
20          in the opinion of the Department of Juvenile Justice or Board  
21          would be detrimental to his treatment or rehabilitation.

22          (c) The master file shall be maintained at a place  
23          convenient to its use by personnel of the respective Department  
24          in charge of the person. When custody of a person is  
25          transferred from the Department to another department or  
26          agency, a summary of the file shall be forwarded to the

1 receiving agency with such other information required by law or  
2 requested by the agency under rules and regulations of the  
3 respective Department.

4 (d) The master file of a person no longer in the custody of  
5 the respective Department shall be placed on inactive status  
6 and its use shall be restricted subject to rules and  
7 regulations of the Department.

8 (e) All public agencies may make available to the  
9 respective Department on request any factual data not otherwise  
10 privileged as a matter of law in their possession in respect to  
11 individuals committed to the respective Department.

12 (Source: P.A. 97-696, eff. 6-22-12; 98-528, eff. 1-1-15;  
13 98-558, eff. 1-1-14; revised 9-24-13.)

14 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

15 Sec. 5-5-3. Disposition.

16 (a) (Blank).

17 (b) (Blank).

18 (c) (1) (Blank).

19 (2) A period of probation, a term of periodic  
20 imprisonment or conditional discharge shall not be imposed  
21 for the following offenses. The court shall sentence the  
22 offender to not less than the minimum term of imprisonment  
23 set forth in this Code for the following offenses, and may  
24 order a fine or restitution or both in conjunction with  
25 such term of imprisonment:

1 (A) First degree murder where the death penalty is  
2 not imposed.

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

5 (D) A violation of Section 401.1 or 407 of the  
6 Illinois Controlled Substances Act, or a violation of  
7 subdivision (c) (1.5) or (c) (2) of Section 401 of that  
8 Act which relates to more than 5 grams of a substance  
9 containing cocaine, fentanyl, or an analog thereof.

10 (D-5) A violation of subdivision (c) (1) of Section  
11 401 of the Illinois Controlled Substances Act which  
12 relates to 3 or more grams of a substance containing  
13 heroin or an analog thereof.

14 (E) A violation of Section 5.1 or 9 of the Cannabis  
15 Control Act.

16 (F) A Class 2 or greater felony if the offender had  
17 been convicted of a Class 2 or greater felony,  
18 including any state or federal conviction for an  
19 offense that contained, at the time it was committed,  
20 the same elements as an offense now (the date of the  
21 offense committed after the prior Class 2 or greater  
22 felony) classified as a Class 2 or greater felony,  
23 within 10 years of the date on which the offender  
24 committed the offense for which he or she is being  
25 sentenced, except as otherwise provided in Section  
26 40-10 of the Alcoholism and Other Drug Abuse and

1 Dependency Act.

2 (F-5) A violation of Section 24-1, 24-1.1, or  
3 24-1.6 of the Criminal Code of 1961 or the Criminal  
4 Code of 2012 for which imprisonment is prescribed in  
5 those Sections.

6 (G) Residential burglary, except as otherwise  
7 provided in Section 40-10 of the Alcoholism and Other  
8 Drug Abuse and Dependency Act.

9 (H) Criminal sexual assault.

10 (I) Aggravated battery of a senior citizen as  
11 described in Section 12-4.6 or subdivision (a)(4) of  
12 Section 12-3.05 of the Criminal Code of 1961 or the  
13 Criminal Code of 2012.

14 (J) A forcible felony if the offense was related to  
15 the activities of an organized gang.

16 Before July 1, 1994, for the purposes of this  
17 paragraph, "organized gang" means an association of 5  
18 or more persons, with an established hierarchy, that  
19 encourages members of the association to perpetrate  
20 crimes or provides support to the members of the  
21 association who do commit crimes.

22 Beginning July 1, 1994, for the purposes of this  
23 paragraph, "organized gang" has the meaning ascribed  
24 to it in Section 10 of the Illinois Streetgang  
25 Terrorism Omnibus Prevention Act.

26 (K) Vehicular hijacking.

1           (L) A second or subsequent conviction for the  
2 offense of hate crime when the underlying offense upon  
3 which the hate crime is based is felony aggravated  
4 assault or felony mob action.

5           (M) A second or subsequent conviction for the  
6 offense of institutional vandalism if the damage to the  
7 property exceeds \$300.

8           (N) A Class 3 felony violation of paragraph (1) of  
9 subsection (a) of Section 2 of the Firearm Owners  
10 Identification Card Act.

11           (O) A violation of Section 12-6.1 or 12-6.5 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012.

13           (P) A violation of paragraph (1), (2), (3), (4),  
14 (5), or (7) of subsection (a) of Section 11-20.1 of the  
15 Criminal Code of 1961 or the Criminal Code of 2012.

16           (Q) A violation of subsection (b) or (b-5) of  
17 Section 20-1, Section 20-1.2, or Section 20-1.3 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012.

19           (R) A violation of Section 24-3A of the Criminal  
20 Code of 1961 or the Criminal Code of 2012.

21           (S) (Blank).

22           (T) A second or subsequent violation of the  
23 Methamphetamine Control and Community Protection Act.

24           (U) A second or subsequent violation of Section  
25 6-303 of the Illinois Vehicle Code committed while his  
26 or her driver's license, permit, or privilege was

1           revoked because of a violation of Section 9-3 of the  
2           Criminal Code of 1961 or the Criminal Code of 2012,  
3           relating to the offense of reckless homicide, or a  
4           similar provision of a law of another state.

5           (V) A violation of paragraph (4) of subsection (c)  
6           of Section 11-20.1B or paragraph (4) of subsection (c)  
7           of Section 11-20.3 of the Criminal Code of 1961, or  
8           paragraph (6) of subsection (a) of Section 11-20.1 of  
9           the Criminal Code of 2012 when the victim is under 13  
10          years of age and the defendant has previously been  
11          convicted under the laws of this State or any other  
12          state of the offense of child pornography, aggravated  
13          child pornography, aggravated criminal sexual abuse,  
14          aggravated criminal sexual assault, predatory criminal  
15          sexual assault of a child, or any of the offenses  
16          formerly known as rape, deviate sexual assault,  
17          indecent liberties with a child, or aggravated  
18          indecent liberties with a child where the victim was  
19          under the age of 18 years or an offense that is  
20          substantially equivalent to those offenses.

21          (W) A violation of Section 24-3.5 of the Criminal  
22          Code of 1961 or the Criminal Code of 2012.

23          (X) A violation of subsection (a) of Section 31-1a  
24          of the Criminal Code of 1961 or the Criminal Code of  
25          2012.

26          (Y) A conviction for unlawful possession of a

1 firearm by a street gang member when the firearm was  
2 loaded or contained firearm ammunition.

3 (Z) A Class 1 felony committed while he or she was  
4 serving a term of probation or conditional discharge  
5 for a felony.

6 (AA) Theft of property exceeding \$500,000 and not  
7 exceeding \$1,000,000 in value.

8 (BB) Laundering of criminally derived property of  
9 a value exceeding \$500,000.

10 (CC) Knowingly selling, offering for sale, holding  
11 for sale, or using 2,000 or more counterfeit items or  
12 counterfeit items having a retail value in the  
13 aggregate of \$500,000 or more.

14 (DD) A conviction for aggravated assault under  
15 paragraph (6) of subsection (c) of Section 12-2 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012 if  
17 the firearm is aimed toward the person against whom the  
18 firearm is being used.

19 (3) (Blank).

20 (4) A minimum term of imprisonment of not less than 10  
21 consecutive days or 30 days of community service shall be  
22 imposed for a violation of paragraph (c) of Section 6-303  
23 of the Illinois Vehicle Code.

24 (4.1) (Blank).

25 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
26 of this subsection (c), a minimum of 100 hours of community



1 service shall be imposed for a second violation of Section  
2 6-303 of the Illinois Vehicle Code.

3 (4.3) A minimum term of imprisonment of 30 days or 300  
4 hours of community service, as determined by the court,  
5 shall be imposed for a second violation of subsection (c)  
6 of Section 6-303 of the Illinois Vehicle Code.

7 (4.4) Except as provided in paragraphs (4.5), (4.6),  
8 and (4.9) of this subsection (c), a minimum term of  
9 imprisonment of 30 days or 300 hours of community service,  
10 as determined by the court, shall be imposed for a third or  
11 subsequent violation of Section 6-303 of the Illinois  
12 Vehicle Code.

13 (4.5) A minimum term of imprisonment of 30 days shall  
14 be imposed for a third violation of subsection (c) of  
15 Section 6-303 of the Illinois Vehicle Code.

16 (4.6) Except as provided in paragraph (4.10) of this  
17 subsection (c), a minimum term of imprisonment of 180 days  
18 shall be imposed for a fourth or subsequent violation of  
19 subsection (c) of Section 6-303 of the Illinois Vehicle  
20 Code.

21 (4.7) A minimum term of imprisonment of not less than  
22 30 consecutive days, or 300 hours of community service,  
23 shall be imposed for a violation of subsection (a-5) of  
24 Section 6-303 of the Illinois Vehicle Code, as provided in  
25 subsection (b-5) of that Section.

26 (4.8) A mandatory prison sentence shall be imposed for

1 a second violation of subsection (a-5) of Section 6-303 of  
2 the Illinois Vehicle Code, as provided in subsection (c-5)  
3 of that Section. The person's driving privileges shall be  
4 revoked for a period of not less than 5 years from the date  
5 of his or her release from prison.

6 (4.9) A mandatory prison sentence of not less than 4  
7 and not more than 15 years shall be imposed for a third  
8 violation of subsection (a-5) of Section 6-303 of the  
9 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
10 that Section. The person's driving privileges shall be  
11 revoked for the remainder of his or her life.

12 (4.10) A mandatory prison sentence for a Class 1 felony  
13 shall be imposed, and the person shall be eligible for an  
14 extended term sentence, for a fourth or subsequent  
15 violation of subsection (a-5) of Section 6-303 of the  
16 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
17 that Section. The person's driving privileges shall be  
18 revoked for the remainder of his or her life.

19 (5) The court may sentence a corporation or  
20 unincorporated association convicted of any offense to:

21 (A) a period of conditional discharge;

22 (B) a fine;

23 (C) make restitution to the victim under Section  
24 5-5-6 of this Code.

25 (5.1) In addition to any other penalties imposed, and  
26 except as provided in paragraph (5.2) or (5.3), a person

1 convicted of violating subsection (c) of Section 11-907 of  
2 the Illinois Vehicle Code shall have his or her driver's  
3 license, permit, or privileges suspended for at least 90  
4 days but not more than one year, if the violation resulted  
5 in damage to the property of another person.

6 (5.2) In addition to any other penalties imposed, and  
7 except as provided in paragraph (5.3), a person convicted  
8 of violating subsection (c) of Section 11-907 of the  
9 Illinois Vehicle Code shall have his or her driver's  
10 license, permit, or privileges suspended for at least 180  
11 days but not more than 2 years, if the violation resulted  
12 in injury to another person.

13 (5.3) In addition to any other penalties imposed, a  
14 person convicted of violating subsection (c) of Section  
15 11-907 of the Illinois Vehicle Code shall have his or her  
16 driver's license, permit, or privileges suspended for 2  
17 years, if the violation resulted in the death of another  
18 person.

19 (5.4) In addition to any other penalties imposed, a  
20 person convicted of violating Section 3-707 of the Illinois  
21 Vehicle Code shall have his or her driver's license,  
22 permit, or privileges suspended for 3 months and until he  
23 or she has paid a reinstatement fee of \$100.

24 (5.5) In addition to any other penalties imposed, a  
25 person convicted of violating Section 3-707 of the Illinois  
26 Vehicle Code during a period in which his or her driver's

1 license, permit, or privileges were suspended for a  
2 previous violation of that Section shall have his or her  
3 driver's license, permit, or privileges suspended for an  
4 additional 6 months after the expiration of the original  
5 3-month suspension and until he or she has paid a  
6 reinstatement fee of \$100.

7 (6) (Blank).

8 (7) (Blank).

9 (8) (Blank).

10 (9) A defendant convicted of a second or subsequent  
11 offense of ritualized abuse of a child may be sentenced to  
12 a term of natural life imprisonment.

13 (10) (Blank).

14 (11) The court shall impose a minimum fine of \$1,000  
15 for a first offense and \$2,000 for a second or subsequent  
16 offense upon a person convicted of or placed on supervision  
17 for battery when the individual harmed was a sports  
18 official or coach at any level of competition and the act  
19 causing harm to the sports official or coach occurred  
20 within an athletic facility or within the immediate  
21 vicinity of the athletic facility at which the sports  
22 official or coach was an active participant of the athletic  
23 contest held at the athletic facility. For the purposes of  
24 this paragraph (11), "sports official" means a person at an  
25 athletic contest who enforces the rules of the contest,  
26 such as an umpire or referee; "athletic facility" means an

1 indoor or outdoor playing field or recreational area where  
2 sports activities are conducted; and "coach" means a person  
3 recognized as a coach by the sanctioning authority that  
4 conducted the sporting event.

5 (12) A person may not receive a disposition of court  
6 supervision for a violation of Section 5-16 of the Boat  
7 Registration and Safety Act if that person has previously  
8 received a disposition of court supervision for a violation  
9 of that Section.

10 (13) A person convicted of or placed on court  
11 supervision for an assault or aggravated assault when the  
12 victim and the offender are family or household members as  
13 defined in Section 103 of the Illinois Domestic Violence  
14 Act of 1986 or convicted of domestic battery or aggravated  
15 domestic battery may be required to attend a Partner Abuse  
16 Intervention Program under protocols set forth by the  
17 Illinois Department of Human Services under such terms and  
18 conditions imposed by the court. The costs of such classes  
19 shall be paid by the offender.

20 (d) In any case in which a sentence originally imposed is  
21 vacated, the case shall be remanded to the trial court. The  
22 trial court shall hold a hearing under Section 5-4-1 of the  
23 Unified Code of Corrections which may include evidence of the  
24 defendant's life, moral character and occupation during the  
25 time since the original sentence was passed. The trial court  
26 shall then impose sentence upon the defendant. The trial court

1 may impose any sentence which could have been imposed at the  
2 original trial subject to Section 5-5-4 of the Unified Code of  
3 Corrections. If a sentence is vacated on appeal or on  
4 collateral attack due to the failure of the trier of fact at  
5 trial to determine beyond a reasonable doubt the existence of a  
6 fact (other than a prior conviction) necessary to increase the  
7 punishment for the offense beyond the statutory maximum  
8 otherwise applicable, either the defendant may be re-sentenced  
9 to a term within the range otherwise provided or, if the State  
10 files notice of its intention to again seek the extended  
11 sentence, the defendant shall be afforded a new trial.

12 (e) In cases where prosecution for aggravated criminal  
13 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
14 Code of 1961 or the Criminal Code of 2012 results in conviction  
15 of a defendant who was a family member of the victim at the  
16 time of the commission of the offense, the court shall consider  
17 the safety and welfare of the victim and may impose a sentence  
18 of probation only where:

19 (1) the court finds (A) or (B) or both are appropriate:

20 (A) the defendant is willing to undergo a court  
21 approved counseling program for a minimum duration of 2  
22 years; or

23 (B) the defendant is willing to participate in a  
24 court approved plan including but not limited to the  
25 defendant's:

26 (i) removal from the household;

- 1 (ii) restricted contact with the victim;  
2 (iii) continued financial support of the  
3 family;  
4 (iv) restitution for harm done to the victim;  
5 and  
6 (v) compliance with any other measures that  
7 the court may deem appropriate; and

8 (2) the court orders the defendant to pay for the  
9 victim's counseling services, to the extent that the court  
10 finds, after considering the defendant's income and  
11 assets, that the defendant is financially capable of paying  
12 for such services, if the victim was under 18 years of age  
13 at the time the offense was committed and requires  
14 counseling as a result of the offense.

15 Probation may be revoked or modified pursuant to Section  
16 5-6-4; except where the court determines at the hearing that  
17 the defendant violated a condition of his or her probation  
18 restricting contact with the victim or other family members or  
19 commits another offense with the victim or other family  
20 members, the court shall revoke the defendant's probation and  
21 impose a term of imprisonment.

22 For the purposes of this Section, "family member" and  
23 "victim" shall have the meanings ascribed to them in Section  
24 11-0.1 of the Criminal Code of 2012.

25 (f) (Blank).

26 (g) Whenever a defendant is convicted of an offense under

1 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
2 11-14.3, 11-14.4 except for an offense that involves keeping a  
3 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
4 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
5 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012, the defendant shall undergo medical  
7 testing to determine whether the defendant has any sexually  
8 transmissible disease, including a test for infection with  
9 human immunodeficiency virus (HIV) or any other identified  
10 causative agent of acquired immunodeficiency syndrome (AIDS).  
11 Any such medical test shall be performed only by appropriately  
12 licensed medical practitioners and may include an analysis of  
13 any bodily fluids as well as an examination of the defendant's  
14 person. Except as otherwise provided by law, the results of  
15 such test shall be kept strictly confidential by all medical  
16 personnel involved in the testing and must be personally  
17 delivered in a sealed envelope to the judge of the court in  
18 which the conviction was entered for the judge's inspection in  
19 camera. Acting in accordance with the best interests of the  
20 victim and the public, the judge shall have the discretion to  
21 determine to whom, if anyone, the results of the testing may be  
22 revealed. The court shall notify the defendant of the test  
23 results. The court shall also notify the victim if requested by  
24 the victim, and if the victim is under the age of 15 and if  
25 requested by the victim's parents or legal guardian, the court  
26 shall notify the victim's parents or legal guardian of the test



1 results. The court shall provide information on the  
2 availability of HIV testing and counseling at Department of  
3 Public Health facilities to all parties to whom the results of  
4 the testing are revealed and shall direct the State's Attorney  
5 to provide the information to the victim when possible. A  
6 State's Attorney may petition the court to obtain the results  
7 of any HIV test administered under this Section, and the court  
8 shall grant the disclosure if the State's Attorney shows it is  
9 relevant in order to prosecute a charge of criminal  
10 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012 against the  
12 defendant. The court shall order that the cost of any such test  
13 shall be paid by the county and may be taxed as costs against  
14 the convicted defendant.

15 (g-5) When an inmate is tested for an airborne communicable  
16 disease, as determined by the Illinois Department of Public  
17 Health including but not limited to tuberculosis, the results  
18 of the test shall be personally delivered by the warden or his  
19 or her designee in a sealed envelope to the judge of the court  
20 in which the inmate must appear for the judge's inspection in  
21 camera if requested by the judge. Acting in accordance with the  
22 best interests of those in the courtroom, the judge shall have  
23 the discretion to determine what if any precautions need to be  
24 taken to prevent transmission of the disease in the courtroom.

25 (h) Whenever a defendant is convicted of an offense under  
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

1 defendant shall undergo medical testing to determine whether  
2 the defendant has been exposed to human immunodeficiency virus  
3 (HIV) or any other identified causative agent of acquired  
4 immunodeficiency syndrome (AIDS). Except as otherwise provided  
5 by law, the results of such test shall be kept strictly  
6 confidential by all medical personnel involved in the testing  
7 and must be personally delivered in a sealed envelope to the  
8 judge of the court in which the conviction was entered for the  
9 judge's inspection in camera. Acting in accordance with the  
10 best interests of the public, the judge shall have the  
11 discretion to determine to whom, if anyone, the results of the  
12 testing may be revealed. The court shall notify the defendant  
13 of a positive test showing an infection with the human  
14 immunodeficiency virus (HIV). The court shall provide  
15 information on the availability of HIV testing and counseling  
16 at Department of Public Health facilities to all parties to  
17 whom the results of the testing are revealed and shall direct  
18 the State's Attorney to provide the information to the victim  
19 when possible. A State's Attorney may petition the court to  
20 obtain the results of any HIV test administered under this  
21 Section, and the court shall grant the disclosure if the  
22 State's Attorney shows it is relevant in order to prosecute a  
23 charge of criminal transmission of HIV under Section 12-5.01 or  
24 12-16.2 of the Criminal Code of 1961 or the Criminal Code of  
25 2012 against the defendant. The court shall order that the cost  
26 of any such test shall be paid by the county and may be taxed as

1 costs against the convicted defendant.

2 (i) All fines and penalties imposed under this Section for  
3 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
4 Vehicle Code, or a similar provision of a local ordinance, and  
5 any violation of the Child Passenger Protection Act, or a  
6 similar provision of a local ordinance, shall be collected and  
7 disbursed by the circuit clerk as provided under Section 27.5  
8 of the Clerks of Courts Act.

9 (j) In cases when prosecution for any violation of Section  
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
11 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
12 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
13 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
14 12-15, or 12-16 of the Criminal Code of 1961 or the Criminal  
15 Code of 2012, any violation of the Illinois Controlled  
16 Substances Act, any violation of the Cannabis Control Act, or  
17 any violation of the Methamphetamine Control and Community  
18 Protection Act results in conviction, a disposition of court  
19 supervision, or an order of probation granted under Section 10  
20 of the Cannabis Control Act, Section 410 of the Illinois  
21 Controlled Substances ~~Substance~~ Act, or Section 70 of the  
22 Methamphetamine Control and Community Protection Act of a  
23 defendant, the court shall determine whether the defendant is  
24 employed by a facility or center as defined under the Child  
25 Care Act of 1969, a public or private elementary or secondary  
26 school, or otherwise works with children under 18 years of age

1 on a daily basis. When a defendant is so employed, the court  
2 shall order the Clerk of the Court to send a copy of the  
3 judgment of conviction or order of supervision or probation to  
4 the defendant's employer by certified mail. If the employer of  
5 the defendant is a school, the Clerk of the Court shall direct  
6 the mailing of a copy of the judgment of conviction or order of  
7 supervision or probation to the appropriate regional  
8 superintendent of schools. The regional superintendent of  
9 schools shall notify the State Board of Education of any  
10 notification under this subsection.

11 (j-5) A defendant at least 17 years of age who is convicted  
12 of a felony and who has not been previously convicted of a  
13 misdemeanor or felony and who is sentenced to a term of  
14 imprisonment in the Illinois Department of Corrections shall as  
15 a condition of his or her sentence be required by the court to  
16 attend educational courses designed to prepare the defendant  
17 for a high school diploma and to work toward a high school  
18 diploma or to work toward passing the high school level Test of  
19 General Educational Development (GED) or to work toward  
20 completing a vocational training program offered by the  
21 Department of Corrections. If a defendant fails to complete the  
22 educational training required by his or her sentence during the  
23 term of incarceration, the Prisoner Review Board shall, as a  
24 condition of mandatory supervised release, require the  
25 defendant, at his or her own expense, to pursue a course of  
26 study toward a high school diploma or passage of the GED test.

1 The Prisoner Review Board shall revoke the mandatory supervised  
2 release of a defendant who wilfully fails to comply with this  
3 subsection (j-5) upon his or her release from confinement in a  
4 penal institution while serving a mandatory supervised release  
5 term; however, the inability of the defendant after making a  
6 good faith effort to obtain financial aid or pay for the  
7 educational training shall not be deemed a wilful failure to  
8 comply. The Prisoner Review Board shall recommit the defendant  
9 whose mandatory supervised release term has been revoked under  
10 this subsection (j-5) as provided in Section 3-3-9. This  
11 subsection (j-5) does not apply to a defendant who has a high  
12 school diploma or has successfully passed the GED test. This  
13 subsection (j-5) does not apply to a defendant who is  
14 determined by the court to be developmentally disabled or  
15 otherwise mentally incapable of completing the educational or  
16 vocational program.

17 (k) (Blank).

18 (l) (A) Except as provided in paragraph (C) of subsection  
19 (l), whenever a defendant, who is an alien as defined by  
20 the Immigration and Nationality Act, is convicted of any  
21 felony or misdemeanor offense, the court after sentencing  
22 the defendant may, upon motion of the State's Attorney,  
23 hold sentence in abeyance and remand the defendant to the  
24 custody of the Attorney General of the United States or his  
25 or her designated agent to be deported when:

26 (1) a final order of deportation has been issued

1           against the defendant pursuant to proceedings under  
2           the Immigration and Nationality Act, and

3                   (2) the deportation of the defendant would not  
4           deprecate the seriousness of the defendant's conduct  
5           and would not be inconsistent with the ends of justice.

6           Otherwise, the defendant shall be sentenced as  
7           provided in this Chapter V.

8           (B) If the defendant has already been sentenced for a  
9           felony or misdemeanor offense, or has been placed on  
10          probation under Section 10 of the Cannabis Control Act,  
11          Section 410 of the Illinois Controlled Substances Act, or  
12          Section 70 of the Methamphetamine Control and Community  
13          Protection Act, the court may, upon motion of the State's  
14          Attorney to suspend the sentence imposed, commit the  
15          defendant to the custody of the Attorney General of the  
16          United States or his or her designated agent when:

17                   (1) a final order of deportation has been issued  
18          against the defendant pursuant to proceedings under  
19          the Immigration and Nationality Act, and

20                   (2) the deportation of the defendant would not  
21          deprecate the seriousness of the defendant's conduct  
22          and would not be inconsistent with the ends of justice.

23          (C) This subsection (1) does not apply to offenders who  
24          are subject to the provisions of paragraph (2) of  
25          subsection (a) of Section 3-6-3.

26          (D) Upon motion of the State's Attorney, if a defendant

1 sentenced under this Section returns to the jurisdiction of  
2 the United States, the defendant shall be recommitted to  
3 the custody of the county from which he or she was  
4 sentenced. Thereafter, the defendant shall be brought  
5 before the sentencing court, which may impose any sentence  
6 that was available under Section 5-5-3 at the time of  
7 initial sentencing. In addition, the defendant shall not be  
8 eligible for additional sentence credit for good conduct as  
9 provided under Section 3-6-3.

10 (m) A person convicted of criminal defacement of property  
11 under Section 21-1.3 of the Criminal Code of 1961 or the  
12 Criminal Code of 2012, in which the property damage exceeds  
13 \$300 and the property damaged is a school building, shall be  
14 ordered to perform community service that may include cleanup,  
15 removal, or painting over the defacement.

16 (n) The court may sentence a person convicted of a  
17 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
18 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
19 of 1961 or the Criminal Code of 2012 (i) to an impact  
20 incarceration program if the person is otherwise eligible for  
21 that program under Section 5-8-1.1, (ii) to community service,  
22 or (iii) if the person is an addict or alcoholic, as defined in  
23 the Alcoholism and Other Drug Abuse and Dependency Act, to a  
24 substance or alcohol abuse program licensed under that Act.

25 (o) Whenever a person is convicted of a sex offense as  
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to  
2 renewal on an annual basis in accordance with the provisions of  
3 license renewal established by the Secretary of State.

4 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
5 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
6 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
7 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
8 97-159, eff. 7-21-11; 97-697, eff. 6-22-12; 97-917, eff.  
9 8-9-12; 97-1108, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150,  
10 eff. 1-25-13; revised 11-12-13.)

11 (730 ILCS 5/5-5-3.2)

12 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
13 Sentencing.

14 (a) The following factors shall be accorded weight in favor  
15 of imposing a term of imprisonment or may be considered by the  
16 court as reasons to impose a more severe sentence under Section  
17 5-8-1 or Article 4.5 of Chapter V:

18 (1) the defendant's conduct caused or threatened  
19 serious harm;

20 (2) the defendant received compensation for committing  
21 the offense;

22 (3) the defendant has a history of prior delinquency or  
23 criminal activity;

24 (4) the defendant, by the duties of his office or by  
25 his position, was obliged to prevent the particular offense



1 committed or to bring the offenders committing it to  
2 justice;

3 (5) the defendant held public office at the time of the  
4 offense, and the offense related to the conduct of that  
5 office;

6 (6) the defendant utilized his professional reputation  
7 or position in the community to commit the offense, or to  
8 afford him an easier means of committing it;

9 (7) the sentence is necessary to deter others from  
10 committing the same crime;

11 (8) the defendant committed the offense against a  
12 person 60 years of age or older or such person's property;

13 (9) the defendant committed the offense against a  
14 person who is physically handicapped or such person's  
15 property;

16 (10) by reason of another individual's actual or  
17 perceived race, color, creed, religion, ancestry, gender,  
18 sexual orientation, physical or mental disability, or  
19 national origin, the defendant committed the offense  
20 against (i) the person or property of that individual; (ii)  
21 the person or property of a person who has an association  
22 with, is married to, or has a friendship with the other  
23 individual; or (iii) the person or property of a relative  
24 (by blood or marriage) of a person described in clause (i)  
25 or (ii). For the purposes of this Section, "sexual  
26 orientation" means heterosexuality, homosexuality, or

1           bisexuality;

2           (11) the offense took place in a place of worship or on  
3           the grounds of a place of worship, immediately prior to,  
4           during or immediately following worship services. For  
5           purposes of this subparagraph, "place of worship" shall  
6           mean any church, synagogue or other building, structure or  
7           place used primarily for religious worship;

8           (12) the defendant was convicted of a felony committed  
9           while he was released on bail or his own recognizance  
10          pending trial for a prior felony and was convicted of such  
11          prior felony, or the defendant was convicted of a felony  
12          committed while he was serving a period of probation,  
13          conditional discharge, or mandatory supervised release  
14          under subsection (d) of Section 5-8-1 for a prior felony;

15          (13) the defendant committed or attempted to commit a  
16          felony while he was wearing a bulletproof vest. For the  
17          purposes of this paragraph (13), a bulletproof vest is any  
18          device which is designed for the purpose of protecting the  
19          wearer from bullets, shot or other lethal projectiles;

20          (14) the defendant held a position of trust or  
21          supervision such as, but not limited to, family member as  
22          defined in Section 11-0.1 of the Criminal Code of 2012,  
23          teacher, scout leader, baby sitter, or day care worker, in  
24          relation to a victim under 18 years of age, and the  
25          defendant committed an offense in violation of Section  
26          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,

1 11-14.4 except for an offense that involves keeping a place  
2 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
3 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
4 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
5 of 2012 against that victim;

6 (15) the defendant committed an offense related to the  
7 activities of an organized gang. For the purposes of this  
8 factor, "organized gang" has the meaning ascribed to it in  
9 Section 10 of the Streetgang Terrorism Omnibus Prevention  
10 Act;

11 (16) the defendant committed an offense in violation of  
12 one of the following Sections while in a school, regardless  
13 of the time of day or time of year; on any conveyance  
14 owned, leased, or contracted by a school to transport  
15 students to or from school or a school related activity; on  
16 the real property of a school; or on a public way within  
17 1,000 feet of the real property comprising any school:  
18 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
19 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
20 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
21 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
22 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
23 (a) (4) or (g) (1), of the Criminal Code of 1961 or the  
24 Criminal Code of 2012;

25 (16.5) the defendant committed an offense in violation  
26 of one of the following Sections while in a day care

1 center, regardless of the time of day or time of year; on  
2 the real property of a day care center, regardless of the  
3 time of day or time of year; or on a public way within  
4 1,000 feet of the real property comprising any day care  
5 center, regardless of the time of day or time of year:  
6 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
7 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
8 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
9 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
10 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
11 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
12 Criminal Code of 2012;

13 (17) the defendant committed the offense by reason of  
14 any person's activity as a community policing volunteer or  
15 to prevent any person from engaging in activity as a  
16 community policing volunteer. For the purpose of this  
17 Section, "community policing volunteer" has the meaning  
18 ascribed to it in Section 2-3.5 of the Criminal Code of  
19 2012;

20 (18) the defendant committed the offense in a nursing  
21 home or on the real property comprising a nursing home. For  
22 the purposes of this paragraph (18), "nursing home" means a  
23 skilled nursing or intermediate long term care facility  
24 that is subject to license by the Illinois Department of  
25 Public Health under the Nursing Home Care Act, the  
26 Specialized Mental Health Rehabilitation Act of 2013, or

1 the ID/DD Community Care Act;

2 (19) the defendant was a federally licensed firearm  
3 dealer and was previously convicted of a violation of  
4 subsection (a) of Section 3 of the Firearm Owners  
5 Identification Card Act and has now committed either a  
6 felony violation of the Firearm Owners Identification Card  
7 Act or an act of armed violence while armed with a firearm;

8 (20) the defendant (i) committed the offense of  
9 reckless homicide under Section 9-3 of the Criminal Code of  
10 1961 or the Criminal Code of 2012 or the offense of driving  
11 under the influence of alcohol, other drug or drugs,  
12 intoxicating compound or compounds or any combination  
13 thereof under Section 11-501 of the Illinois Vehicle Code  
14 or a similar provision of a local ordinance and (ii) was  
15 operating a motor vehicle in excess of 20 miles per hour  
16 over the posted speed limit as provided in Article VI of  
17 Chapter 11 of the Illinois Vehicle Code;

18 (21) the defendant (i) committed the offense of  
19 reckless driving or aggravated reckless driving under  
20 Section 11-503 of the Illinois Vehicle Code and (ii) was  
21 operating a motor vehicle in excess of 20 miles per hour  
22 over the posted speed limit as provided in Article VI of  
23 Chapter 11 of the Illinois Vehicle Code;

24 (22) the defendant committed the offense against a  
25 person that the defendant knew, or reasonably should have  
26 known, was a member of the Armed Forces of the United

1 States serving on active duty. For purposes of this clause  
2 (22), the term "Armed Forces" means any of the Armed Forces  
3 of the United States, including a member of any reserve  
4 component thereof or National Guard unit called to active  
5 duty;

6 (23) the defendant committed the offense against a  
7 person who was elderly, disabled, or infirm by taking  
8 advantage of a family or fiduciary relationship with the  
9 elderly, disabled, or infirm person;

10 (24) the defendant committed any offense under Section  
11 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012 and possessed 100 or more images;

13 (25) the defendant committed the offense while the  
14 defendant or the victim was in a train, bus, or other  
15 vehicle used for public transportation;

16 (26) the defendant committed the offense of child  
17 pornography or aggravated child pornography, specifically  
18 including paragraph (1), (2), (3), (4), (5), or (7) of  
19 subsection (a) of Section 11-20.1 of the Criminal Code of  
20 1961 or the Criminal Code of 2012 where a child engaged in,  
21 solicited for, depicted in, or posed in any act of sexual  
22 penetration or bound, fettered, or subject to sadistic,  
23 masochistic, or sadomasochistic abuse in a sexual context  
24 and specifically including paragraph (1), (2), (3), (4),  
25 (5), or (7) of subsection (a) of Section 11-20.1B or  
26 Section 11-20.3 of the Criminal Code of 1961 where a child

1 engaged in, solicited for, depicted in, or posed in any act  
2 of sexual penetration or bound, fettered, or subject to  
3 sadistic, masochistic, or sadomasochistic abuse in a  
4 sexual context;

5 (27) the defendant committed the offense of first  
6 degree murder, assault, aggravated assault, battery,  
7 aggravated battery, robbery, armed robbery, or aggravated  
8 robbery against a person who was a veteran and the  
9 defendant knew, or reasonably should have known, that the  
10 person was a veteran performing duties as a representative  
11 of a veterans' organization. For the purposes of this  
12 paragraph (27), "veteran" means an Illinois resident who  
13 has served as a member of the United States Armed Forces, a  
14 member of the Illinois National Guard, or a member of the  
15 United States Reserve Forces; and "veterans' organization"  
16 means an organization comprised of members of which  
17 substantially all are individuals who are veterans or  
18 spouses, widows, or widowers of veterans, the primary  
19 purpose of which is to promote the welfare of its members  
20 and to provide assistance to the general public in such a  
21 way as to confer a public benefit; or

22 (28) the defendant committed the offense of assault,  
23 aggravated assault, battery, aggravated battery, robbery,  
24 armed robbery, or aggravated robbery against a person that  
25 the defendant knew or reasonably should have known was a  
26 letter carrier or postal worker while that person was

1 performing his or her duties delivering mail for the United  
2 States Postal Service.

3 For the purposes of this Section:

4 "School" is defined as a public or private elementary or  
5 secondary school, community college, college, or university.

6 "Day care center" means a public or private State certified  
7 and licensed day care center as defined in Section 2.09 of the  
8 Child Care Act of 1969 that displays a sign in plain view  
9 stating that the property is a day care center.

10 "Public transportation" means the transportation or  
11 conveyance of persons by means available to the general public,  
12 and includes paratransit services.

13 (b) The following factors, related to all felonies, may be  
14 considered by the court as reasons to impose an extended term  
15 sentence under Section 5-8-2 upon any offender:

16 (1) When a defendant is convicted of any felony, after  
17 having been previously convicted in Illinois or any other  
18 jurisdiction of the same or similar class felony or greater  
19 class felony, when such conviction has occurred within 10  
20 years after the previous conviction, excluding time spent  
21 in custody, and such charges are separately brought and  
22 tried and arise out of different series of acts; or

23 (2) When a defendant is convicted of any felony and the  
24 court finds that the offense was accompanied by  
25 exceptionally brutal or heinous behavior indicative of  
26 wanton cruelty; or



1           (3) When a defendant is convicted of any felony  
2 committed against:

3           (i) a person under 12 years of age at the time of  
4 the offense or such person's property;

5           (ii) a person 60 years of age or older at the time  
6 of the offense or such person's property; or

7           (iii) a person physically handicapped at the time  
8 of the offense or such person's property; or

9           (4) When a defendant is convicted of any felony and the  
10 offense involved any of the following types of specific  
11 misconduct committed as part of a ceremony, rite,  
12 initiation, observance, performance, practice or activity  
13 of any actual or ostensible religious, fraternal, or social  
14 group:

15           (i) the brutalizing or torturing of humans or  
16 animals;

17           (ii) the theft of human corpses;

18           (iii) the kidnapping of humans;

19           (iv) the desecration of any cemetery, religious,  
20 fraternal, business, governmental, educational, or  
21 other building or property; or

22           (v) ritualized abuse of a child; or

23           (5) When a defendant is convicted of a felony other  
24 than conspiracy and the court finds that the felony was  
25 committed under an agreement with 2 or more other persons  
26 to commit that offense and the defendant, with respect to

1 the other individuals, occupied a position of organizer,  
2 supervisor, financier, or any other position of management  
3 or leadership, and the court further finds that the felony  
4 committed was related to or in furtherance of the criminal  
5 activities of an organized gang or was motivated by the  
6 defendant's leadership in an organized gang; or

7 (6) When a defendant is convicted of an offense  
8 committed while using a firearm with a laser sight attached  
9 to it. For purposes of this paragraph, "laser sight" has  
10 the meaning ascribed to it in Section 26-7 of the Criminal  
11 Code of 2012; or

12 (7) When a defendant who was at least 17 years of age  
13 at the time of the commission of the offense is convicted  
14 of a felony and has been previously adjudicated a  
15 delinquent minor under the Juvenile Court Act of 1987 for  
16 an act that if committed by an adult would be a Class X or  
17 Class 1 felony when the conviction has occurred within 10  
18 years after the previous adjudication, excluding time  
19 spent in custody; or

20 (8) When a defendant commits any felony and the  
21 defendant used, possessed, exercised control over, or  
22 otherwise directed an animal to assault a law enforcement  
23 officer engaged in the execution of his or her official  
24 duties or in furtherance of the criminal activities of an  
25 organized gang in which the defendant is engaged; or

26 (9) When a defendant commits any felony and the

1 defendant knowingly video or audio records the offense with  
2 the intent to disseminate the recording.

3 (c) The following factors may be considered by the court as  
4 reasons to impose an extended term sentence under Section 5-8-2  
5 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

6 (1) When a defendant is convicted of first degree  
7 murder, after having been previously convicted in Illinois  
8 of any offense listed under paragraph (c)(2) of Section  
9 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
10 within 10 years after the previous conviction, excluding  
11 time spent in custody, and the charges are separately  
12 brought and tried and arise out of different series of  
13 acts.

14 (1.5) When a defendant is convicted of first degree  
15 murder, after having been previously convicted of domestic  
16 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
17 (720 ILCS 5/12-3.3) committed on the same victim or after  
18 having been previously convicted of violation of an order  
19 of protection (720 ILCS 5/12-30) in which the same victim  
20 was the protected person.

21 (2) When a defendant is convicted of voluntary  
22 manslaughter, second degree murder, involuntary  
23 manslaughter, or reckless homicide in which the defendant  
24 has been convicted of causing the death of more than one  
25 individual.

26 (3) When a defendant is convicted of aggravated

1 criminal sexual assault or criminal sexual assault, when  
2 there is a finding that aggravated criminal sexual assault  
3 or criminal sexual assault was also committed on the same  
4 victim by one or more other individuals, and the defendant  
5 voluntarily participated in the crime with the knowledge of  
6 the participation of the others in the crime, and the  
7 commission of the crime was part of a single course of  
8 conduct during which there was no substantial change in the  
9 nature of the criminal objective.

10 (4) If the victim was under 18 years of age at the time  
11 of the commission of the offense, when a defendant is  
12 convicted of aggravated criminal sexual assault or  
13 predatory criminal sexual assault of a child under  
14 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
15 of Section 12-14.1 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012 (720 ILCS 5/11-1.40 or 5/12-14.1).

17 (5) When a defendant is convicted of a felony violation  
18 of Section 24-1 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012 (720 ILCS 5/24-1) and there is a  
20 finding that the defendant is a member of an organized  
21 gang.

22 (6) When a defendant was convicted of unlawful use of  
23 weapons under Section 24-1 of the Criminal Code of 1961 or  
24 the Criminal Code of 2012 (720 ILCS 5/24-1) for possessing  
25 a weapon that is not readily distinguishable as one of the  
26 weapons enumerated in Section 24-1 of the Criminal Code of

1 1961 or the Criminal Code of 2012 (720 ILCS 5/24-1).

2 (7) When a defendant is convicted of an offense  
3 involving the illegal manufacture of a controlled  
4 substance under Section 401 of the Illinois Controlled  
5 Substances Act (720 ILCS 570/401), the illegal manufacture  
6 of methamphetamine under Section 25 of the Methamphetamine  
7 Control and Community Protection Act (720 ILCS 646/25), or  
8 the illegal possession of explosives and an emergency  
9 response officer in the performance of his or her duties is  
10 killed or injured at the scene of the offense while  
11 responding to the emergency caused by the commission of the  
12 offense. In this paragraph, "emergency" means a situation  
13 in which a person's life, health, or safety is in jeopardy;  
14 and "emergency response officer" means a peace officer,  
15 community policing volunteer, fireman, emergency medical  
16 technician-ambulance, emergency medical  
17 technician-intermediate, emergency medical  
18 technician-paramedic, ambulance driver, other medical  
19 assistance or first aid personnel, or hospital emergency  
20 room personnel.

21 (8) When the defendant is convicted of attempted mob  
22 action, solicitation to commit mob action, or conspiracy to  
23 commit mob action under Section 8-1, 8-2, or 8-4 of the  
24 Criminal Code of 2012, where the criminal object is a  
25 violation of Section 25-1 of the Criminal Code of 2012, and  
26 an electronic communication is used in the commission of

1 the offense. For the purposes of this paragraph (8),  
2 "electronic communication" shall have the meaning provided  
3 in Section 26.5-0.1 of the Criminal Code of 2012.

4 (d) For the purposes of this Section, "organized gang" has  
5 the meaning ascribed to it in Section 10 of the Illinois  
6 Streetgang Terrorism Omnibus Prevention Act.

7 (e) The court may impose an extended term sentence under  
8 Article 4.5 of Chapter V upon an offender who has been  
9 convicted of a felony violation of Section 11-1.20, 11-1.30,  
10 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
11 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
12 when the victim of the offense is under 18 years of age at the  
13 time of the commission of the offense and, during the  
14 commission of the offense, the victim was under the influence  
15 of alcohol, regardless of whether or not the alcohol was  
16 supplied by the offender; and the offender, at the time of the  
17 commission of the offense, knew or should have known that the  
18 victim had consumed alcohol.

19 (Source: P.A. 97-38, eff. 6-28-11, 97-227, eff. 1-1-12; 97-333,  
20 eff. 8-12-11; 97-693, eff. 1-1-13; 97-1108, eff. 1-1-13;  
21 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-14, eff.  
22 1-1-14; 98-104, eff. 7-22-13; 98-385, eff. 1-1-14; revised  
23 9-24-13.)

24 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)  
25 Sec. 5-5-5. Loss and Restoration of Rights.

1           (a) Conviction and disposition shall not entail the loss by  
2 the defendant of any civil rights, except under this Section  
3 and Sections 29-6 and 29-10 of The Election Code, as now or  
4 hereafter amended.

5           (b) A person convicted of a felony shall be ineligible to  
6 hold an office created by the Constitution of this State until  
7 the completion of his sentence.

8           (c) A person sentenced to imprisonment shall lose his right  
9 to vote until released from imprisonment.

10          (d) On completion of sentence of imprisonment or upon  
11 discharge from probation, conditional discharge or periodic  
12 imprisonment, or at any time thereafter, all license rights and  
13 privileges granted under the authority of this State which have  
14 been revoked or suspended because of conviction of an offense  
15 shall be restored unless the authority having jurisdiction of  
16 such license rights finds after investigation and hearing that  
17 restoration is not in the public interest. This paragraph (d)  
18 shall not apply to the suspension or revocation of a license to  
19 operate a motor vehicle under the Illinois Vehicle Code.

20          (e) Upon a person's discharge from incarceration or parole,  
21 or upon a person's discharge from probation or at any time  
22 thereafter, the committing court may enter an order certifying  
23 that the sentence has been satisfactorily completed when the  
24 court believes it would assist in the rehabilitation of the  
25 person and be consistent with the public welfare. Such order  
26 may be entered upon the motion of the defendant or the State or

1 upon the court's own motion.

2 (f) Upon entry of the order, the court shall issue to the  
3 person in whose favor the order has been entered a certificate  
4 stating that his behavior after conviction has warranted the  
5 issuance of the order.

6 (g) This Section shall not affect the right of a defendant  
7 to collaterally attack his conviction or to rely on it in bar  
8 of subsequent proceedings for the same offense.

9 (h) No application for any license specified in subsection  
10 (i) of this Section granted under the authority of this State  
11 shall be denied by reason of an eligible offender who has  
12 obtained a certificate of relief from disabilities, as defined  
13 in Article 5.5 of this Chapter, having been previously  
14 convicted of one or more criminal offenses, or by reason of a  
15 finding of lack of "good moral character" when the finding is  
16 based upon the fact that the applicant has previously been  
17 convicted of one or more criminal offenses, unless:

18 (1) there is a direct relationship between one or more  
19 of the previous criminal offenses and the specific license  
20 sought; or

21 (2) the issuance of the license would involve an  
22 unreasonable risk to property or to the safety or welfare  
23 of specific individuals or the general public.

24 In making such a determination, the licensing agency shall  
25 consider the following factors:

26 (1) the public policy of this State, as expressed in



1 Article 5.5 of this Chapter, to encourage the licensure and  
2 employment of persons previously convicted of one or more  
3 criminal offenses;

4 (2) the specific duties and responsibilities  
5 necessarily related to the license being sought;

6 (3) the bearing, if any, the criminal offenses or  
7 offenses for which the person was previously convicted will  
8 have on his or her fitness or ability to perform one or  
9 more such duties and responsibilities;

10 (4) the time which has elapsed since the occurrence of  
11 the criminal offense or offenses;

12 (5) the age of the person at the time of occurrence of  
13 the criminal offense or offenses;

14 (6) the seriousness of the offense or offenses;

15 (7) any information produced by the person or produced  
16 on his or her behalf in regard to his or her rehabilitation  
17 and good conduct, including a certificate of relief from  
18 disabilities issued to the applicant, which certificate  
19 shall create a presumption of rehabilitation in regard to  
20 the offense or offenses specified in the certificate; and

21 (8) the legitimate interest of the licensing agency in  
22 protecting property, and the safety and welfare of specific  
23 individuals or the general public.

24 (i) A certificate of relief from disabilities shall be  
25 issued only for a license or certification issued under the  
26 following Acts:

1           (1) the Animal Welfare Act; except that a certificate  
2           of relief from disabilities may not be granted to provide  
3           for the issuance or restoration of a license under the  
4           Animal Welfare Act for any person convicted of violating  
5           Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
6           Care for Animals Act or Section 26-5 or 48-1 of the  
7           Criminal Code of 1961 or the Criminal Code of 2012;

8           (2) the Illinois Athletic Trainers Practice Act;

9           (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
10          and Nail Technology Act of 1985;

11          (4) the Boiler and Pressure Vessel Repairer Regulation  
12          Act;

13          (5) the Boxing and Full-contact Martial Arts Act;

14          (6) the Illinois Certified Shorthand Reporters Act of  
15          1984;

16          (7) the Illinois Farm Labor Contractor Certification  
17          Act;

18          (8) the Interior Design Title Act;

19          (9) the Illinois Professional Land Surveyor Act of  
20          1989;

21          (10) the Illinois Landscape Architecture Act of 1989;

22          (11) the Marriage and Family Therapy Licensing Act;

23          (12) the Private Employment Agency Act;

24          (13) the Professional Counselor and Clinical  
25          Professional Counselor Licensing and Practice Act;

26          (14) the Real Estate License Act of 2000;

- 1 (15) the Illinois Roofing Industry Licensing Act;
- 2 (16) the Professional Engineering Practice Act of
- 3 1989;
- 4 (17) the Water Well and Pump Installation Contractor's
- 5 License Act;
- 6 (18) the Electrologist Licensing Act;
- 7 (19) the Auction License Act;
- 8 (20) the Illinois Architecture Practice Act of 1989;
- 9 (21) the Dietitian Nutritionist Practice Act;
- 10 (22) the Environmental Health Practitioner Licensing
- 11 Act;
- 12 (23) the Funeral Directors and Embalmers Licensing
- 13 Code;
- 14 (24) the Land Sales Registration Act of 1999;
- 15 (25) the Professional Geologist Licensing Act;
- 16 (26) the Illinois Public Accounting Act; and
- 17 (27) the Structural Engineering Practice Act of 1989.

18 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11;

19 97-706, eff. 6-25-12; 97-1108, eff. 1-1-13; 97-1141, eff.

20 12-28-12; 97-1150, eff. 1-25-13; revised 2-22-13.)

21 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

22 Sec. 5-8A-3. Application.

23 (a) Except as provided in subsection (d), a person charged

24 with or convicted of an excluded offense may not be placed in

25 an electronic home detention program, except for bond pending

1 trial or appeal or while on parole, aftercare release, or  
2 mandatory supervised release.

3 (b) A person serving a sentence for a conviction of a Class  
4 1 felony, other than an excluded offense, may be placed in an  
5 electronic home detention program for a period not to exceed  
6 the last 90 days of incarceration.

7 (c) A person serving a sentence for a conviction of a Class  
8 X felony, other than an excluded offense, may be placed in an  
9 electronic home detention program for a period not to exceed  
10 the last 90 days of incarceration, provided that the person was  
11 sentenced on or after the effective date of this amendatory Act  
12 of 1993 and provided that the court has not prohibited the  
13 program for the person in the sentencing order.

14 (d) A person serving a sentence for conviction of an  
15 offense other than for predatory criminal sexual assault of a  
16 child, aggravated criminal sexual assault, criminal sexual  
17 assault, aggravated criminal sexual abuse, or felony criminal  
18 sexual abuse, may be placed in an electronic home detention  
19 program for a period not to exceed the last 12 months of  
20 incarceration, provided that (i) the person is 55 years of age  
21 or older; (ii) the person is serving a determinate sentence;  
22 (iii) the person has served at least 25% of the sentenced  
23 prison term; and (iv) placement in an electronic home detention  
24 program is approved by the Prisoner Review Board.

25 (e) A person serving a sentence for conviction of a Class  
26 2, 3 or 4 felony offense which is not an excluded offense may

1 be placed in an electronic home detention program pursuant to  
2 Department administrative directives.

3 (f) Applications for electronic home detention may include  
4 the following:

5 (1) pretrial or pre-adjudicatory detention;

6 (2) probation;

7 (3) conditional discharge;

8 (4) periodic imprisonment;

9 (5) parole, aftercare release, or mandatory supervised  
10 release;

11 (6) work release;

12 (7) furlough; or

13 (8) post-trial incarceration.

14 (g) A person convicted of an offense described in clause  
15 (4) or (5) of subsection (d) of Section 5-8-1 of this Code  
16 shall be placed in an electronic home detention program for at  
17 least the first 2 years of the person's mandatory supervised  
18 release term.

19 (Source: P.A. 98-558, eff. 1-1-14; revised 11-12-13.)

20 Section 725. The Code of Civil Procedure is amended by  
21 changing Sections 8-2001, 8-2005, 11-106, and 13-110 as  
22 follows:

23 (735 ILCS 5/8-2001) (from Ch. 110, par. 8-2001)

24 Sec. 8-2001. Examination of health care records.

1 (a) In this Section:

2 "Health care facility" or "facility" means a public or  
3 private hospital, ambulatory surgical treatment center,  
4 nursing home, independent practice association, or physician  
5 hospital organization, or any other entity where health care  
6 services are provided to any person. The term does not include  
7 a health care practitioner.

8 "Health care practitioner" means any health care  
9 practitioner, including a physician, dentist, podiatric  
10 physician, advanced practice nurse, physician assistant,  
11 clinical psychologist, or clinical social worker. The term  
12 includes a medical office, health care clinic, health  
13 department, group practice, and any other organizational  
14 structure for a licensed professional to provide health care  
15 services. The term does not include a health care facility.

16 (b) Every private and public health care facility shall,  
17 upon the request of any patient who has been treated in such  
18 health care facility, or any person, entity, or organization  
19 presenting a valid authorization for the release of records  
20 signed by the patient or the patient's legally authorized  
21 representative, or as authorized by Section 8-2001.5, permit  
22 the patient, his or her health care practitioner, authorized  
23 attorney, or any person, entity, or organization presenting a  
24 valid authorization for the release of records signed by the  
25 patient or the patient's legally authorized representative to  
26 examine the health care facility patient care records,

1 including but not limited to the history, bedside notes,  
2 charts, pictures and plates, kept in connection with the  
3 treatment of such patient, and permit copies of such records to  
4 be made by him or her or his or her health care practitioner or  
5 authorized attorney.

6 (c) Every health care practitioner shall, upon the request  
7 of any patient who has been treated by the health care  
8 practitioner, or any person, entity, or organization  
9 presenting a valid authorization for the release of records  
10 signed by the patient or the patient's legally authorized  
11 representative, permit the patient and the patient's health  
12 care practitioner or authorized attorney, or any person,  
13 entity, or organization presenting a valid authorization for  
14 the release of records signed by the patient or the patient's  
15 legally authorized representative, to examine and copy the  
16 patient's records, including but not limited to those relating  
17 to the diagnosis, treatment, prognosis, history, charts,  
18 pictures and plates, kept in connection with the treatment of  
19 such patient.

20 (d) A request for copies of the records shall be in writing  
21 and shall be delivered to the administrator or manager of such  
22 health care facility or to the health care practitioner. The  
23 person (including patients, health care practitioners and  
24 attorneys) requesting copies of records shall reimburse the  
25 facility or the health care practitioner at the time of such  
26 copying for all reasonable expenses, including the costs of

1 independent copy service companies, incurred in connection  
2 with such copying not to exceed a \$20 handling charge for  
3 processing the request and the actual postage or shipping  
4 charge, if any, plus: (1) for paper copies 75 cents per page  
5 for the first through 25th pages, 50 cents per page for the  
6 26th through 50th pages, and 25 cents per page for all pages in  
7 excess of 50 (except that the charge shall not exceed \$1.25 per  
8 page for any copies made from microfiche or microfilm; records  
9 retrieved from scanning, digital imaging, electronic  
10 information or other digital format do not qualify as  
11 microfiche or microfilm retrieval for purposes of calculating  
12 charges); and (2) for electronic records, retrieved from a  
13 scanning, digital imaging, electronic information or other  
14 digital format in an ~~a~~ electronic document, a charge of 50% of  
15 the per page charge for paper copies under subdivision (d)(1).  
16 This per page charge includes the cost of each CD Rom, DVD, or  
17 other storage media. Records already maintained in an  
18 electronic or digital format shall be provided in an electronic  
19 format when so requested. If the records system does not allow  
20 for the creation or transmission of an electronic or digital  
21 record, then the facility or practitioner shall inform the  
22 requester in writing of the reason the records can not be  
23 provided electronically. The written explanation may be  
24 included with the production of paper copies, if the requester  
25 chooses to order paper copies. These rates shall be  
26 automatically adjusted as set forth in Section 8-2006. The



1 facility or health care practitioner may, however, charge for  
2 the reasonable cost of all duplication of record material or  
3 information that cannot routinely be copied or duplicated on a  
4 standard commercial photocopy machine such as x-ray films or  
5 pictures.

6 (d-5) The handling fee shall not be collected from the  
7 patient or the patient's personal representative who obtains  
8 copies of records under Section 8-2001.5.

9 (e) The requirements of this Section shall be satisfied  
10 within 30 days of the receipt of a written request by a patient  
11 or by his or her legally authorized representative, health care  
12 practitioner, authorized attorney, or any person, entity, or  
13 organization presenting a valid authorization for the release  
14 of records signed by the patient or the patient's legally  
15 authorized representative. If the facility or health care  
16 practitioner needs more time to comply with the request, then  
17 within 30 days after receiving the request, the facility or  
18 health care practitioner must provide the requesting party with  
19 a written statement of the reasons for the delay and the date  
20 by which the requested information will be provided. In any  
21 event, the facility or health care practitioner must provide  
22 the requested information no later than 60 days after receiving  
23 the request.

24 (f) A health care facility or health care practitioner must  
25 provide the public with at least 30 days prior notice of the  
26 closure of the facility or the health care practitioner's

1 practice. The notice must include an explanation of how copies  
2 of the facility's records may be accessed by patients. The  
3 notice may be given by publication in a newspaper of general  
4 circulation in the area in which the health care facility or  
5 health care practitioner is located.

6 (g) Failure to comply with the time limit requirement of  
7 this Section shall subject the denying party to expenses and  
8 reasonable attorneys' fees incurred in connection with any  
9 court ordered enforcement of the provisions of this Section.

10 (Source: P.A. 97-623, eff. 11-23-11; 97-867, eff. 7-30-12;  
11 98-214, eff. 8-9-13; revised 11-22-13.)

12 (735 ILCS 5/8-2005)

13 Sec. 8-2005. Attorney's records. This Section applies only  
14 if a client and his or her authorized attorney have complied  
15 with all applicable legal requirements regarding examination  
16 and copying of client files, including but not limited to  
17 satisfaction of expenses and attorney retaining liens.

18 Upon the request of a client, an attorney shall permit the  
19 client's authorized attorney to examine and copy the records  
20 kept by the attorney in connection with the representation of  
21 the client, with the exception of attorney work product. The  
22 request for examination and copying of the records shall be in  
23 writing and shall be delivered to the attorney. Within a  
24 reasonable time after the attorney receives the written  
25 request, the attorney shall comply with the written request at

1 his or her office or any other place designated by him or her.  
2 At the time of copying, the person requesting the records shall  
3 reimburse the attorney for all reasonable expenses, including  
4 the costs of independent copy service companies, incurred by  
5 the attorney in connection with the copying not to exceed a \$20  
6 handling charge for processing the request, and the actual  
7 postage or shipping charges, if any, plus (1) for paper copies  
8 75 cents per page for the first through 25th pages, 50 cents  
9 per page for the 26th through 50th pages, and 25 cents per page  
10 for all pages in excess of 50 (except that the charge shall not  
11 exceed \$1.25 per page for any copies made from microfiche or  
12 microfilm; records retrieved from scanning, digital imaging,  
13 electronic information or other digital format do not qualify  
14 as microfiche or microfilm retrieval for purposes of  
15 calculating charges); and (2) for electronic records,  
16 retrieved from a scanning, digital imaging, electronic  
17 information or other digital format in an ~~a~~ electronic  
18 document, a charge of 50% of the per page charge for paper  
19 copies under subdivision (d)(1). This per page charge includes  
20 the cost of each CD Rom, DVD, or other storage media. Records  
21 already maintained in an electronic or digital format shall be  
22 provided in an electronic format when so requested. If the  
23 records system does not allow for the creation or transmission  
24 of an electronic or digital record, then the attorney shall  
25 inform the requester in writing of the reason the records  
26 cannot be provided electronically. The written explanation may

1 be included with the production of paper copies, if the  
2 requester chooses to order paper copies. These rates shall be  
3 automatically adjusted as set forth in Section 8-2006. The  
4 attorney may, however, charge for the reasonable cost of all  
5 duplication of record material or information that cannot  
6 routinely be copied or duplicated on a standard commercial  
7 photocopy machine such as pictures.

8 An attorney shall satisfy the requirements of this Section  
9 within 60 days after he or she receives a request from a client  
10 or his or her authorized attorney. An attorney who fails to  
11 comply with the time limit requirement of this Section shall be  
12 required to pay expenses and reasonable attorney's fees  
13 incurred in connection with any court-ordered enforcement of  
14 the requirements of this Section.

15 (Source: P.A. 95-478, eff. 1-1-08 (changed from 8-27-07 by P.A.  
16 95-480); 95-480, eff. 1-1-08; revised 11-22-13.)

17 (735 ILCS 5/11-106) (from Ch. 110, par. 11-106)

18 Sec. 11-106. Injunctive relief on Saturday, Sunday or legal  
19 holiday. When an application is made on a Saturday, Sunday,  
20 legal holiday or on a day when courts are not in session for  
21 injunctive relief and there is filed with the complaint an  
22 affidavit of the plaintiff, or his, her or their agent or  
23 attorney, stating that the benefits of injunctive relief will  
24 be lost or endangered, or irreparable damage occasioned unless  
25 such injunctive relief is immediately granted, and stating the

1 bases for such alleged consequence,<sup>7</sup> and if it appears to the  
2 court from such affidavit that the benefits of injunctive  
3 relief will be lost or endangered, or irreparable damage  
4 occasioned unless such injunctive relief is immediately  
5 granted, and if the plaintiff otherwise is entitled to such  
6 relief under the law, the court may grant injunctive relief on  
7 a Saturday, Sunday, legal holiday, or on a day when courts are  
8 not in session; and it shall be lawful for the clerk to  
9 certify, and for the sheriff or coroner to serve such order for  
10 injunctive relief on a Saturday, Sunday, legal holiday or on a  
11 day when courts are not in session as on any other day, and all  
12 affidavits and bonds made and proceedings had in such case  
13 shall have the same force and effect as if made or had on any  
14 other day.

15 (Source: P.A. 82-280; revised 11-22-13.)

16 (735 ILCS 5/13-110) (from Ch. 110, par. 13-110)

17 Sec. 13-110. Vacant land - Payment of taxes with color of  
18 title. Whenever a person having color of title, made in good  
19 faith, to vacant and unoccupied land, pays all taxes legally  
20 assessed thereon for 7 successive years, he or she shall be  
21 deemed and adjudged to be the legal owner of such vacant and  
22 unoccupied land, to the extent and according to the purport of  
23 his or her paper title. All persons holding under such  
24 taxpayer, by purchase, legacy or descent, before such 7 years  
25 expired, and who continue to pay the taxes, as above set out,

1 so as to complete the payment of taxes for the ~~such~~ term, are  
2 entitled to the benefit of this Section. However, if any  
3 person, having a better paper title to such vacant and  
4 unoccupied land, during the term of 7 years, pays the taxes  
5 assessed on such land for any one or more years of the term of 7  
6 years, then such taxpayer, his or her heirs, legatees or  
7 assigns, shall not be entitled to the benefit of this Section.  
8 (Source: P.A. 83-707; revised 11-22-13.)

9 Section 730. The Eminent Domain Act is amended by changing  
10 Sections 15-5-15, 15-5-35, and 15-5-47 and by setting forth and  
11 renumbering multiple versions of Section 25-5-45 as follows:

12 (735 ILCS 30/15-5-15)

13 Sec. 15-5-15. Eminent domain powers in ILCS Chapters 70  
14 through 75. The following provisions of law may include express  
15 grants of the power to acquire property by condemnation or  
16 eminent domain:

17 (70 ILCS 5/8.02 and 5/9); Airport Authorities Act; airport  
18 authorities; for public airport facilities.

19 (70 ILCS 5/8.05 and 5/9); Airport Authorities Act; airport  
20 authorities; for removal of airport hazards.

21 (70 ILCS 5/8.06 and 5/9); Airport Authorities Act; airport  
22 authorities; for reduction of the height of objects or  
23 structures.

1 (70 ILCS 10/4); Interstate Airport Authorities Act; interstate  
2 airport authorities; for general purposes.

3 (70 ILCS 15/3); Kankakee River Valley Area Airport Authority  
4 Act; Kankakee River Valley Area Airport Authority; for  
5 acquisition of land for airports.

6 (70 ILCS 200/2-20); Civic Center Code; civic center  
7 authorities; for grounds, centers, buildings, and parking.

8 (70 ILCS 200/5-35); Civic Center Code; Aledo Civic Center  
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/10-15); Civic Center Code; Aurora Metropolitan  
11 Exposition, Auditorium and Office Building Authority; for  
12 grounds, centers, buildings, and parking.

13 (70 ILCS 200/15-40); Civic Center Code; Benton Civic Center  
14 Authority; for grounds, centers, buildings, and parking.

15 (70 ILCS 200/20-15); Civic Center Code; Bloomington Civic  
16 Center Authority; for grounds, centers, buildings, and  
17 parking.

18 (70 ILCS 200/35-35); Civic Center Code; Brownstown Park  
19 District Civic Center Authority; for grounds, centers,  
20 buildings, and parking.

21 (70 ILCS 200/40-35); Civic Center Code; Carbondale Civic Center  
22 Authority; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/55-60); Civic Center Code; Chicago South Civic  
24 Center Authority; for grounds, centers, buildings, and  
25 parking.

26 (70 ILCS 200/60-30); Civic Center Code; Collinsville

1 Metropolitan Exposition, Auditorium and Office Building  
2 Authority; for grounds, centers, buildings, and parking.

3 (70 ILCS 200/70-35); Civic Center Code; Crystal Lake Civic  
4 Center Authority; for grounds, centers, buildings, and  
5 parking.

6 (70 ILCS 200/75-20); Civic Center Code; Decatur Metropolitan  
7 Exposition, Auditorium and Office Building Authority; for  
8 grounds, centers, buildings, and parking.

9 (70 ILCS 200/80-15); Civic Center Code; DuPage County  
10 Metropolitan Exposition, Auditorium and Office Building  
11 Authority; for grounds, centers, buildings, and parking.

12 (70 ILCS 200/85-35); Civic Center Code; Elgin Metropolitan  
13 Exposition, Auditorium and Office Building Authority; for  
14 grounds, centers, buildings, and parking.

15 (70 ILCS 200/95-25); Civic Center Code; Herrin Metropolitan  
16 Exposition, Auditorium and Office Building Authority; for  
17 grounds, centers, buildings, and parking.

18 (70 ILCS 200/110-35); Civic Center Code; Illinois Valley Civic  
19 Center Authority; for grounds, centers, buildings, and  
20 parking.

21 (70 ILCS 200/115-35); Civic Center Code; Jasper County Civic  
22 Center Authority; for grounds, centers, buildings, and  
23 parking.

24 (70 ILCS 200/120-25); Civic Center Code; Jefferson County  
25 Metropolitan Exposition, Auditorium and Office Building  
26 Authority; for grounds, centers, buildings, and parking.



1 (70 ILCS 200/125-15); Civic Center Code; Jo Daviess County  
2 Civic Center Authority; for grounds, centers, buildings,  
3 and parking.

4 (70 ILCS 200/130-30); Civic Center Code; Katherine Dunham  
5 Metropolitan Exposition, Auditorium and Office Building  
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/145-35); Civic Center Code; Marengo Civic Center  
8 Authority; for grounds, centers, buildings, and parking.

9 (70 ILCS 200/150-35); Civic Center Code; Mason County Civic  
10 Center Authority; for grounds, centers, buildings, and  
11 parking.

12 (70 ILCS 200/155-15); Civic Center Code; Matteson Metropolitan  
13 Civic Center Authority; for grounds, centers, buildings,  
14 and parking.

15 (70 ILCS 200/160-35); Civic Center Code; Maywood Civic Center  
16 Authority; for grounds, centers, buildings, and parking.

17 (70 ILCS 200/165-35); Civic Center Code; Melrose Park  
18 Metropolitan Exposition Auditorium and Office Building  
19 Authority; for grounds, centers, buildings, and parking.

20 (70 ILCS 200/170-20); Civic Center Code; certain Metropolitan  
21 Exposition, Auditorium and Office Building Authorities;  
22 for general purposes.

23 (70 ILCS 200/180-35); Civic Center Code; Normal Civic Center  
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/185-15); Civic Center Code; Oak Park Civic Center  
26 Authority; for grounds, centers, buildings, and parking.

1 (70 ILCS 200/195-35); Civic Center Code; Ottawa Civic Center  
2 Authority; for grounds, centers, buildings, and parking.

3 (70 ILCS 200/200-15); Civic Center Code; Pekin Civic Center  
4 Authority; for grounds, centers, buildings, and parking.

5 (70 ILCS 200/205-15); Civic Center Code; Peoria Civic Center  
6 Authority; for grounds, centers, buildings, and parking.

7 (70 ILCS 200/210-35); Civic Center Code; Pontiac Civic Center  
8 Authority; for grounds, centers, buildings, and parking.

9 (70 ILCS 200/215-15); Civic Center Code; Illinois Quad City  
10 Civic Center Authority; for grounds, centers, buildings,  
11 and parking.

12 (70 ILCS 200/220-30); Civic Center Code; Quincy Metropolitan  
13 Exposition, Auditorium and Office Building Authority; for  
14 grounds, centers, buildings, and parking.

15 (70 ILCS 200/225-35); Civic Center Code; Randolph County Civic  
16 Center Authority; for grounds, centers, buildings, and  
17 parking.

18 (70 ILCS 200/230-35); Civic Center Code; River Forest  
19 Metropolitan Exposition, Auditorium and Office Building  
20 Authority; for grounds, centers, buildings, and parking.

21 (70 ILCS 200/235-40); Civic Center Code; Riverside Civic Center  
22 Authority; for grounds, centers, buildings, and parking.

23 (70 ILCS 200/245-35); Civic Center Code; Salem Civic Center  
24 Authority; for grounds, centers, buildings, and parking.

25 (70 ILCS 200/255-20); Civic Center Code; Springfield  
26 Metropolitan Exposition and Auditorium Authority; for

1 grounds, centers, and parking.

2 (70 ILCS 200/260-35); Civic Center Code; Sterling Metropolitan  
3 Exposition, Auditorium and Office Building Authority; for  
4 grounds, centers, buildings, and parking.

5 (70 ILCS 200/265-20); Civic Center Code; Vermilion County  
6 Metropolitan Exposition, Auditorium and Office Building  
7 Authority; for grounds, centers, buildings, and parking.

8 (70 ILCS 200/270-35); Civic Center Code; Waukegan Civic Center  
9 Authority; for grounds, centers, buildings, and parking.

10 (70 ILCS 200/275-35); Civic Center Code; West Frankfort Civic  
11 Center Authority; for grounds, centers, buildings, and  
12 parking.

13 (70 ILCS 200/280-20); Civic Center Code; Will County  
14 Metropolitan Exposition and Auditorium Authority; for  
15 grounds, centers, and parking.

16 (70 ILCS 210/5); Metropolitan Pier and Exposition Authority  
17 Act; Metropolitan Pier and Exposition Authority; for  
18 general purposes, including quick-take power.

19 (70 ILCS 405/22.04); Soil and Water Conservation Districts Act;  
20 soil and water conservation districts; for general  
21 purposes.

22 (70 ILCS 410/10 and 410/12); Conservation District Act;  
23 conservation districts; for open space, wildland, scenic  
24 roadway, pathway, outdoor recreation, or other  
25 conservation benefits.

26 (70 ILCS 503/25); Chanute-Rantoul National Aviation Center

1           Redevelopment Commission Act; Chanute-Rantoul National  
2           Aviation Center Redevelopment Commission; for general  
3           purposes.

4           (70 ILCS 507/15); Fort Sheridan Redevelopment Commission Act;  
5           Fort Sheridan Redevelopment Commission; for general  
6           purposes or to carry out comprehensive or redevelopment  
7           plans.

8           (70 ILCS 520/8); Southwestern Illinois Development Authority  
9           Act; Southwestern Illinois Development Authority; for  
10          general purposes, including quick-take power.

11          (70 ILCS 605/4-17 and 605/5-7); Illinois Drainage Code;  
12          drainage districts; for general purposes.

13          (70 ILCS 615/5 and 615/6); Chicago Drainage District Act;  
14          corporate authorities; for construction and maintenance of  
15          works.

16          (70 ILCS 705/10); Fire Protection District Act; fire protection  
17          districts; for general purposes.

18          (70 ILCS 750/20); Flood Prevention District Act; flood  
19          prevention districts; for general purposes.

20          (70 ILCS 805/6); Downstate Forest Preserve District Act;  
21          certain forest preserve districts; for general purposes.

22          (70 ILCS 805/18.8); Downstate Forest Preserve District Act;  
23          certain forest preserve districts; for recreational and  
24          cultural facilities.

25          (70 ILCS 810/8); Cook County Forest Preserve District Act;  
26          Forest Preserve District of Cook County; for general

1 purposes.

2 (70 ILCS 810/38); Cook County Forest Preserve District Act;  
3 Forest Preserve District of Cook County; for recreational  
4 facilities.

5 (70 ILCS 910/15 and 910/16); Hospital District Law; hospital  
6 districts; for hospitals or hospital facilities.

7 (70 ILCS 915/3); Illinois Medical District Act; Illinois  
8 Medical District Commission; for general purposes.

9 (70 ILCS 915/4.5); Illinois Medical District Act; Illinois  
10 Medical District Commission; quick-take power for the  
11 Illinois State Police Forensic Science Laboratory  
12 (obsolete).

13 (70 ILCS 920/5); Tuberculosis Sanitarium District Act;  
14 tuberculosis sanitarium districts; for tuberculosis  
15 sanitariums.

16 (70 ILCS 925/20); Mid-Illinois Medical District Act;  
17 Mid-Illinois Medical District; for general purposes.

18 (70 ILCS 930/20); Mid-America Medical District Act;  
19 Mid-America Medical District Commission; for general  
20 purposes.

21 (70 ILCS 935/20); Roseland Community Medical District Act;  
22 medical district; for general purposes.

23 (70 ILCS 1005/7); Mosquito Abatement District Act; mosquito  
24 abatement districts; for general purposes.

25 (70 ILCS 1105/8); Museum District Act; museum districts; for  
26 general purposes.

1 (70 ILCS 1205/7-1); Park District Code; park districts; for  
2 streets and other purposes.

3 (70 ILCS 1205/8-1); Park District Code; park districts; for  
4 parks.

5 (70 ILCS 1205/9-2 and 1205/9-4); Park District Code; park  
6 districts; for airports and landing fields.

7 (70 ILCS 1205/11-2 and 1205/11-3); Park District Code; park  
8 districts; for State land abutting public water and certain  
9 access rights.

10 (70 ILCS 1205/11.1-3); Park District Code; park districts; for  
11 harbors.

12 (70 ILCS 1225/2); Park Commissioners Land Condemnation Act;  
13 park districts; for street widening.

14 (70 ILCS 1230/1 and 1230/1-a); Park Commissioners Water Control  
15 Act; park districts; for parks, boulevards, driveways,  
16 parkways, viaducts, bridges, or tunnels.

17 (70 ILCS 1250/2); Park Commissioners Street Control (1889) Act;  
18 park districts; for boulevards or driveways.

19 (70 ILCS 1290/1); Park District Aquarium and Museum Act;  
20 municipalities or park districts; for aquariums or  
21 museums.

22 (70 ILCS 1305/2); Park District Airport Zoning Act; park  
23 districts; for restriction of the height of structures.

24 (70 ILCS 1310/5); Park District Elevated Highway Act; park  
25 districts; for elevated highways.

26 (70 ILCS 1505/15); Chicago Park District Act; Chicago Park

1 District; for parks and other purposes.  
2 (70 ILCS 1505/25.1); Chicago Park District Act; Chicago Park  
3 District; for parking lots or garages.  
4 (70 ILCS 1505/26.3); Chicago Park District Act; Chicago Park  
5 District; for harbors.  
6 (70 ILCS 1570/5); Lincoln Park Commissioners Land Condemnation  
7 Act; Lincoln Park Commissioners; for land and interests in  
8 land, including riparian rights.  
9 (70 ILCS 1801/30); Alexander-Cairo Port District Act;  
10 Alexander-Cairo Port District; for general purposes.  
11 (70 ILCS 1805/8); Havana Regional Port District Act; Havana  
12 Regional Port District; for general purposes.  
13 (70 ILCS 1810/7); Illinois International Port District Act;  
14 Illinois International Port District; for general  
15 purposes.  
16 (70 ILCS 1815/13); Illinois Valley Regional Port District Act;  
17 Illinois Valley Regional Port District; for general  
18 purposes.  
19 (70 ILCS 1820/4); Jackson-Union Counties Regional Port  
20 District Act; Jackson-Union Counties Regional Port  
21 District; for removal of airport hazards or reduction of  
22 the height of objects or structures.  
23 (70 ILCS 1820/5); Jackson-Union Counties Regional Port  
24 District Act; Jackson-Union Counties Regional Port  
25 District; for general purposes.  
26 (70 ILCS 1825/4.9); Joliet Regional Port District Act; Joliet

1 Regional Port District; for removal of airport hazards.  
2 (70 ILCS 1825/4.10); Joliet Regional Port District Act; Joliet  
3 Regional Port District; for reduction of the height of  
4 objects or structures.  
5 (70 ILCS 1825/4.18); Joliet Regional Port District Act; Joliet  
6 Regional Port District; for removal of hazards from ports  
7 and terminals.  
8 (70 ILCS 1825/5); Joliet Regional Port District Act; Joliet  
9 Regional Port District; for general purposes.  
10 (70 ILCS 1830/7.1); Kaskaskia Regional Port District Act;  
11 Kaskaskia Regional Port District; for removal of hazards  
12 from ports and terminals.  
13 (70 ILCS 1830/14); Kaskaskia Regional Port District Act;  
14 Kaskaskia Regional Port District; for general purposes.  
15 (70 ILCS 1831/30); Massac-Metropolis Port District Act;  
16 Massac-Metropolis Port District; for general purposes.  
17 (70 ILCS 1835/5.10); Mt. Carmel Regional Port District Act; Mt.  
18 Carmel Regional Port District; for removal of airport  
19 hazards.  
20 (70 ILCS 1835/5.11); Mt. Carmel Regional Port District Act; Mt.  
21 Carmel Regional Port District; for reduction of the height  
22 of objects or structures.  
23 (70 ILCS 1835/6); Mt. Carmel Regional Port District Act; Mt.  
24 Carmel Regional Port District; for general purposes.  
25 (70 ILCS 1837/30); Ottawa Port District Act; Ottawa Port  
26 District; for general purposes.



1 (70 ILCS 1845/4.9); Seneca Regional Port District Act; Seneca  
2 Regional Port District; for removal of airport hazards.

3 (70 ILCS 1845/4.10); Seneca Regional Port District Act; Seneca  
4 Regional Port District; for reduction of the height of  
5 objects or structures.

6 (70 ILCS 1845/5); Seneca Regional Port District Act; Seneca  
7 Regional Port District; for general purposes.

8 (70 ILCS 1850/4); Shawneetown Regional Port District Act;  
9 Shawneetown Regional Port District; for removal of airport  
10 hazards or reduction of the height of objects or  
11 structures.

12 (70 ILCS 1850/5); Shawneetown Regional Port District Act;  
13 Shawneetown Regional Port District; for general purposes.

14 (70 ILCS 1855/4); Southwest Regional Port District Act;  
15 Southwest Regional Port District; for removal of airport  
16 hazards or reduction of the height of objects or  
17 structures.

18 (70 ILCS 1855/5); Southwest Regional Port District Act;  
19 Southwest Regional Port District; for general purposes.

20 (70 ILCS 1860/4); Tri-City Regional Port District Act; Tri-City  
21 Regional Port District; for removal of airport hazards.

22 (70 ILCS 1860/5); Tri-City Regional Port District Act; Tri-City  
23 Regional Port District; for the development of facilities.

24 (70 ILCS 1863/11); Upper Mississippi River International Port  
25 District Act; Upper Mississippi River International Port  
26 District; for general purposes.

1 (70 ILCS 1865/4.9); Waukegan Port District Act; Waukegan Port  
2 District; for removal of airport hazards.

3 (70 ILCS 1865/4.10); Waukegan Port District Act; Waukegan Port  
4 District; for restricting the height of objects or  
5 structures.

6 (70 ILCS 1865/5); Waukegan Port District Act; Waukegan Port  
7 District; for the development of facilities.

8 (70 ILCS 1870/8); White County Port District Act; White County  
9 Port District; for the development of facilities.

10 (70 ILCS 1905/16); Railroad Terminal Authority Act; Railroad  
11 Terminal Authority (Chicago); for general purposes.

12 (70 ILCS 1915/25); Grand Avenue Railroad Relocation Authority  
13 Act; Grand Avenue Railroad Relocation Authority; for  
14 general purposes, including quick-take power (now  
15 obsolete).

16 (70 ILCS 1935/25); Elmwood Park Grade Separation Authority Act;  
17 Elmwood Park Grade Separation Authority; for general  
18 purposes.

19 (70 ILCS 2105/9b); River Conservancy Districts Act; river  
20 conservancy districts; for general purposes.

21 (70 ILCS 2105/10a); River Conservancy Districts Act; river  
22 conservancy districts; for corporate purposes.

23 (70 ILCS 2205/15); Sanitary District Act of 1907; sanitary  
24 districts; for corporate purposes.

25 (70 ILCS 2205/18); Sanitary District Act of 1907; sanitary  
26 districts; for improvements and works.

1 (70 ILCS 2205/19); Sanitary District Act of 1907; sanitary  
2 districts; for access to property.

3 (70 ILCS 2305/8); North Shore Sanitary District Act; North  
4 Shore Sanitary District; for corporate purposes.

5 (70 ILCS 2305/15); North Shore Sanitary District Act; North  
6 Shore Sanitary District; for improvements.

7 (70 ILCS 2405/7.9); Sanitary District Act of 1917; Sanitary  
8 District of Decatur; for carrying out agreements to sell,  
9 convey, or disburse treated wastewater to a private entity.

10 (70 ILCS 2405/8); Sanitary District Act of 1917; sanitary  
11 districts; for corporate purposes.

12 (70 ILCS 2405/15); Sanitary District Act of 1917; sanitary  
13 districts; for improvements.

14 (70 ILCS 2405/16.9 and 2405/16.10); Sanitary District Act of  
15 1917; sanitary districts; for waterworks.

16 (70 ILCS 2405/17.2); Sanitary District Act of 1917; sanitary  
17 districts; for public sewer and water utility treatment  
18 works.

19 (70 ILCS 2405/18); Sanitary District Act of 1917; sanitary  
20 districts; for dams or other structures to regulate water  
21 flow.

22 (70 ILCS 2605/8); Metropolitan Water Reclamation District Act;  
23 Metropolitan Water Reclamation District; for corporate  
24 purposes.

25 (70 ILCS 2605/16); Metropolitan Water Reclamation District  
26 Act; Metropolitan Water Reclamation District; quick-take

1 power for improvements.

2 (70 ILCS 2605/17); Metropolitan Water Reclamation District  
3 Act; Metropolitan Water Reclamation District; for bridges.

4 (70 ILCS 2605/35); Metropolitan Water Reclamation District  
5 Act; Metropolitan Water Reclamation District; for widening  
6 and deepening a navigable stream.

7 (70 ILCS 2805/10); Sanitary District Act of 1936; sanitary  
8 districts; for corporate purposes.

9 (70 ILCS 2805/24); Sanitary District Act of 1936; sanitary  
10 districts; for improvements.

11 (70 ILCS 2805/26i and 2805/26j); Sanitary District Act of 1936;  
12 sanitary districts; for drainage systems.

13 (70 ILCS 2805/27); Sanitary District Act of 1936; sanitary  
14 districts; for dams or other structures to regulate water  
15 flow.

16 (70 ILCS 2805/32k); Sanitary District Act of 1936; sanitary  
17 districts; for water supply.

18 (70 ILCS 2805/32l); Sanitary District Act of 1936; sanitary  
19 districts; for waterworks.

20 (70 ILCS 2905/2-7); Metro-East Sanitary District Act of 1974;  
21 Metro-East Sanitary District; for corporate purposes.

22 (70 ILCS 2905/2-8); Metro-East Sanitary District Act of 1974;  
23 Metro-East Sanitary District; for access to property.

24 (70 ILCS 3010/10); Sanitary District Revenue Bond Act; sanitary  
25 districts; for sewerage systems.

26 (70 ILCS 3205/12); Illinois Sports Facilities Authority Act;

1 Illinois Sports Facilities Authority; quick-take power for  
2 its corporate purposes (obsolete).

3 (70 ILCS 3405/16); Surface Water Protection District Act;  
4 surface water protection districts; for corporate  
5 purposes.

6 (70 ILCS 3605/7); Metropolitan Transit Authority Act; Chicago  
7 Transit Authority; for transportation systems.

8 (70 ILCS 3605/8); Metropolitan Transit Authority Act; Chicago  
9 Transit Authority; for general purposes.

10 (70 ILCS 3605/10); Metropolitan Transit Authority Act; Chicago  
11 Transit Authority; for general purposes, including  
12 railroad property.

13 (70 ILCS 3610/3 and 3610/5); Local Mass Transit District Act;  
14 local mass transit districts; for general purposes.

15 (70 ILCS 3615/2.13); Regional Transportation Authority Act;  
16 Regional Transportation Authority; for general purposes.

17 (70 ILCS 3705/8 and 3705/12); Public Water District Act; public  
18 water districts; for waterworks.

19 (70 ILCS 3705/23a); Public Water District Act; public water  
20 districts; for sewerage properties.

21 (70 ILCS 3705/23e); Public Water District Act; public water  
22 districts; for combined waterworks and sewerage systems.

23 (70 ILCS 3715/6); Water Authorities Act; water authorities; for  
24 facilities to ensure adequate water supply.

25 (70 ILCS 3715/27); Water Authorities Act; water authorities;  
26 for access to property.

1 (75 ILCS 5/4-7); Illinois Local Library Act; boards of library  
2 trustees; for library buildings.

3 (75 ILCS 16/30-55.80); Public Library District Act of 1991;  
4 public library districts; for general purposes.

5 (75 ILCS 65/1 and 65/3); Libraries in Parks Act; corporate  
6 authorities of city or park district, or board of park  
7 commissioners; for free public library buildings.

8 (Source: P.A. 96-1000, eff. 7-2-10; 97-333, eff. 8-12-11;  
9 incorporates 96-1522, eff. 2-14-11, and 97-259, eff. 8-5-11;  
10 97-813, eff. 7-13-12; incorporates 98-564, eff. 8-27-13;  
11 revised 11-25-13.)

12 (735 ILCS 30/15-5-35)

13 Sec. 15-5-35. Eminent domain powers in ILCS Chapters 605  
14 through 625. The following provisions of law may include  
15 express grants of the power to acquire property by condemnation  
16 or eminent domain:

17 (605 ILCS 5/4-501); Illinois Highway Code; Department of  
18 Transportation and counties; for highway purposes.

19 (605 ILCS 5/4-502); Illinois Highway Code; Department of  
20 Transportation; for ditches and drains.

21 (605 ILCS 5/4-505); Illinois Highway Code; Department of  
22 Transportation; for replacement of railroad and public  
23 utility property taken for highway purposes.

24 (605 ILCS 5/4-509); Illinois Highway Code; Department of

1           Transportation; for replacement of property taken for  
2           highway purposes.

3           (605 ILCS 5/4-510); Illinois Highway Code; Department of  
4           Transportation; for rights-of-way for future highway  
5           purposes.

6           (605 ILCS 5/4-511); Illinois Highway Code; Department of  
7           Transportation; for relocation of structures taken for  
8           highway purposes.

9           (605 ILCS 5/5-107); Illinois Highway Code; counties; for county  
10          highway relocation.

11          (605 ILCS 5/5-801); Illinois Highway Code; counties; for  
12          highway purposes.

13          (605 ILCS 5/5-802); Illinois Highway Code; counties; for  
14          ditches and drains.

15          (605 ILCS 5/6-309); Illinois Highway Code; highway  
16          commissioners or county superintendents; for township or  
17          road district roads.

18          (605 ILCS 5/6-801); Illinois Highway Code; highway  
19          commissioners; for road district or township roads.

20          (605 ILCS 5/6-802); Illinois Highway Code; highway  
21          commissioners; for ditches and drains.

22          (605 ILCS 5/8-102); Illinois Highway Code; Department of  
23          Transportation, counties, and municipalities; for limiting  
24          freeway access.

25          (605 ILCS 5/8-103); Illinois Highway Code; Department of  
26          Transportation, counties, and municipalities; for freeway

1 purposes.

2 (605 ILCS 5/8-106); Illinois Highway Code; Department of  
3 Transportation and counties; for relocation of existing  
4 crossings for freeway purposes.

5 (605 ILCS 5/9-113); Illinois Highway Code; highway  
6 authorities; for utility and other uses in rights-of-ways.

7 (605 ILCS 5/10-302); Illinois Highway Code; counties; for  
8 bridge purposes.

9 (605 ILCS 5/10-602); Illinois Highway Code; municipalities;  
10 for ferry and bridge purposes.

11 (605 ILCS 5/10-702); Illinois Highway Code; municipalities;  
12 for bridge purposes.

13 (605 ILCS 5/10-901); Illinois Highway Code; Department of  
14 Transportation; for ferry property.

15 (605 ILCS 10/9); Toll Highway Act; Illinois State Toll Highway  
16 Authority; for toll highway purposes.

17 (605 ILCS 10/9.5); Toll Highway Act; Illinois State Toll  
18 Highway Authority; for its authorized purposes.

19 (605 ILCS 10/10); Toll Highway Act; Illinois State Toll Highway  
20 Authority; for property of a municipality or political  
21 subdivision for toll highway purposes.

22 (605 ILCS 115/14); Toll Bridge Act; counties; for toll bridge  
23 purposes.

24 (605 ILCS 115/15); Toll Bridge Act; counties; for the purpose  
25 of taking a toll bridge to make it a free bridge.

26 (605 ILCS 130/80); Public Private Agreements for the Illiana



1 Expressway Act; Department of Transportation; for the  
2 Illiana Expressway project.

3 (610 ILCS 5/17); Railroad Incorporation Act; railroad  
4 corporation; for real estate for railroad purposes.

5 (610 ILCS 5/18); Railroad Incorporation Act; railroad  
6 corporations; for materials for railways.

7 (610 ILCS 5/19); Railroad Incorporation Act; railways; for land  
8 along highways.

9 (610 ILCS 70/1); Railroad Powers Act; purchasers and lessees of  
10 railroad companies; for railroad purposes.

11 (610 ILCS 115/2 and 115/3); Street Railroad Right of Way Act;  
12 street railroad companies; for street railroad purposes.

13 (615 ILCS 5/19); Rivers, Lakes, and Streams Act; Department of  
14 Natural Resources; for land along public waters for  
15 pleasure, recreation, or sport purposes.

16 (615 ILCS 10/7.8); Illinois Waterway Act; Department of Natural  
17 Resources; for waterways and appurtenances.

18 (615 ILCS 15/7); Flood Control Act of 1945; Department of  
19 Natural Resources; for the purposes of the Act.

20 (615 ILCS 30/9); Illinois and Michigan Canal Management Act;  
21 Department of Natural Resources; for dams, locks, and  
22 improvements.

23 (615 ILCS 45/10); Illinois and Michigan Canal Development Act;  
24 Department of Natural Resources; for development and  
25 management of the canal.

26 (620 ILCS 5/72); Illinois Aeronautics Act; Division of

1           Aeronautics of the Department of Transportation; for  
2           airport purposes.

3           (620 ILCS 5/73); Illinois Aeronautics Act; Division of  
4           Aeronautics of the Department of Transportation; for  
5           removal of airport hazards.

6           (620 ILCS 5/74); Illinois Aeronautics Act; Division of  
7           Aeronautics of the Department of Transportation; for  
8           airport purposes.

9           (620 ILCS 25/33); Airport Zoning Act; Division of Aeronautics  
10           of the Department of Transportation; for air rights.

11           (620 ILCS 40/2 and 40/3); General County Airport and Landing  
12           Field Act; counties; for airport purposes.

13           (620 ILCS 40/5); General County Airport and Landing Field Act;  
14           counties; for removing hazards.

15           (620 ILCS 45/6 and 45/7); County Airport Law of 1943; boards of  
16           directors of airports and landing fields; for airport and  
17           landing field purposes.

18           (620 ILCS 50/22 and 50/31); County Airports Act; counties; for  
19           airport purposes.

20           (620 ILCS 50/24); County Airports Act; counties; for removal of  
21           airport hazards.

22           (620 ILCS 50/26); County Airports Act; counties; for  
23           acquisition of airport protection privileges.

24           (620 ILCS 52/15); County Air Corridor Protection Act; counties;  
25           for airport zones.

26           (620 ILCS 55/1); East St. Louis Airport Act; Department of

1           Transportation; for airport in East St. Louis metropolitan  
2           area.

3           (620 ILCS 65/15); O'Hare Modernization Act; Chicago; for the  
4           O'Hare modernization program, including quick-take power.

5           (620 ILCS 75/2-15 and 75/2-90); Public-Private Agreements for  
6           the South Suburban Airport Act; Department of  
7           Transportation; for South Suburban Airport purposes.

8           (625 ILCS 5/2-105); Illinois Vehicle Code; Secretary of State;  
9           for general purposes.

10          (625 ILCS 5/18c-7501); Illinois Vehicle Code; rail carriers;  
11          for railroad purposes, including quick-take power.

12          (Source: P.A. 97-808, eff. 7-13-12; incorporates 98-109, eff.  
13          7-25-13; revised 11-25-13.)

14           (735 ILCS 30/15-5-47)

15           Sec. 15-5-47. Eminent domain powers in new Acts. The  
16           following provisions of law may include express grants of the  
17           power to acquire property by condemnation or eminent domain:

18           (Reserved).

19           ~~The Elmwood Park Grade Separation Authority Act; Elmwood Park~~  
20           ~~Grade Separation Authority; for general purposes.~~

21           ~~Public-Private Agreements for the South Suburban Airport Act;~~  
22           ~~Department of Transportation; for South Suburban Airport~~  
23           ~~purposes.~~

24           (Source: P.A. 98-109, eff. 7-25-13; 98-564, eff. 8-27-13;

1 revised 11-25-13.)

2 (735 ILCS 30/25-5-45)

3 Sec. 25-5-45. Quick-take; South Suburban Airport.  
4 Quick-take proceedings under Article 20 may be used by the  
5 Department of Transportation for the purpose of development of  
6 the South Suburban Airport within the boundaries designated on  
7 the map filed with the Secretary of State on May 28, 2013 and  
8 known as file number 98-GA-D01.

9 (Source: P.A. 98-109, eff. 7-25-13.)

10 (735 ILCS 30/25-5-50)

11 Sec. 25-5-50 ~~25-5-45~~. Quick-take; McHenry County.  
12 Quick-take proceedings under Article 20 may be used for a  
13 period of no longer than one year from the effective date of  
14 this amendatory Act of the 98th General Assembly by McHenry  
15 County for the acquisition of the following described property  
16 for the purpose of public improvements to serve McHenry County:

17 Route: F.A.U. 168 (Johnsburg Road)

18 Section: 05-00314-00-WR

19 County: McHenry Job No.: R-91-005-06

20 Parcel: 1HK0045

21 Sta. 58+07.09 To Sta. 58+31.89

22 Sta. 176+10.72 To Sta. 177+36.15

23 Owner: JNL-Johnsburg Properties, Inc.

1 Index No. 09-13-277-001

2 09-13-277-002

3 That part of Sub Lot 2 of Lot 28 in Plat Number 3 McHenry,  
4 County Clerk's Plat of Section 13, Township 45 North, Range 8  
5 East of the Third Principal Meridian, according to the plat  
6 thereof recorded May 6, 1902 as document number 14079, in  
7 McHenry County, Illinois, described as follows:

8 Commencing at the southeast corner of the Northeast Quarter of  
9 said Section 13; thence on an assumed bearing of South 89  
10 degrees 15 minutes 13 seconds West along the south line of the  
11 Northeast Quarter of said Section 13, as monumented and  
12 occupied, a distance of 824.94 feet (825.2 feet, recorded)  
13 (826.0 feet, recorded) to a point of intersection with the  
14 Southerly extension of the east line of the grantor; thence  
15 North 1 degree 20 minutes 53 seconds East along the said  
16 Southerly extension of the east line of the grantor, a distance  
17 of 132.49 feet to the northeasterly right of way line of Chapel  
18 Hill Road recorded January 26, 1932 as document number 100422,  
19 being also the southeast corner of the grantor; thence North 46  
20 degrees 56 minutes 58 seconds West along the said northeasterly  
21 right of way line of Chapel Hill Road and along the  
22 northeasterly right of way line of Chapel Hill Road recorded  
23 January 26, 1932 as document number 100421, a distance of  
24 261.08 feet to the point of beginning; thence continuing North

1 46 degrees 56 minutes 58 seconds West along the northeasterly  
2 right of way line of Chapel Hill Road recorded as document  
3 number 100421, a distance of 14.94 feet to the east right of  
4 way line of Chapel Hill Road recorded January 26, 1932 as  
5 document number 100420; thence North 2 degrees 09 minutes 50  
6 seconds East along the said east right of way line of Chapel  
7 Hill Road and the Northerly extension thereof, a distance of  
8 64.92 feet (64.91 feet, more or less, recorded) to the center  
9 line of Johnsburg Road; thence North 87 degrees 42 minutes 53  
10 seconds East along the said center line of Johnsburg Road, a  
11 distance of 123.08 feet; thence South 2 degrees 17 minutes 07  
12 seconds East, a distance of 30.00 feet to the south right of  
13 way line of Johnsburg Road according to a Plat of Survey by the  
14 County Surveyor dated October 21, 1952 in Surveyor Book Number  
15 5, page 204; thence South 2 degrees 48 minutes 02 seconds East,  
16 a distance of 1.05 feet; thence westerly 59.83 feet along a  
17 curve to the left having a radius of 987.47 feet, the chord of  
18 said curve bears South 85 degrees 27 minutes 49 seconds West,  
19 59.82 feet; thence South 70 degrees 14 minutes 11 seconds West,  
20 a distance of 47.08 feet; thence South 22 degrees 40 minutes 19  
21 seconds West, a distance of 30.69 feet to the point of  
22 beginning.

23 Said parcel containing 0.117 acre, more or less, of which 0.086  
24 acre, more or less, was previously dedicated or used for  
25 highway purposes.

1 (Source: P.A. 98-229, eff. 8-9-13; revised 10-25-13.)

2 Section 735. The Crime Victims Compensation Act is amended  
3 by changing Section 17 as follows:

4 (740 ILCS 45/17) (from Ch. 70, par. 87)

5 Sec. 17. ~~(a)~~ Subrogation.

6 (a) The Court of Claims may award compensation on the  
7 condition that the applicant subrogate to the State his rights  
8 to collect damages from the assailant or any third party who  
9 may be liable in damages to the applicant. In such a case the  
10 Attorney General may, on behalf of the State, bring an action  
11 against an assailant or third party for money damages, but must  
12 first notify the applicant and give him an opportunity to  
13 participate in the prosecution of the action. The excess of the  
14 amount recovered in such action over the amount of the  
15 compensation offered and accepted or awarded under this Act  
16 plus costs of the action and attorneys' fees actually incurred  
17 shall be paid to the applicant.

18 (b) Nothing in this Act affects the right of the applicant  
19 to seek civil damages from the assailant and any other party,  
20 but that applicant must give written notice to the Attorney  
21 General within 10 days after the making of a claim or the  
22 filing of an action for such damages, and within 10 days after  
23 the conclusion of the claim or action. The applicant must  
24 attach to the written notice a copy of the complaint,

1 settlement agreement, jury verdict, or judgment. Failure to  
2 timely notify the Attorney General of such claims and actions  
3 is a willful omission of fact and the applicant thereby becomes  
4 subject to the provisions of Section 20 of this Act.

5 (c) The State has a charge for the amount of compensation  
6 paid under this Act upon all claims or causes of action against  
7 an assailant and any other party to recover for the injuries or  
8 death of a victim which were the basis for that payment of  
9 compensation. At the time compensation is ordered to be paid  
10 under this Act, the Court of Claims shall give written notice  
11 of this charge to the applicant. The charge attaches to any  
12 verdict or judgment entered and to any money or property which  
13 is recovered on account of the claim or cause of action against  
14 the assailant or any other party after the notice is given. On  
15 petition filed by the Attorney General on behalf of the State  
16 or by the applicant, the circuit court, on written notice to  
17 all interested parties, shall adjudicate the right of the  
18 parties and enforce the charge. This subsection does not affect  
19 the priority of a lien under "AN ACT creating attorney's lien  
20 and for enforcement of same", filed June 16, 1909, as amended.

21 Only the Court of Claims may reduce the State's lien under  
22 this Act. The Court of Claims may consider the nature and  
23 extent of the injury, economic loss, settlements, hospital  
24 costs, physician costs, attorney's fees and costs, and all  
25 other appropriate costs. The burden of producing evidence  
26 sufficient to support the exercise by the Court of Claims of



1 its discretion to reduce the amount of a proven charge sought  
2 to be enforced against the recovery shall rest with the party  
3 seeking such reduction. The charges of the State described in  
4 this Section, however, shall take priority over all other liens  
5 and charges existing under the laws of the State of Illinois.

6 (d) Where compensation is awarded under this Act and the  
7 person receiving same also receives any sum required to be, and  
8 that has not been deducted under Section 10.1, he shall refund  
9 to the State the amount of compensation paid to him which would  
10 have been deducted at the time the award was made.

11 (e) An amount not to exceed 25% of all money recovered  
12 under subsections (b) or (c) of this Section shall be placed in  
13 the Violent Crime Victims Assistance Fund to assist with costs  
14 related to recovery efforts. "Recovery efforts" means those  
15 activities that are directly attributable to obtaining  
16 restitution, civil suit recoveries, and other reimbursements.

17 (f) The applicant must give written notice to the Attorney  
18 General within 10 days after an offender is ordered by a court  
19 to pay restitution. The applicant shall attach a copy of the  
20 restitution order or judgment to the written notice. Failure to  
21 timely notify the Attorney General of court-ordered  
22 restitution is a willful omission of fact and the applicant  
23 thereby becomes subject to the provisions of Section 20 of this  
24 Act. The Attorney General may file a written copy of the Court  
25 of Claims' decision awarding crime victims compensation in a  
26 criminal case in which the offender has been ordered to pay

1 restitution for the victim's expenses incurred as a result of  
2 the same criminal conduct. Upon the filing of the order, the  
3 circuit court clerk shall send restitution payments directly to  
4 the compensation program for any paid expense reflected in the  
5 Court of Claims' decision.

6 (Source: P.A. 97-817, eff. 1-1-13; revised 11-12-13.)

7 Section 740. The Mental Health and Developmental  
8 Disabilities Confidentiality Act is amended by changing  
9 Section 12.2 as follows:

10 (740 ILCS 110/12.2) (from Ch. 91 1/2, par. 812.2)

11 Sec. 12.2. (a) When a recipient who has been judicially or  
12 involuntarily admitted, or is a forensic recipient admitted to  
13 a developmental disability or mental health facility, as  
14 defined in Section 1-107 or 1-114 of the Mental Health and  
15 Developmental Disabilities Code, is on an unauthorized absence  
16 or otherwise has left the facility without being discharged or  
17 being free to do so, the facility director shall immediately  
18 furnish and disclose to the appropriate local law enforcement  
19 agency identifying information, as defined in this Section, and  
20 all further information unrelated to the diagnosis, treatment  
21 or evaluation of the recipient's mental or physical health that  
22 would aid the law enforcement agency in locating and  
23 apprehending the recipient and returning him to the facility.  
24 When a forensic recipient is on an unauthorized absence or

1 otherwise has left the facility without being discharged or  
2 being free to do so, the facility director, or designee, of a  
3 mental health facility or developmental facility operated by  
4 the Department shall also immediately notify, in like manner,  
5 the Department of State Police.

6 (b) If a law enforcement agency requests information from a  
7 developmental disability or mental health facility, as defined  
8 in Section 1-107 or 1-114 of the Mental Health and  
9 Developmental Disabilities Code, relating to a recipient who  
10 has been admitted to the facility and for whom a missing person  
11 report has been filed with a law enforcement agency, the  
12 facility director shall, except in the case of a voluntary  
13 recipient wherein the recipient's permission in writing must  
14 first be obtained, furnish and disclose to the law enforcement  
15 agency identifying information as is necessary to confirm or  
16 deny whether that person is, or has been since the missing  
17 person report was filed, a resident of that facility. The  
18 facility director shall notify the law enforcement agency if  
19 the missing person is admitted after the request. Any person  
20 participating in good faith in the disclosure of information in  
21 accordance with this provision shall have immunity from any  
22 liability, civil, criminal, or otherwise, if the information is  
23 disclosed relying upon the representation of an officer of a  
24 law enforcement agency that a missing person report has been  
25 filed.

26 (c) Upon the request of a law enforcement agency in

1 connection with the investigation of a particular felony or sex  
2 offense, when the investigation case file number is furnished  
3 by the law enforcement agency, a facility director shall  
4 immediately disclose to that law enforcement agency  
5 identifying information on any forensic recipient who is  
6 admitted to a developmental disability or mental health  
7 facility, as defined in Section 1-107 or 1-114 of the Mental  
8 Health and Developmental Disabilities Code, who was or may have  
9 been away from the facility at or about the time of the  
10 commission of a particular felony or sex offense, and: (1)  
11 whose description, clothing, or both reasonably match the  
12 physical description of any person allegedly involved in that  
13 particular felony or sex offense; or (2) whose past modus  
14 operandi matches the modus operandi of that particular felony  
15 or sex offense.

16 (d) For the purposes of this Section and Section 12.1, "law  
17 enforcement agency" means an agency of the State or unit of  
18 local government that is vested by law or ordinance with the  
19 duty to maintain public order and to enforce criminal laws or  
20 ordinances, the Federal Bureau of Investigation, the Central  
21 Intelligence Agency, and the United States Secret Service.

22 (e) For the purpose of this Section, "identifying  
23 information" means the name, address, age, and a physical  
24 description, including clothing, of the recipient of services,  
25 the names and addresses of the recipient's nearest known  
26 relatives, where the recipient was known to have been during

1 any past unauthorized absences from a facility, whether the  
2 recipient may be suicidal, and the condition of the recipient's  
3 physical health as it relates to exposure to the weather.  
4 Except as provided in Section 11, in no case shall the facility  
5 director disclose to the law enforcement agency any information  
6 relating to the diagnosis, treatment, or evaluation of the  
7 recipient's mental or physical health, unless the disclosure is  
8 deemed necessary by the facility director to insure the safety  
9 of the investigating officers or general public.

10 (f) For the purpose of this Section, "forensic recipient"  
11 means a recipient who is placed in a developmental disability  
12 facility or mental health facility, as defined in Section 1-107  
13 or 1-114 of the Mental Health and Developmental Disabilities  
14 Code, pursuant to Article 104 of the Code of Criminal Procedure  
15 of 1963 or Sections 3-8-5, 3-10-5 or 5-2-4 of the Unified Code  
16 of Corrections.

17 (Source: P.A. 96-1191, eff. 7-22-10; revised 11-22-13.)

18 Section 745. The Illinois Parentage Act of 1984 is amended  
19 by changing Section 15 as follows:

20 (750 ILCS 45/15) (from Ch. 40, par. 2515)

21 Sec. 15. Enforcement of Judgment or Order.

22 (a) If existence of the parent and child relationship is  
23 declared, or paternity or duty of support has been established  
24 under this Act or under prior law or under the law of any other

1 jurisdiction, the judgment rendered thereunder may be enforced  
2 in the same or other proceedings by any party or any person or  
3 agency that has furnished or may furnish financial assistance  
4 or services to the child. The Income Withholding for Support  
5 Act and Sections 14 and 16 of this Act shall also be applicable  
6 with respect to entry, modification and enforcement of any  
7 support judgment entered under provisions of the "Paternity  
8 Act", approved July 5, 1957, as amended, repealed July 1, 1985.

9 (b) Failure to comply with any order of the court shall be  
10 punishable as contempt as in other cases of failure to comply  
11 under the "Illinois Marriage and Dissolution of Marriage Act",  
12 as now or hereafter amended. In addition to other penalties  
13 provided by law, the court may, after finding the party guilty  
14 of contempt, order that the party be:

15 (1) Placed on probation with such conditions of  
16 probation as the court deems advisable;

17 (2) Sentenced to periodic imprisonment for a period not  
18 to exceed 6 months. However, the court may permit the party  
19 to be released for periods of time during the day or night  
20 to work or conduct business or other self-employed  
21 occupation. The court may further order any part of all the  
22 earnings of a party during a sentence of periodic  
23 imprisonment to be paid to the Clerk of the Circuit Court  
24 or to the person or parent having custody of the minor  
25 child for the support of said child until further order of  
26 the court.

1        (c) ~~(2.5)~~ The court may also pierce the ownership veil of a  
2 person, persons, or business entity to discover assets of a  
3 non-custodial parent held in the name of that person, those  
4 persons, or that business entity if there is a unity of  
5 interest and ownership sufficient to render no financial  
6 separation between the non-custodial parent and that person,  
7 those persons, or the business entity. The following  
8 circumstances are sufficient for a court to order discovery of  
9 the assets of a person, persons, or business entity and to  
10 compel the application of any discovered assets toward payment  
11 on the judgment for support:

12            (1) The ~~(A)~~ the non-custodial parent and the person,  
13 persons, or business entity maintain records together.

14            (2) The ~~(B)~~ the non-custodial parent and the person,  
15 persons, or business entity fail to maintain an arms length  
16 relationship between themselves with regard to any assets.

17            (3) The ~~(C)~~ the non-custodial parent transfers assets  
18 to the person, persons, or business entity with the intent  
19 to perpetrate a fraud on the custodial parent.

20        With respect to assets which are real property, no order  
21 entered under this subsection (c) ~~subdivision (2.5)~~ shall  
22 affect the rights of bona fide purchasers, mortgagees, judgment  
23 creditors, or other lien holders who acquire their interests in  
24 the property prior to the time a notice of lis pendens pursuant  
25 to the Code of Civil Procedure or a copy of the order is placed  
26 of record in the office of the recorder of deeds for the county

1 in which the real property is located.

2 (d) ~~(3)~~ The court may also order that, in cases where the  
3 party is 90 days or more delinquent in payment of support or  
4 has been adjudicated in arrears in an amount equal to 90 days  
5 obligation or more, ~~that~~ the party's Illinois driving  
6 privileges be suspended until the court determines that the  
7 party is in compliance with the judgement or duty of support.  
8 The court may also order that the parent be issued a family  
9 financial responsibility driving permit that would allow  
10 limited driving privileges for employment and medical purposes  
11 in accordance with Section 7-702.1 of the Illinois Vehicle  
12 Code. The clerk of the circuit court shall certify the order  
13 suspending the driving privileges of the parent or granting the  
14 issuance of a family financial responsibility driving permit to  
15 the Secretary of State on forms prescribed by the Secretary.  
16 Upon receipt of the authenticated documents, the Secretary of  
17 State shall suspend the party's driving privileges until  
18 further order of the court and shall, if ordered by the court,  
19 subject to the provisions of Section 7-702.1 of the Illinois  
20 Vehicle Code, issue a family financial responsibility driving  
21 permit to the parent.

22 (e) In addition to the penalties or punishment that may be  
23 imposed under this Section, any person whose conduct  
24 constitutes a violation of Section 15 of the Non-Support  
25 Punishment Act may be prosecuted under that Act, and a person  
26 convicted under that Act may be sentenced in accordance with



1 that Act. The sentence may include but need not be limited to a  
2 requirement that the person perform community service under  
3 Section 50 of that Act or participate in a work alternative  
4 program under Section 50 of that Act. A person may not be  
5 required to participate in a work alternative program under  
6 Section 50 of that Act if the person is currently participating  
7 in a work program pursuant to Section 15.1 of this Act.

8 (f) ~~(b-5)~~ If a party who is found guilty of contempt for a  
9 failure to comply with an order to pay support is a person who  
10 conducts a business or who is self-employed, the court may in  
11 addition to other penalties provided by law order that the  
12 party do one or more of the following: (i) provide to the court  
13 monthly financial statements showing income and expenses from  
14 the business or the self-employment; (ii) seek employment and  
15 report periodically to the court with a diary, listing, or  
16 other memorandum of his or her employment search efforts; or  
17 (iii) report to the Department of Employment Security for job  
18 search services to find employment that will be subject to  
19 withholding of child support.

20 (g) ~~(e)~~ In any post-judgment proceeding to enforce or  
21 modify the judgment the parties shall continue to be designated  
22 as in the original proceeding.

23 (Source: P.A. 97-1029, eff. 1-1-13; revised 11-22-13.)

24 Section 750. The Adoption Act is amended by changing  
25 Section 1 as follows:

1 (750 ILCS 50/1) (from Ch. 40, par. 1501)

2 Sec. 1. Definitions. When used in this Act, unless the  
3 context otherwise requires:

4 A. "Child" means a person under legal age subject to  
5 adoption under this Act.

6 B. "Related child" means a child subject to adoption where  
7 either or both of the adopting parents stands in any of the  
8 following relationships to the child by blood or marriage:  
9 parent, grand-parent, brother, sister, step-parent,  
10 step-grandparent, step-brother, step-sister, uncle, aunt,  
11 great-uncle, great-aunt, or cousin of first degree. A child  
12 whose parent has executed a final irrevocable consent to  
13 adoption or a final irrevocable surrender for purposes of  
14 adoption, or whose parent has had his or her parental rights  
15 terminated, is not a related child to that person, unless the  
16 consent is determined to be void or is void pursuant to  
17 subsection O of Section 10.

18 C. "Agency" for the purpose of this Act means a public  
19 child welfare agency or a licensed child welfare agency.

20 D. "Unfit person" means any person whom the court shall  
21 find to be unfit to have a child, without regard to the  
22 likelihood that the child will be placed for adoption. The  
23 grounds of unfitness are any one or more of the following,  
24 except that a person shall not be considered an unfit person  
25 for the sole reason that the person has relinquished a child in

1 accordance with the Abandoned Newborn Infant Protection Act:

2 (a) Abandonment of the child.

3 (a-1) Abandonment of a newborn infant in a hospital.

4 (a-2) Abandonment of a newborn infant in any setting  
5 where the evidence suggests that the parent intended to  
6 relinquish his or her parental rights.

7 (b) Failure to maintain a reasonable degree of  
8 interest, concern or responsibility as to the child's  
9 welfare.

10 (c) Desertion of the child for more than 3 months next  
11 preceding the commencement of the Adoption proceeding.

12 (d) Substantial neglect of the child if continuous or  
13 repeated.

14 (d-1) Substantial neglect, if continuous or repeated,  
15 of any child residing in the household which resulted in  
16 the death of that child.

17 (e) Extreme or repeated cruelty to the child.

18 (f) There is a rebuttable presumption, which can be  
19 overcome only by clear and convincing evidence, that a  
20 parent is unfit if:

21 (1) Two or more findings of physical abuse have  
22 been entered regarding any children under Section 2-21  
23 of the Juvenile Court Act of 1987, the most recent of  
24 which was determined by the juvenile court hearing the  
25 matter to be supported by clear and convincing  
26 evidence; or

1           (2) The parent has been convicted or found not  
2 guilty by reason of insanity and the conviction or  
3 finding resulted from the death of any child by  
4 physical abuse; or

5           (3) There is a finding of physical child abuse  
6 resulting from the death of any child under Section  
7 2-21 of the Juvenile Court Act of 1987.

8           No conviction or finding of delinquency pursuant  
9 to Article V ~~5~~ of the Juvenile Court Act of 1987 shall  
10 be considered a criminal conviction for the purpose of  
11 applying any presumption under this item (f).

12           (g) Failure to protect the child from conditions within  
13 his environment injurious to the child's welfare.

14           (h) Other neglect of, or misconduct toward the child;  
15 provided that in making a finding of unfitness the court  
16 hearing the adoption proceeding shall not be bound by any  
17 previous finding, order or judgment affecting or  
18 determining the rights of the parents toward the child  
19 sought to be adopted in any other proceeding except such  
20 proceedings terminating parental rights as shall be had  
21 under either this Act, the Juvenile Court Act or the  
22 Juvenile Court Act of 1987.

23           (i) Depravity. Conviction of any one of the following  
24 crimes shall create a presumption that a parent is deprived  
25 which can be overcome only by clear and convincing  
26 evidence: (1) first degree murder in violation of paragraph

1           1 or 2 of subsection (a) of Section 9-1 of the Criminal  
2           Code of 1961 or the Criminal Code of 2012 or conviction of  
3           second degree murder in violation of subsection (a) of  
4           Section 9-2 of the Criminal Code of 1961 or the Criminal  
5           Code of 2012 of a parent of the child to be adopted; (2)  
6           first degree murder or second degree murder of any child in  
7           violation of the Criminal Code of 1961 or the Criminal Code  
8           of 2012; (3) attempt or conspiracy to commit first degree  
9           murder or second degree murder of any child in violation of  
10          the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
11          solicitation to commit murder of any child, solicitation to  
12          commit murder of any child for hire, or solicitation to  
13          commit second degree murder of any child in violation of  
14          the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
15          predatory criminal sexual assault of a child in violation  
16          of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961  
17          or the Criminal Code of 2012; (6) heinous battery of any  
18          child in violation of the Criminal Code of 1961; or (7)  
19          aggravated battery of any child in violation of the  
20          Criminal Code of 1961 or the Criminal Code of 2012.

21                 There is a rebuttable presumption that a parent is  
22                 depraved if the parent has been criminally convicted of at  
23                 least 3 felonies under the laws of this State or any other  
24                 state, or under federal law, or the criminal laws of any  
25                 United States territory; and at least one of these  
26                 convictions took place within 5 years of the filing of the

1 petition or motion seeking termination of parental rights.

2 There is a rebuttable presumption that a parent is  
3 depraved if that parent has been criminally convicted of  
4 either first or second degree murder of any person as  
5 defined in the Criminal Code of 1961 or the Criminal Code  
6 of 2012 within 10 years of the filing date of the petition  
7 or motion to terminate parental rights.

8 No conviction or finding of delinquency pursuant to  
9 Article 5 of the Juvenile Court Act of 1987 shall be  
10 considered a criminal conviction for the purpose of  
11 applying any presumption under this item (i).

12 (j) Open and notorious adultery or fornication.

13 (j-1) (Blank).

14 (k) Habitual drunkenness or addiction to drugs, other  
15 than those prescribed by a physician, for at least one year  
16 immediately prior to the commencement of the unfitness  
17 proceeding.

18 There is a rebuttable presumption that a parent is  
19 unfit under this subsection with respect to any child to  
20 which that parent gives birth where there is a confirmed  
21 test result that at birth the child's blood, urine, or  
22 meconium contained any amount of a controlled substance as  
23 defined in subsection (f) of Section 102 of the Illinois  
24 Controlled Substances Act or metabolites of such  
25 substances, the presence of which in the newborn infant was  
26 not the result of medical treatment administered to the

1 mother or the newborn infant; and the biological mother of  
2 this child is the biological mother of at least one other  
3 child who was adjudicated a neglected minor under  
4 subsection (c) of Section 2-3 of the Juvenile Court Act of  
5 1987.

6 (l) Failure to demonstrate a reasonable degree of  
7 interest, concern or responsibility as to the welfare of a  
8 new born child during the first 30 days after its birth.

9 (m) Failure by a parent (i) to make reasonable efforts  
10 to correct the conditions that were the basis for the  
11 removal of the child from the parent during any 9-month  
12 period following the adjudication of neglected or abused  
13 minor under Section 2-3 of the Juvenile Court Act of 1987  
14 or dependent minor under Section 2-4 of that Act, or (ii)  
15 to make reasonable progress toward the return of the child  
16 to the parent during any 9-month period following the  
17 adjudication of neglected or abused minor under Section 2-3  
18 of the Juvenile Court Act of 1987 or dependent minor under  
19 Section 2-4 of that Act. If a service plan has been  
20 established as required under Section 8.2 of the Abused and  
21 Neglected Child Reporting Act to correct the conditions  
22 that were the basis for the removal of the child from the  
23 parent and if those services were available, then, for  
24 purposes of this Act, "failure to make reasonable progress  
25 toward the return of the child to the parent" includes the  
26 parent's failure to substantially fulfill his or her

1 obligations under the service plan and correct the  
2 conditions that brought the child into care during any  
3 9-month period following the adjudication under Section  
4 2-3 or 2-4 of the Juvenile Court Act of 1987.  
5 Notwithstanding any other provision, when a petition or  
6 motion seeks to terminate parental rights on the basis of  
7 item (ii) of this subsection (m), the petitioner shall file  
8 with the court and serve on the parties a pleading that  
9 specifies the 9-month period or periods relied on. The  
10 pleading shall be filed and served on the parties no later  
11 than 3 weeks before the date set by the court for closure  
12 of discovery, and the allegations in the pleading shall be  
13 treated as incorporated into the petition or motion.  
14 Failure of a respondent to file a written denial of the  
15 allegations in the pleading shall not be treated as an  
16 admission that the allegations are true.

17 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
18 child has been in foster care for 15 months out of any 22  
19 month period which begins on or after the effective date of  
20 this amendatory Act of 1998 unless the child's parent can  
21 prove by a preponderance of the evidence that it is more  
22 likely than not that it will be in the best interests of  
23 the child to be returned to the parent within 6 months of  
24 the date on which a petition for termination of parental  
25 rights is filed under the Juvenile Court Act of 1987. The  
26 15 month time limit is tolled during any period for which



1           there is a court finding that the appointed custodian or  
2           guardian failed to make reasonable efforts to reunify the  
3           child with his or her family, provided that (i) the finding  
4           of no reasonable efforts is made within 60 days of the  
5           period when reasonable efforts were not made or (ii) the  
6           parent filed a motion requesting a finding of no reasonable  
7           efforts within 60 days of the period when reasonable  
8           efforts were not made. For purposes of this subdivision  
9           (m-1), the date of entering foster care is the earlier of:  
10          (i) the date of a judicial finding at an adjudicatory  
11          hearing that the child is an abused, neglected, or  
12          dependent minor; or (ii) 60 days after the date on which  
13          the child is removed from his or her parent, guardian, or  
14          legal custodian.

15           (n) Evidence of intent to forgo his or her parental  
16          rights, whether or not the child is a ward of the court,  
17          (1) as manifested by his or her failure for a period of 12  
18          months: (i) to visit the child, (ii) to communicate with  
19          the child or agency, although able to do so and not  
20          prevented from doing so by an agency or by court order, or  
21          (iii) to maintain contact with or plan for the future of  
22          the child, although physically able to do so, or (2) as  
23          manifested by the father's failure, where he and the mother  
24          of the child were unmarried to each other at the time of  
25          the child's birth, (i) to commence legal proceedings to  
26          establish his paternity under the Illinois Parentage Act of

1 1984 or the law of the jurisdiction of the child's birth  
2 within 30 days of being informed, pursuant to Section 12a  
3 of this Act, that he is the father or the likely father of  
4 the child or, after being so informed where the child is  
5 not yet born, within 30 days of the child's birth, or (ii)  
6 to make a good faith effort to pay a reasonable amount of  
7 the expenses related to the birth of the child and to  
8 provide a reasonable amount for the financial support of  
9 the child, the court to consider in its determination all  
10 relevant circumstances, including the financial condition  
11 of both parents; provided that the ground for termination  
12 provided in this subparagraph (n)(2)(ii) shall only be  
13 available where the petition is brought by the mother or  
14 the husband of the mother.

15 Contact or communication by a parent with his or her  
16 child that does not demonstrate affection and concern does  
17 not constitute reasonable contact and planning under  
18 subdivision (n). In the absence of evidence to the  
19 contrary, the ability to visit, communicate, maintain  
20 contact, pay expenses and plan for the future shall be  
21 presumed. The subjective intent of the parent, whether  
22 expressed or otherwise, unsupported by evidence of the  
23 foregoing parental acts manifesting that intent, shall not  
24 preclude a determination that the parent has intended to  
25 forgo his or her parental rights. In making this  
26 determination, the court may consider but shall not require

1 a showing of diligent efforts by an authorized agency to  
2 encourage the parent to perform the acts specified in  
3 subdivision (n).

4 It shall be an affirmative defense to any allegation  
5 under paragraph (2) of this subsection that the father's  
6 failure was due to circumstances beyond his control or to  
7 impediments created by the mother or any other person  
8 having legal custody. Proof of that fact need only be by a  
9 preponderance of the evidence.

10 (o) Repeated or continuous failure by the parents,  
11 although physically and financially able, to provide the  
12 child with adequate food, clothing, or shelter.

13 (p) Inability to discharge parental responsibilities  
14 supported by competent evidence from a psychiatrist,  
15 licensed clinical social worker, or clinical psychologist  
16 of mental impairment, mental illness or an intellectual  
17 disability as defined in Section 1-116 of the Mental Health  
18 and Developmental Disabilities Code, or developmental  
19 disability as defined in Section 1-106 of that Code, and  
20 there is sufficient justification to believe that the  
21 inability to discharge parental responsibilities shall  
22 extend beyond a reasonable time period. However, this  
23 subdivision (p) shall not be construed so as to permit a  
24 licensed clinical social worker to conduct any medical  
25 diagnosis to determine mental illness or mental  
26 impairment.

1 (q) (Blank).

2 (r) The child is in the temporary custody or  
3 guardianship of the Department of Children and Family  
4 Services, the parent is incarcerated as a result of  
5 criminal conviction at the time the petition or motion for  
6 termination of parental rights is filed, prior to  
7 incarceration the parent had little or no contact with the  
8 child or provided little or no support for the child, and  
9 the parent's incarceration will prevent the parent from  
10 discharging his or her parental responsibilities for the  
11 child for a period in excess of 2 years after the filing of  
12 the petition or motion for termination of parental rights.

13 (s) The child is in the temporary custody or  
14 guardianship of the Department of Children and Family  
15 Services, the parent is incarcerated at the time the  
16 petition or motion for termination of parental rights is  
17 filed, the parent has been repeatedly incarcerated as a  
18 result of criminal convictions, and the parent's repeated  
19 incarceration has prevented the parent from discharging  
20 his or her parental responsibilities for the child.

21 (t) A finding that at birth the child's blood, urine,  
22 or meconium contained any amount of a controlled substance  
23 as defined in subsection (f) of Section 102 of the Illinois  
24 Controlled Substances Act, or a metabolite of a controlled  
25 substance, with the exception of controlled substances or  
26 metabolites of such substances, the presence of which in

1 the newborn infant was the result of medical treatment  
2 administered to the mother or the newborn infant, and that  
3 the biological mother of this child is the biological  
4 mother of at least one other child who was adjudicated a  
5 neglected minor under subsection (c) of Section 2-3 of the  
6 Juvenile Court Act of 1987, after which the biological  
7 mother had the opportunity to enroll in and participate in  
8 a clinically appropriate substance abuse counseling,  
9 treatment, and rehabilitation program.

10 E. "Parent" means the father or mother of a lawful child of  
11 the parties or child born out of wedlock. For the purpose of  
12 this Act, a person who has executed a final and irrevocable  
13 consent to adoption or a final and irrevocable surrender for  
14 purposes of adoption, or whose parental rights have been  
15 terminated by a court, is not a parent of the child who was the  
16 subject of the consent or surrender, unless the consent is void  
17 pursuant to subsection O of Section 10.

18 F. A person is available for adoption when the person is:

19 (a) a child who has been surrendered for adoption to an  
20 agency and to whose adoption the agency has thereafter  
21 consented;

22 (b) a child to whose adoption a person authorized by  
23 law, other than his parents, has consented, or to whose  
24 adoption no consent is required pursuant to Section 8 of  
25 this Act;

26 (c) a child who is in the custody of persons who intend

1 to adopt him through placement made by his parents;

2 (c-1) a child for whom a parent has signed a specific  
3 consent pursuant to subsection O of Section 10;

4 (d) an adult who meets the conditions set forth in  
5 Section 3 of this Act; or

6 (e) a child who has been relinquished as defined in  
7 Section 10 of the Abandoned Newborn Infant Protection Act.

8 A person who would otherwise be available for adoption  
9 shall not be deemed unavailable for adoption solely by reason  
10 of his or her death.

11 G. The singular includes the plural and the plural includes  
12 the singular and the "male" includes the "female", as the  
13 context of this Act may require.

14 H. "Adoption disruption" occurs when an adoptive placement  
15 does not prove successful and it becomes necessary for the  
16 child to be removed from placement before the adoption is  
17 finalized.

18 I. "Habitual residence" has the meaning ascribed to it in  
19 the federal Intercountry Adoption Act of 2000 and regulations  
20 promulgated thereunder.

21 J. "Immediate relatives" means the biological parents, the  
22 parents of the biological parents and siblings of the  
23 biological parents.

24 K. "Intercountry adoption" is a process by which a child  
25 from a country other than the United States is adopted by  
26 persons who are habitual residents of the United States, or the

1 child is a habitual resident of the United States who is  
2 adopted by persons who are habitual residents of a country  
3 other than the United States.

4 L. "Intercountry Adoption Coordinator" means a staff  
5 person of the Department of Children and Family Services  
6 appointed by the Director to coordinate the provision of  
7 services related to an intercountry adoption.

8 M. "Interstate Compact on the Placement of Children" is a  
9 law enacted by all states and certain territories for the  
10 purpose of establishing uniform procedures for handling the  
11 interstate placement of children in foster homes, adoptive  
12 homes, or other child care facilities.

13 N. (Blank).

14 O. "Preadoption requirements" means any conditions or  
15 standards established by the laws or administrative rules of  
16 this State that must be met by a prospective adoptive parent  
17 prior to the placement of a child in an adoptive home.

18 P. "Abused child" means a child whose parent or immediate  
19 family member, or any person responsible for the child's  
20 welfare, or any individual residing in the same home as the  
21 child, or a paramour of the child's parent:

22 (a) inflicts, causes to be inflicted, or allows to be  
23 inflicted upon the child physical injury, by other than  
24 accidental means, that causes death, disfigurement,  
25 impairment of physical or emotional health, or loss or  
26 impairment of any bodily function;

1           (b) creates a substantial risk of physical injury to  
2           the child by other than accidental means which would be  
3           likely to cause death, disfigurement, impairment of  
4           physical or emotional health, or loss or impairment of any  
5           bodily function;

6           (c) commits or allows to be committed any sex offense  
7           against the child, as sex offenses are defined in the  
8           Criminal Code of 2012 and extending those definitions of  
9           sex offenses to include children under 18 years of age;

10          (d) commits or allows to be committed an act or acts of  
11          torture upon the child; or

12          (e) inflicts excessive corporal punishment.

13          Q. "Neglected child" means any child whose parent or other  
14          person responsible for the child's welfare withholds or denies  
15          nourishment or medically indicated treatment including food or  
16          care denied solely on the basis of the present or anticipated  
17          mental or physical impairment as determined by a physician  
18          acting alone or in consultation with other physicians or  
19          otherwise does not provide the proper or necessary support,  
20          education as required by law, or medical or other remedial care  
21          recognized under State law as necessary for a child's  
22          well-being, or other care necessary for his or her well-being,  
23          including adequate food, clothing and shelter; or who is  
24          abandoned by his or her parents or other person responsible for  
25          the child's welfare.

26          A child shall not be considered neglected or abused for the



1 sole reason that the child's parent or other person responsible  
2 for his or her welfare depends upon spiritual means through  
3 prayer alone for the treatment or cure of disease or remedial  
4 care as provided under Section 4 of the Abused and Neglected  
5 Child Reporting Act. A child shall not be considered neglected  
6 or abused for the sole reason that the child's parent or other  
7 person responsible for the child's welfare failed to vaccinate,  
8 delayed vaccination, or refused vaccination for the child due  
9 to a waiver on religious or medical grounds as permitted by  
10 law.

11 R. "Putative father" means a man who may be a child's  
12 father, but who (1) is not married to the child's mother on or  
13 before the date that the child was or is to be born and (2) has  
14 not established paternity of the child in a court proceeding  
15 before the filing of a petition for the adoption of the child.  
16 The term includes a male who is less than 18 years of age.  
17 "Putative father" does not mean a man who is the child's father  
18 as a result of criminal sexual abuse or assault as defined  
19 under Article 11 of the Criminal Code of 2012.

20 S. "Standby adoption" means an adoption in which a parent  
21 consents to custody and termination of parental rights to  
22 become effective upon the occurrence of a future event, which  
23 is either the death of the parent or the request of the parent  
24 for the entry of a final judgment of adoption.

25 T. (Blank).

26 U. "Interstate adoption" means the placement of a minor

1 child with a prospective adoptive parent for the purpose of  
2 pursuing an adoption for that child that is subject to the  
3 provisions of the Interstate Compact on Placement of Children.

4 V. "Endorsement letter" means the letter issued by the  
5 Department of Children and Family Services to document that a  
6 prospective adoptive parent has met preadoption requirements  
7 and has been deemed suitable by the Department to adopt a child  
8 who is the subject of an intercountry adoption.

9 W. "Denial letter" means the letter issued by the  
10 Department of Children and Family Services to document that a  
11 prospective adoptive parent has not met preadoption  
12 requirements and has not been deemed suitable by the Department  
13 to adopt a child who is the subject of an intercountry  
14 adoption.

15 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;  
16 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.  
17 1-1-14; revised 9-24-13.)

18 Section 755. The Illinois Religious Freedom Protection and  
19 Civil Union Act is amended by changing Section 25 as follows:

20 (750 ILCS 75/25)

21 Sec. 25. Prohibited civil unions. The following civil  
22 unions are prohibited:

23 (1) a civil union entered into prior to both parties  
24 attaining 18 years of age;

1           (2) a civil union entered into prior to the dissolution  
2           of a marriage or civil union or substantially similar legal  
3           relationship of one of the parties;

4           (3) a civil union between an ancestor and a descendant  
5           ~~descendent~~ or between siblings whether the relationship is  
6           by the half or the whole blood or by adoption;

7           (4) a civil union between an aunt or uncle and a niece  
8           or nephew, whether the relationship is by the half or the  
9           whole blood or by adoption; and

10          (5) a civil union between first cousins.

11         (Source: P.A. 96-1513, eff. 6-1-11; revised 11-22-13.)

12           Section 760. The Probate Act of 1975 is amended by changing  
13         Sections 11a-10 and 11a-23 as follows:

14           (755 ILCS 5/11a-10) (from Ch. 110 1/2, par. 11a-10)

15           Sec. 11a-10. Procedures preliminary to hearing.

16           (a) Upon the filing of a petition pursuant to Section  
17         11a-8, the court shall set a date and place for hearing to take  
18         place within 30 days. The court shall appoint a guardian ad  
19         litem to report to the court concerning the respondent's best  
20         interests consistent with the provisions of this Section,  
21         except that the appointment of a guardian ad litem shall not be  
22         required when the court determines that such appointment is not  
23         necessary for the protection of the respondent or a reasonably  
24         informed decision on the petition. If the guardian ad litem is

1 not a licensed attorney, he or she shall be qualified, by  
2 training or experience, to work with or advocate for the  
3 developmentally disabled, mentally ill, physically disabled,  
4 the elderly, or persons disabled because of mental  
5 deterioration, depending on the type of disability that is  
6 alleged in the petition. The court may allow the guardian ad  
7 litem reasonable compensation. The guardian ad litem may  
8 consult with a person who by training or experience is  
9 qualified to work with persons with a developmental disability,  
10 persons with mental illness, or physically disabled persons, or  
11 persons disabled because of mental deterioration, depending on  
12 the type of disability that is alleged. The guardian ad litem  
13 shall personally observe the respondent prior to the hearing  
14 and shall inform him orally and in writing of the contents of  
15 the petition and of his rights under Section 11a-11. The  
16 guardian ad litem shall also attempt to elicit the respondent's  
17 position concerning the adjudication of disability, the  
18 proposed guardian, a proposed change in residential placement,  
19 changes in care that might result from the guardianship, and  
20 other areas of inquiry deemed appropriate by the court.  
21 Notwithstanding any provision in the Mental Health and  
22 Developmental Disabilities Confidentiality Act or any other  
23 law, a guardian ad litem shall have the right to inspect and  
24 copy any medical or mental health record of the respondent  
25 which the guardian ad litem deems necessary, provided that the  
26 information so disclosed shall not be utilized for any other

1 purpose nor be redisclosed except in connection with the  
2 proceedings. At or before the hearing, the guardian ad litem  
3 shall file a written report detailing his or her observations  
4 of the respondent, the responses of the respondent to any of  
5 the inquires detailed in this Section, the opinion of the  
6 guardian ad litem or other professionals with whom the guardian  
7 ad litem consulted concerning the appropriateness of  
8 guardianship, and any other material issue discovered by the  
9 guardian ad litem. The guardian ad litem shall appear at the  
10 hearing and testify as to any issues presented in his or her  
11 report.

12 (b) The court (1) may appoint counsel for the respondent,  
13 if the court finds that the interests of the respondent will be  
14 best served by the appointment, and (2) shall appoint counsel  
15 upon respondent's request or if the respondent takes a position  
16 adverse to that of the guardian ad litem. The respondent shall  
17 be permitted to obtain the appointment of counsel either at the  
18 hearing or by any written or oral request communicated to the  
19 court prior to the hearing. The summons shall inform the  
20 respondent of this right to obtain appointed counsel. The court  
21 may allow counsel for the respondent reasonable compensation.

22 (c) If the respondent is unable to pay the fee of the  
23 guardian ad litem or appointed counsel, or both, the court may  
24 enter an order for the petitioner to pay all such fees or such  
25 amounts as the respondent or the respondent's estate may be  
26 unable to pay. However, in cases where the Office of State

1 Guardian is the petitioner, consistent with Section 30 of the  
2 Guardianship and Advocacy Act, where the public guardian is the  
3 petitioner, consistent with Section 13-5 of the Probate Act of  
4 1975, where an adult protective services agency is the  
5 petitioner, pursuant to Section 9 of the Adult Protective  
6 Services Act, or where the Department of Children and Family  
7 Services is the petitioner under subparagraph (d) of subsection  
8 (1) of Section 2-27 of the Juvenile Court Act of 1987, no  
9 guardian ad litem or legal fees shall be assessed against the  
10 Office of State Guardian, the public guardian, ~~or~~ the adult  
11 protective services agency, or the Department of Children and  
12 Family Services.

13 (d) The hearing may be held at such convenient place as the  
14 court directs, including at a facility in which the respondent  
15 resides.

16 (e) Unless he is the petitioner, the respondent shall be  
17 personally served with a copy of the petition and a summons not  
18 less than 14 days before the hearing. The summons shall be  
19 printed in large, bold type and shall include the following  
20 notice:

21 NOTICE OF RIGHTS OF RESPONDENT

22 You have been named as a respondent in a guardianship  
23 petition asking that you be declared a disabled person. If the  
24 court grants the petition, a guardian will be appointed for  
25 you. A copy of the guardianship petition is attached for your  
26 convenience.

1 The date and time of the hearing are:

2 The place where the hearing will occur is:

3 The Judge's name and phone number is:

4 If a guardian is appointed for you, the guardian may be  
5 given the right to make all important personal decisions for  
6 you, such as where you may live, what medical treatment you may  
7 receive, what places you may visit, and who may visit you. A  
8 guardian may also be given the right to control and manage your  
9 money and other property, including your home, if you own one.  
10 You may lose the right to make these decisions for yourself.

11 You have the following legal rights:

12 (1) You have the right to be present at the court  
13 hearing.

14 (2) You have the right to be represented by a lawyer,  
15 either one that you retain, or one appointed by the Judge.

16 (3) You have the right to ask for a jury of six persons  
17 to hear your case.

18 (4) You have the right to present evidence to the court  
19 and to confront and cross-examine witnesses.

20 (5) You have the right to ask the Judge to appoint an  
21 independent expert to examine you and give an opinion about  
22 your need for a guardian.

23 (6) You have the right to ask that the court hearing be  
24 closed to the public.

25 (7) You have the right to tell the court whom you  
26 prefer to have for your guardian.

1           You do not have to attend the court hearing if you do not  
2 want to be there. If you do not attend, the Judge may appoint a  
3 guardian if the Judge finds that a guardian would be of benefit  
4 to you. The hearing will not be postponed or canceled if you do  
5 not attend.

6           IT IS VERY IMPORTANT THAT YOU ATTEND THE HEARING IF YOU DO  
7 NOT WANT A GUARDIAN OR IF YOU WANT SOMEONE OTHER THAN THE  
8 PERSON NAMED IN THE GUARDIANSHIP PETITION TO BE YOUR GUARDIAN.  
9 IF YOU DO NOT WANT A GUARDIAN OR IF YOU HAVE ANY OTHER  
10 PROBLEMS, YOU SHOULD CONTACT AN ATTORNEY OR COME TO COURT AND  
11 TELL THE JUDGE.

12           Service of summons and the petition may be made by a  
13 private person 18 years of age or over who is not a party to the  
14 action.

15           (f) Notice of the time and place of the hearing shall be  
16 given by the petitioner by mail or in person to those persons,  
17 including the proposed guardian, whose names and addresses  
18 appear in the petition and who do not waive notice, not less  
19 than 14 days before the hearing.

20           (Source: P.A. 97-375, eff. 8-15-11; 97-1095, eff. 8-24-12;  
21 98-49, eff. 7-1-13; 98-89, eff. 7-15-13; revised 9-24-13.)

22           (755 ILCS 5/11a-23)

23           Sec. 11a-23. Reliance on authority of guardian, standby  
24 guardian, short-term guardian.

25           (a) For the purpose of this Section, "guardian", "standby



1 guardian", and "short-term guardian" includes temporary,  
2 plenary, or limited guardians of all wards.

3 (b) Every health care provider and other person (reliant)  
4 has the right to rely on any decision or direction made by the  
5 guardian, standby guardian, or short-term guardian that is not  
6 clearly contrary to the law, to the same extent and with the  
7 same effect as though the decision or direction had been made  
8 or given by the ward. Any person dealing with the guardian,  
9 standby guardian, or short-term guardian may presume in the  
10 absence of actual knowledge to the contrary that the acts of  
11 the guardian, standby guardian, or short-term guardian conform  
12 to the provisions of the law. A reliant shall not be protected  
13 if the reliant has actual knowledge that the guardian, standby  
14 guardian, or short-term guardian is not entitled to act or that  
15 any particular action or inaction is contrary to the provisions  
16 of the law.

17 (c) A health care provider (provider) who relies on and  
18 carries out a guardian's, standby guardian's, or short-term  
19 guardian's directions and who acts with due care and in  
20 accordance with the law shall not be subject to any claim based  
21 on lack of consent, or to criminal prosecution, or to  
22 discipline for unprofessional conduct. Nothing in this Section  
23 shall be deemed to protect a provider from liability for the  
24 provider's own negligence in the performance of the provider's  
25 duties or in carrying out any instructions of the guardian,  
26 standby guardian, or short-term guardian, and nothing in this

1 Section shall be deemed to alter the law of negligence as it  
2 applies to the acts of any guardian or provider.

3 (d) A guardian, standby guardian, or short-term ~~short-term~~  
4 guardian, who acts or refrains from acting is not subject to  
5 criminal prosecution or any claim based upon lack of his or her  
6 authority or failure to act, if the act or failure to act was  
7 with due care and in accordance with law. The guardian, standby  
8 guardian, or short-term ~~short-term~~ guardian, shall not be  
9 liable merely because he or she may benefit from the act, has  
10 individual or conflicting interests in relation to the care and  
11 affairs of the ward, or acts in a different manner with respect  
12 to the guardian's, standby guardian's, or short-term  
13 guardian's own care or interests.

14 (Source: P.A. 89-438, eff. 12-15-95; 90-796, eff. 12-15-98;  
15 revised 11-22-13.)

16 Section 765. The Illinois Power of Attorney Act is amended  
17 by changing Sections 2-7 and 2-10 as follows:

18 (755 ILCS 45/2-7) (from Ch. 110 1/2, par. 802-7)

19 Sec. 2-7. Duty - standard of care - record-keeping -  
20 exoneration.

21 (a) The agent shall be under no duty to exercise the powers  
22 granted by the agency or to assume control of or responsibility  
23 for any of the principal's property, care or affairs,  
24 regardless of the principal's physical or mental condition.

1 Whenever a power is exercised, the agent shall act in good  
2 faith for the benefit of the principal using due care,  
3 competence, and diligence in accordance with the terms of the  
4 agency and shall be liable for negligent exercise. An agent who  
5 acts with due care for the benefit of the principal shall not  
6 be liable or limited merely because the agent also benefits  
7 from the act, has individual or conflicting interests in  
8 relation to the property, care or affairs of the principal or  
9 acts in a different manner with respect to the agency and the  
10 agent's individual interests. The agent shall not be affected  
11 by any amendment or termination of the agency until the agent  
12 has actual knowledge thereof. The agent shall not be liable for  
13 any loss due to error of judgment nor for the act or default of  
14 any other person.

15 (b) An agent that has accepted appointment must act in  
16 accordance with the principal's expectations to the extent  
17 actually known to the agent and otherwise in the principal's  
18 best interests.

19 (c) An agent shall keep a record of all receipts,  
20 disbursements, and significant actions taken under the  
21 authority of the agency and shall provide a copy of this record  
22 when requested to do so by:

23 (1) the principal, a guardian, another fiduciary  
24 acting on behalf of the principal, and, after the death of  
25 the principal, the personal representative or successors  
26 in interest of the principal's estate;

1           (2) a representative of a provider agency, as defined  
2           in Section 2 of the Adult Protective Services Act, acting  
3           in the course of an assessment of a complaint of elder  
4           abuse or neglect under that Act;

5           (3) a representative of the Office of the State Long  
6           Term Care Ombudsman, acting in the course of an  
7           investigation of a complaint of financial exploitation of a  
8           nursing home resident under Section 4.04 of the Illinois  
9           Act on the Aging;

10          (4) a representative of the Office of Inspector General  
11          for the Department of Human Services, acting in the course  
12          of an assessment of a complaint of financial exploitation  
13          of an adult with disabilities pursuant to Section 35 of the  
14          Abuse of Adults with Disabilities Intervention Act;

15          (5) a court under Section 2-10 of this Act; or

16          (6) a representative of the Office of State Guardian or  
17          public guardian for the county in which the principal  
18          resides acting in the course of investigating whether to  
19          file a petition for guardianship of the principal under  
20          Section 11a-4 or 11a-8 of the Probate Act of 1975.

21          (d) If the agent fails to provide his or her record of all  
22          receipts, disbursements, and significant actions within 21  
23          days after a request under subsection (c), the adult abuse  
24          provider agency, the State Guardian, the public guardian, or  
25          the State Long Term Care Ombudsman may petition the court for  
26          an order requiring the agent to produce his or her record of

1 receipts, disbursements, and significant actions. If the court  
2 finds that the agent's failure to provide his or her record in  
3 a timely manner to the adult abuse provider agency, the State  
4 Guardian, the public guardian, or the State Long Term Care  
5 Ombudsman was without good cause, the court may assess  
6 reasonable costs and attorney's fees against the agent, and  
7 order such other relief as is appropriate.

8 (e) An agent is not required to disclose receipts,  
9 disbursements, or other significant actions conducted on  
10 behalf of the principal except as otherwise provided in the  
11 power of attorney or as required under subsection (c).

12 (f) An agent that violates this Act is liable to the  
13 principal or the principal's successors in interest for the  
14 amount required (i) to restore the value of the principal's  
15 property to what it would have been had the violation not  
16 occurred, and (ii) to reimburse the principal or the  
17 principal's successors in interest for the attorney's fees and  
18 costs paid on the agent's behalf. This subsection does not  
19 limit any other applicable legal or equitable remedies.

20 (Source: P.A. 98-49, eff. 7-1-13; 98-562, eff. 8-27-13; revised  
21 9-24-13.)

22 (755 ILCS 45/2-10) (from Ch. 110 1/2, par. 802-10)

23 Sec. 2-10. Agency-court relationship.

24 (a) Upon petition by any interested person (including the  
25 agent), with such notice to interested persons as the court

1 directs and a finding by the court that the principal lacks  
2 either the capacity to control or the capacity to revoke the  
3 agency, the court may construe a power of attorney, review the  
4 agent's conduct, and grant appropriate relief including  
5 compensatory damages.

6 (b) If the court finds that the agent is not acting for the  
7 benefit of the principal in accordance with the terms of the  
8 agency or that the agent's action or inaction has caused or  
9 threatens substantial harm to the principal's person or  
10 property in a manner not authorized or intended by the  
11 principal, the court may order a guardian of the principal's  
12 person or estate to exercise any powers of the principal under  
13 the agency, including the power to revoke the agency, or may  
14 enter such other orders without appointment of a guardian as  
15 the court deems necessary to provide for the best interests of  
16 the principal.

17 (c) If the court finds that the agency requires  
18 interpretation, the court may construe the agency and instruct  
19 the agent, but the court may not amend the agency.

20 (d) If the court finds that the agent has not acted for the  
21 benefit of the principal in accordance with the terms of the  
22 agency and the Illinois Power of Attorney Act, or that the  
23 agent's action caused or threatened substantial harm to the  
24 principal's person or property in a manner not authorized or  
25 intended by the principal, then the agent shall not be  
26 authorized to pay or be reimbursed from the estate of the

1 principal the attorneys' fees and costs of the agent in  
2 defending a proceeding brought pursuant to this Section.

3 (e) Upon a finding that the agent's action has caused  
4 substantial harm to the principal's person or property, the  
5 court may assess against the agent reasonable costs and  
6 attorney's fees to a prevailing party who is a provider agency  
7 as defined in Section 2 of the Adult Protective Services Act, a  
8 representative of the Office of the State Long Term Care  
9 Ombudsman, the State Guardian, a public guardian, or a  
10 governmental agency having regulatory authority to protect the  
11 welfare of the principal.

12 (f) As used in this Section, the term "interested person"  
13 includes (1) the principal or the agent; (2) a guardian of the  
14 person, guardian of the estate, or other fiduciary charged with  
15 management of the principal's property; (3) the principal's  
16 spouse, parent, or descendant; (4) a person who would be a  
17 presumptive heir-at-law of the principal; (5) a person named as  
18 a beneficiary to receive any property, benefit, or contractual  
19 right upon the principal's death, or as a beneficiary of a  
20 trust created by or for the principal; (6) a provider agency as  
21 defined in Section 2 of the Adult Protective Services Act, a  
22 representative of the Office of the State Long Term Care  
23 Ombudsman, the State Guardian, a public guardian, or a  
24 governmental agency having regulatory authority to protect the  
25 welfare of the principal; and (7) the principal's caregiver or  
26 another person who demonstrates sufficient interest in the

1 principal's welfare.

2 (g) Absent court order directing a guardian to exercise  
3 powers of the principal under the agency, a guardian will have  
4 no power, duty or liability with respect to any property  
5 subject to the agency or any personal or health care matters  
6 covered by the agency.

7 (h) Proceedings under this Section shall be commenced in  
8 the county where the guardian was appointed or, if no Illinois  
9 guardian is acting, then in the county where the agent or  
10 principal resides or where the principal owns real property.

11 (i) This Section shall not be construed to limit any other  
12 remedies available.

13 (Source: P.A. 98-49, eff. 7-1-13; 98-562, eff. 8-27-13; revised  
14 9-24-13.)

15 Section 770. The Illinois Anatomical Gift Act is amended by  
16 changing Section 1-10 as follows:

17 (755 ILCS 50/1-10) (was 755 ILCS 50/2)

18 Sec. 1-10. Definitions.

19 "Close friend" means any person 18 years of age or older  
20 who has exhibited special care and concern for the decedent and  
21 who presents an affidavit to the decedent's attending  
22 physician, or the hospital administrator or his or her  
23 designated representative, stating that he or she (i) was a  
24 close friend of the decedent, (ii) is willing and able to



1 authorize the donation, and (iii) maintained such regular  
2 contact with the decedent as to be familiar with the decedent's  
3 health and social history, and religious and moral beliefs. The  
4 affidavit must also state facts and circumstances that  
5 demonstrate that familiarity.

6 "Death" means, for the purposes of the Act, when, according  
7 to accepted medical standards, there is (i) an irreversible  
8 cessation of circulatory and respiratory functions; or (ii) an  
9 irreversible cessation of all functions of the entire brain,  
10 including the brain stem.

11 "Decedent" means a deceased individual and includes a  
12 stillborn infant or fetus.

13 "Disinterested witness" means a witness other than the  
14 spouse, child, parent, sibling, grandchild, grandparent, or  
15 guardian of the individual who makes, amends, revokes, or  
16 refuses to make an anatomical gift, or another adult who  
17 exhibited special care and concern for the individual. The term  
18 does not include a person to whom an anatomical gift could pass  
19 under Section 5-12.

20 "Document of gift" means a donor card or other record used  
21 to make an anatomical gift. The term includes a donor registry.

22 "Donee" means the individual designated by the donor as the  
23 intended recipient or an entity which receives the anatomical  
24 gift, including, but not limited to, a hospital; an accredited  
25 medical school, dental school, college, or university; an organ  
26 procurement organization; an eye bank; a tissue bank; for

1 research or education, a non-transplant anatomic bank; or other  
2 appropriate person.

3 "Donor" means an individual whose body or part is the  
4 subject of an anatomical gift.

5 "Hospital" means a hospital licensed, accredited or  
6 approved under the laws of any state; and includes a hospital  
7 operated by the United States government, a state, or a  
8 subdivision thereof, although not required to be licensed under  
9 state laws.

10 "Non-transplant anatomic bank" means any facility or  
11 program operating or providing services in this State that is  
12 accredited by the American Association of Tissue Banks and that  
13 is involved in procuring, furnishing, or distributing whole  
14 bodies or parts for the purpose of medical education. For  
15 purposes of this Section, a non-transplant anatomic bank  
16 operating under the auspices of a hospital, accredited medical  
17 school, dental school, college or university, or federally  
18 designated organ procurement organization is not required to be  
19 accredited by the American Association of Tissue Banks.

20 "Organ" means a human kidney, liver, heart, lung, pancreas,  
21 small bowel, or other transplantable vascular body part as  
22 determined by the Organ Procurement and Transplantation  
23 Network, as periodically selected by the U.S. Department of  
24 Health and Human Services.

25 "Organ procurement organization" means the organ  
26 procurement organization designated by the Secretary of the

1 U.S. Department of Health and Human Services for the service  
2 area in which a hospital is located, or the organ procurement  
3 organization for which the Secretary of the U.S. Department of  
4 Health and Human Services has granted the hospital a waiver  
5 pursuant to 42 U.S.C. 1320b-8(a).

6 "Part" means organs, tissues, eyes, bones, arteries,  
7 blood, other fluids and any other portions of a human body.

8 "Person" means an individual, corporation, government or  
9 governmental subdivision or agency, business trust, estate,  
10 trust, partnership or association or any other legal entity.

11 "Physician" or "surgeon" means a physician or surgeon  
12 licensed or authorized to practice medicine in all of its  
13 branches under the laws of any state.

14 "Procurement organization" means an organ procurement  
15 organization or a tissue bank.

16 "Reasonably available for the giving of consent or refusal"  
17 means being able to be contacted by a procurement organization  
18 without undue effort and being willing and able to act in a  
19 timely manner consistent with existing medical criteria  
20 necessary for the making of an anatomical gift.

21 "Recipient" means an individual into whose body a donor's  
22 part has been or is intended to be transplanted.

23 "State" includes any state, district, commonwealth,  
24 territory, insular possession, and any other area subject to  
25 the legislative authority of the United States of America.

26 "Technician" means an individual trained and certified to

1 remove tissue, by a recognized medical training institution in  
2 the State of Illinois.

3 "Tissue" means eyes, bones, heart valves, veins, skin, and  
4 any other portions of a human body excluding blood, blood  
5 products or organs.

6 "Tissue bank" means any facility or program operating in  
7 Illinois that is accredited by the American Association of  
8 Tissue Banks, the Eye Bank Association of America, or the  
9 Association of Organ Procurement Organizations and is involved  
10 in procuring, furnishing, donating, or distributing corneas,  
11 bones, or other human tissue for the purpose of injecting,  
12 transfusing, or transplanting any of them into the human body  
13 or for the purpose of research or education. "Tissue bank" does  
14 not include a licensed blood bank. For the purposes of this  
15 Act, "tissue" does not include organs or blood or blood  
16 products.

17 (Source: P.A. 98-172, eff. 1-1-14; revised 11-22-13.)

18 Section 775. The Common Interest Community Association Act  
19 is amended by changing Section 1-30 as follows:

20 (765 ILCS 160/1-30)

21 Sec. 1-30. Board duties and obligations; records.

22 (a) The board shall meet at least 4 times annually.

23 (b) A common interest community association may not enter  
24 into a contract with a current board member, or with a

1 corporation or partnership in which a board member or a member  
2 of his or her immediate family has 25% or more interest, unless  
3 notice of intent to enter into the contract is given to members  
4 within 20 days after a decision is made to enter into the  
5 contract and the members are afforded an opportunity by filing  
6 a petition, signed by 20% of the membership, for an election to  
7 approve or disapprove the contract; such petition shall be  
8 filed within 20 days after such notice and such election shall  
9 be held within 30 days after filing the petition. For purposes  
10 of this subsection, a board member's immediate family means the  
11 board member's spouse, parents, siblings, and children.

12 (c) The bylaws shall provide for the maintenance, repair,  
13 and replacement of the common areas and payments therefor,  
14 including the method of approving payment vouchers.

15 (d) (Blank).

16 (e) The association may engage the services of a manager or  
17 management company.

18 (f) The association shall have one class of membership  
19 unless the declaration or bylaws provide otherwise; however,  
20 this subsection (f) shall not be construed to limit the  
21 operation of subsection (c) of Section 1-20 of this Act.

22 (g) The board shall have the power, after notice and an  
23 opportunity to be heard, to levy and collect reasonable fines  
24 from members or unit owners for violations of the declaration,  
25 bylaws, and rules and regulations of the common interest  
26 community association.

1 (h) Other than attorney's fees and court or arbitration  
2 costs, no fees pertaining to the collection of a member's or  
3 unit owner's financial obligation to the association,  
4 including fees charged by a manager or managing agent, shall be  
5 added to and deemed a part of a member's or unit owner's  
6 respective share of the common expenses unless: (i) the  
7 managing agent fees relate to the costs to collect common  
8 expenses for the association; (ii) the fees are set forth in a  
9 contract between the managing agent and the association; and  
10 (iii) the authority to add the management fees to a member's or  
11 unit owner's respective share of the common expenses is  
12 specifically stated in the declaration or bylaws of the  
13 association.

14 (i) Board records.

15 (1) The board shall maintain the following records of  
16 the association and make them available for examination and  
17 copying at convenient hours of weekdays by any member or  
18 unit owner in a common interest community subject to the  
19 authority of the board, their mortgagees, and their duly  
20 authorized agents or attorneys:

21 (i) Copies of the recorded declaration, other  
22 community instruments, other duly recorded covenants  
23 and bylaws and any amendments, articles of  
24 incorporation, annual reports, and any rules and  
25 regulations adopted by the board shall be available.  
26 Prior to the organization of the board, the developer

1 shall maintain and make available the records set forth  
2 in this paragraph (i) for examination and copying.

3 (ii) Detailed and accurate records in  
4 chronological order of the receipts and expenditures  
5 affecting the common areas, specifying and itemizing  
6 the maintenance and repair expenses of the common areas  
7 and any other expenses incurred, and copies of all  
8 contracts, leases, or other agreements entered into by  
9 the board shall be maintained.

10 (iii) The minutes of all meetings of the board  
11 which shall be maintained for not less than 7 years.

12 (iv) With a written statement of a proper purpose,  
13 ballots and proxies related thereto, if any, for any  
14 election held for the board and for any other matters  
15 voted on by the members, which shall be maintained for  
16 not less than one year.

17 (v) With a written statement of a proper purpose,  
18 such other records of the board as are available for  
19 inspection by members of a not-for-profit corporation  
20 pursuant to Section 107.75 of the General Not For  
21 Profit Corporation Act of 1986 shall be maintained.

22 (vi) With respect to units owned by a land trust, a  
23 living trust, or other legal entity, the trustee,  
24 officer, or manager of the entity may designate, in  
25 writing, a person to cast votes on behalf of the member  
26 or unit owner and a designation shall remain in effect

1           until a subsequent document is filed with the  
2           association.

3           (2) Where a request for records under this subsection  
4           is made in writing to the board or its agent, failure to  
5           provide the requested record or to respond within 30 days  
6           shall be deemed a denial by the board.

7           (3) A reasonable fee may be charged by the board for  
8           the cost of retrieving and copying records properly  
9           requested.

10          (4) If the board fails to provide records properly  
11          requested under paragraph (1) of this subsection (i) within  
12          the time period provided in that paragraph (1), the member  
13          may seek appropriate relief and shall be entitled to an  
14          award of reasonable attorney's fees and costs if the member  
15          prevails and the court finds that such failure is due to  
16          the acts or omissions of the board of managers or the board  
17          of directors.

18          (j) The board shall have standing and capacity to act in a  
19          representative capacity in relation to matters involving the  
20          common areas or more than one unit, on behalf of the members or  
21          unit owners as their interests may appear.

22          (Source: P.A. 97-605, eff. 8-26-11; 97-1090, eff. 8-24-12;  
23          98-232, eff. 1-1-14; 98-241, eff. 8-9-13; revised 9-24-13.)

24          Section 780. The Illinois Coordinate System Act is amended  
25          by changing Section 3 as follows:



1 (765 ILCS 225/3) (from Ch. 133, par. 103)

2 Sec. 3. For the purpose of the use of the Illinois  
3 Coordinate System, the State is divided into an "East Zone" and  
4 a "West Zone".

5 The area now included in the following counties constitutes  
6 the "East Zone": Boone, Champaign, Clark, Clay, Coles, Cook,  
7 Crawford, Cumberland, DeKalb, DeWitt, Douglas, DuPage, Edgar,  
8 Edwards, Effingham, Fayette, Ford, Franklin, Gallatin, Grundy,  
9 Hamilton, Hardin, Iroquois, Jasper, Jefferson, Johnson, Kane,  
10 Kankakee, Kendall, Lake, LaSalle, Lawrence, Livingston,  
11 McHenry, McLean, Macon, Marion, Massac, Moultrie, Piatt, Pope,  
12 Richland, Saline, Shelby, Vermilion, Wabash, Wayne, White,  
13 Will and Williamson.

14 The area now included in the following counties constitutes  
15 the "West Zone": Adams, Alexander, Bond, Brown, Bureau,  
16 Calhoun, Carroll, Cass, Christian, Clinton, Fulton, Greene,  
17 Hancock, Henderson, Henry, Jackson, Jersey, Jo Daviess  
18 ~~Jo Daviess~~, Knox, Lee, Logan, McDonough, Macoupin, Madison,  
19 Marshall, Mason, Menard, Mercer, Monroe, Montgomery, Morgan,  
20 Ogle, Peoria, Perry, Pike, Pulaski, Putnam, Randolph, Rock  
21 Island, St. Clair, Sangamon, Schuyler, Scott, Stark,  
22 Stephenson, Tazewell, Union, Warren, Washington, Whiteside,  
23 Winnebago and Woodford.

24 (Source: P.A. 83-742; revised 11-22-13.)

1 Section 785. The Security Deposit Return Act is amended by  
2 changing Section 1.2 as follows:

3 (765 ILCS 710/1.2)

4 Sec. 1.2. Security deposit transfer. Notwithstanding  
5 Section 1.1, when a lessor transfers actual possession of a  
6 security deposit received from a lessee, including any  
7 statutory interest that has not been paid to a lessee, to a  
8 holder of the certificate of sale or deed issued pursuant to  
9 that certificate or, if no certificate or deed was issued, the  
10 purchaser of a foreclosed property under Article XV ~~15~~ of the  
11 Code of Civil Procedure, the holder or purchaser shall be  
12 liable to a lessee for the transferred security deposit,  
13 including any statutory interest that has not been paid to the  
14 lessee, as provided in this Act. Within 21 days after the  
15 transfer of the security deposits and receipt of the name and  
16 address of any lessee who paid a deposit, the holder or  
17 purchaser shall post a written notice on the primary entrance  
18 of each dwelling unit at the property with respect to which the  
19 holder or purchaser has acquired actual possession of a  
20 security deposit. The written notice shall state that the  
21 holder or purchaser has acquired the security deposit paid by  
22 the lessee in connection with the lessee's rental of that  
23 dwelling unit.

24 (Source: P.A. 97-575, eff. 8-26-11; revised 11-22-13.)

1 Section 790. The Cemetery Protection Act is amended by  
2 changing Sections 13 and 14 as follows:

3 (765 ILCS 835/13) (from Ch. 21, par. 21.6)

4 Sec. 13. In the event that, at any time within one year  
5 after adjudication of abandonment, the owner or claimant of an  
6 ~~a~~ interment right, entombment rights in a community mausoleum  
7 or lawn crypt section, or an inurnment right in a community  
8 columbarium which has been adjudged abandoned, shall contact  
9 the court or the cemetery authority and pay all maintenance or  
10 care charges that are due and unpaid, shall reimburse the  
11 cemetery authority for the costs of suit and necessary expenses  
12 incurred in the proceeding with respect to such interment  
13 right, entombment rights in a community mausoleum or lawn crypt  
14 section, or inurnment right in a community columbarium and  
15 shall contract for its future care and maintenance, then such  
16 lot, or part thereof, shall not be sold as herein provided and,  
17 upon petition of the owner or claimant, the order or judgment  
18 adjudging the same to have been abandoned shall be vacated as  
19 to such interment right, entombment rights in a community  
20 mausoleum or lawn crypt section, or inurnment right in a  
21 community columbarium.

22 (Source: P.A. 94-44, eff. 6-17-05; revised 11-22-13.)

23 (765 ILCS 835/14) (from Ch. 21, par. 21.7)

24 Sec. 14. After the expiration of one year from the date of

1 entry of an order adjudging an a interment right, entombment  
2 rights in a community mausoleum or lawn crypt section, or  
3 inurnment right in a community columbarium to have been  
4 abandoned, a cemetery authority shall have the right to do so  
5 and may sell such interment right, entombment rights in a  
6 community mausoleum or lawn crypt section, or inurnment right  
7 in a community columbarium at public sale and grant an easement  
8 therein for burial purposes to the purchaser at such sale,  
9 subject to the interment of any human remains theretofore  
10 placed therein and the right to maintain memorials placed  
11 thereon. A cemetery authority may bid at and purchase such  
12 interment right, entombment rights in a community mausoleum or  
13 lawn crypt section, or inurnment right in a community  
14 columbarium at such sale.

15 Notice of the time and place of any sale held pursuant to  
16 an order adjudicating abandonment of a cemetery interment  
17 right, entombment rights in a community mausoleum or lawn crypt  
18 section, or inurnment right in a community columbarium shall be  
19 published once in a newspaper of general circulation in the  
20 county in which the cemetery is located, such publication to be  
21 not less than 30 days prior to the date of sale.

22 The proceeds derived from any sale shall be used to  
23 reimburse the petitioner for the costs of suit and necessary  
24 expenses, including attorney's fees, incurred by petitioner in  
25 the proceeding, and the balance, if any, shall be deposited  
26 into the cemetery authority's care fund or, if there is no care

1 fund, used by the cemetery authority for the care of its  
2 cemetery and for no other purpose.

3 (Source: P.A. 94-44, eff. 6-17-05; revised 11-22-13.)

4 Section 795. The Uniform Disposition of Unclaimed Property  
5 Act is amended by changing Section 18 as follows:

6 (765 ILCS 1025/18) (from Ch. 141, par. 118)

7 Sec. 18. Deposit of funds received under the Act.

8 (a) The State Treasurer shall retain all funds received  
9 under this Act, including the proceeds from the sale of  
10 abandoned property under Section 17, in a trust fund. The State  
11 Treasurer may deposit any amount in the Trust Fund into the  
12 State Pensions Fund during the fiscal year at his or her  
13 discretion; however, he or she shall, on April 15 and October  
14 15 of each year, deposit any amount in the trust fund exceeding  
15 \$2,500,000 into the State Pensions Fund. If on either April 15  
16 or October 15, the State Treasurer determines that a balance of  
17 \$2,500,000 is insufficient for the prompt payment of unclaimed  
18 property claims authorized under this Act, the Treasurer may  
19 retain more than \$2,500,000 in the Unclaimed Property Trust  
20 Fund in order to ensure the prompt payment of claims. Beginning  
21 in State fiscal year 2015, all amounts that are deposited into  
22 the State Pensions Fund from the Unclaimed Property Trust Fund  
23 shall be apportioned to the designated retirement systems as  
24 provided in subsection (c-6) of Section 8.12 of the State

1 Finance Act to reduce their actuarial reserve deficiencies. He  
2 or she shall make prompt payment of claims he or she duly  
3 allows as provided for in this Act for the trust fund. Before  
4 making the deposit the State Treasurer shall record the name  
5 and last known address of each person appearing from the  
6 holders' reports to be entitled to the abandoned property. The  
7 record shall be available for public inspection during  
8 reasonable business hours.

9 (b) Before making any deposit to the credit of the State  
10 Pensions Fund, the State Treasurer may deduct: (1) any costs in  
11 connection with sale of abandoned property, (2) any costs of  
12 mailing and publication in connection with any abandoned  
13 property, and (3) any costs in connection with the maintenance  
14 of records or disposition of claims made pursuant to this Act.  
15 The State Treasurer shall semiannually file an itemized report  
16 of all such expenses with the Legislative Audit Commission.

17 (Source: P.A. 97-732, eff. 6-30-12; 98-19, eff. 6-10-13; 98-24,  
18 eff. 6-19-13; revised 9-24-13.)

19 Section 800. The Business Corporation Act of 1983 is  
20 amended by changing Section 15.75 as follows:

21 (805 ILCS 5/15.75) (from Ch. 32, par. 15.75)

22 Sec. 15.75. Rate of franchise taxes payable by foreign  
23 corporations.

24 (a) The annual franchise tax payable by each foreign

1 corporation shall be computed at the rate of 1/12 of 1/10 of 1%  
2 for each calendar month or fraction thereof for the period  
3 commencing on the first day of July 1983 to the first day of  
4 the anniversary month in 1984, but in no event shall the amount  
5 of the annual franchise tax be less than \$2.083333 per month  
6 based on a minimum of \$25 per annum or more than \$83,333.333333  
7 per month; commencing on January 1, 1984 to the first day of  
8 the anniversary month in 2004, the annual franchise tax payable  
9 by each foreign corporation shall be computed at the rate of  
10 1/10 of 1% for the 12-months' period commencing on the first  
11 day of the anniversary month or, in the case of a corporation  
12 that has established an extended filing month, the extended  
13 filing month of the corporation, but in no event shall the  
14 amount of the annual franchise tax be less than \$25 nor more  
15 than \$1,000,000 per annum; commencing on January 1, 2004, the  
16 annual franchise tax payable by each foreign corporation shall  
17 be computed at the rate of 1/10 of 1% for the 12-month period  
18 commencing on the first day of the anniversary month or, in the  
19 case of a corporation that has established an extended filing  
20 month, the extended filing month of the corporation, but in no  
21 event shall the amount of the annual franchise tax be less than  
22 \$25 nor more than ~~then~~ \$2,000,000 per annum.

23 (b) The annual franchise tax payable by each foreign  
24 corporation at the time of filing a statement of election and  
25 interim annual report in connection with an anniversary month  
26 prior to January, 2004 shall be computed at the rate of 1/10 of

1 1% for the 12 month period commencing on the first day of the  
2 anniversary month of the corporation next following the filing,  
3 but in no event shall the amount of the annual franchise tax be  
4 less than \$25 nor more than \$1,000,000 per annum; commencing  
5 with the first anniversary month that occurs after December,  
6 2003, the annual franchise tax payable by each foreign  
7 corporation at the time of filing a statement of election and  
8 interim annual report shall be computed at the rate of 1/10 of  
9 1% for the 12-month period commencing on the first day of the  
10 anniversary month of the corporation next following such  
11 filing, but in no event shall the amount of the annual  
12 franchise tax be less than \$25 nor more than \$2,000,000 per  
13 annum.

14 (c) The annual franchise tax payable at the time of filing  
15 the final transition annual report in connection with an  
16 anniversary month prior to January, 2004 shall be an amount  
17 equal to (i) 1/12 of 1/10 of 1% per month of the proportion of  
18 paid-in capital represented in this State as shown in the final  
19 transition annual report multiplied by (ii) the number of  
20 months commencing with the anniversary month next following the  
21 filing of the statement of election until, but excluding, the  
22 second extended filing month, less the annual franchise tax  
23 theretofore paid at the time of filing the statement of  
24 election, but in no event shall the amount of the annual  
25 franchise tax be less than \$2.083333 per month based on a  
26 minimum of \$25 per annum or more than \$83,333.333333 per month;



1 commencing with the first anniversary month that occurs after  
2 December, 2003, the annual franchise tax payable at the time of  
3 filing the final transition annual report shall be an amount  
4 equal to (i)  $1/12$  of  $1/10$  of 1% per month of the proportion of  
5 paid-in capital represented in this State as shown in the final  
6 transition annual report multiplied by (ii) the number of  
7 months commencing with the anniversary month next following the  
8 filing of the statement of election until, but excluding, the  
9 second extended filing month, less the annual franchise tax  
10 theretofore paid at the time of filing the statement of  
11 election, but in no event shall the amount of the annual  
12 franchise tax be less than \$2.083333 per month based on a  
13 minimum of \$25 per annum or more than \$166,666.666666 per  
14 month.

15 (d) The initial franchise tax payable after January 1,  
16 1983, but prior to January 1, 1991, by each foreign corporation  
17 shall be computed at the rate of  $1/10$  of 1% for the 12 months'  
18 period commencing on the first day of the anniversary month in  
19 which the application for authority is filed by the corporation  
20 under Section 13.15 of this Act, but in no event shall the  
21 franchise tax be less than \$25 nor more than \$1,000,000 per  
22 annum. Except in the case of a foreign corporation that has  
23 begun transacting business in Illinois prior to January 1,  
24 1991, the initial franchise tax payable on or after January 1,  
25 1991, by each foreign corporation, shall be computed at the  
26 rate of  $15/100$  of 1% for the 12-month period commencing on the

1 first day of the anniversary month in which the application for  
2 authority is filed by the corporation under Section 13.15 of  
3 this Act, but in no event shall the franchise tax for a taxable  
4 year commencing prior to January 1, 2004 be less than \$25 nor  
5 more than \$1,000,000 per annum plus  $1/20$  of 1% of the basis  
6 therefor and in no event shall the franchise tax for a taxable  
7 year commencing on or after January 1, 2004 be less than \$25 or  
8 more than \$2,000,000 per annum plus  $1/20$  of 1% of the basis  
9 therefor.

10 (e) Whenever the application for authority indicates that  
11 the corporation commenced transacting business:

12 (1) prior to January 1, 1991, the initial franchise tax  
13 shall be computed at the rate of  $1/12$  of  $1/10$  of 1% for  
14 each calendar month; or

15 (2) after December 31, 1990, the initial franchise tax  
16 shall be computed at the rate of  $1/12$  of  $15/100$  of 1% for  
17 each calendar month.

18 (f) Each additional franchise tax payable by each foreign  
19 corporation for the period beginning January 1, 1983 through  
20 December 31, 1983 shall be computed at the rate of  $1/12$  of  $1/10$   
21 of 1% for each calendar month or fraction thereof between the  
22 date of each respective increase in its paid-in capital and its  
23 anniversary month in 1984; thereafter until the last day of the  
24 month that is both after December 31, 1990 and the third month  
25 immediately preceding the anniversary month in 1991, each  
26 additional franchise tax payable by each foreign corporation

1 shall be computed at the rate of 1/12 of 1/10 of 1% for each  
2 calendar month, or fraction thereof, between the date of each  
3 respective increase in its paid-in capital and its next  
4 anniversary month; however, if the increase occurs within the 2  
5 month period immediately preceding the anniversary month, the  
6 tax shall be computed to the anniversary month of the next  
7 succeeding calendar year. Commencing with increases in paid-in  
8 capital that occur subsequent to both December 31, 1990 and the  
9 last day of the third month immediately preceding the  
10 anniversary month in 1991, the additional franchise tax payable  
11 by a foreign corporation shall be computed at the rate of  
12 15/100 of 1%.

13 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; revised  
14 11-14-13.)

15 Section 805. The Illinois Securities Law of 1953 is amended  
16 by changing Section 11.5 as follows:

17 (815 ILCS 5/11.5)

18 Sec. 11.5. Securities exchange registration.

19 (a) A person shall not operate a securities exchange in  
20 this State unless it has been registered with the Secretary of  
21 State.

22 (b) The Secretary of State shall adopt rules or regulations  
23 necessary to carry out the provisions of this Section,  
24 including rules or regulations prescribing:

1           (1) The fees for the registration of a securities  
2           exchange; and

3           (2) The bonding and minimum capitalization  
4           requirements for a securities exchange.

5           (c) The Securities Director, or his or her designee, shall  
6           investigate the qualifications of each person who applies to  
7           the Secretary of State for the registration of a securities  
8           exchange. The applicant shall pay the cost of the  
9           investigation.

10          (d) The Secretary of State may deny, suspend, or revoke the  
11          registration of a securities exchange if the Securities  
12          Director, or his or her designee, determines that such action  
13          is in the public interest and the provisions of subsection (a)  
14          of this Section are applicable to the person who applied for  
15          the registration of a securities exchange.

16          (e) A securities exchange located in this State shall not  
17          allow the trading of a security in this State unless it is  
18          issued by an issuer that has complied with the requirements of  
19          this Act and any other applicable requirements of federal or  
20          State law.

21          (f) Any transaction, solicitation, or other activity  
22          directly related to the purchase, sale, or other transfer of  
23          securities listed on a securities exchange located in this  
24          State shall be deemed to be a transaction in this State.

25          (g) The Secretary of State may establish reasonable fees by  
26          rule or regulation.

1 (h) A registered dealer or salesperson shall not use a  
2 securities exchange to effect or report any transaction  
3 concerning a security unless the securities exchange is  
4 registered with the Secretary of State or is excluded from the  
5 provisions of Section 2.28 and this Section of the Act.

6 (Source: P.A. 89-209, eff. 1-1-96; revised 11-14-13.)

7 Section 810. The Waste Oil Recovery Act is amended by  
8 changing Section 2 as follows:

9 (815 ILCS 440/2) (from Ch. 96 1/2, par. 7702)

10 Sec. 2. Definitions. As used in this Act, unless the  
11 context otherwise requires, words and phrases shall have the  
12 meanings ascribed to them in the Sections following this  
13 Section and preceding Section 3 ~~Sections 2.1 through 2.10.~~

14 (Source: P.A. 81-379; revised 11-14-13.)

15 Section 815. The Consumer Fraud and Deceptive Business  
16 Practices Act is amended by changing Section 2MM as follows:

17 (815 ILCS 505/2MM)

18 Sec. 2MM. Verification of accuracy of consumer reporting  
19 information used to extend consumers credit and security freeze  
20 on credit reports.

21 (a) A credit card issuer who mails an offer or solicitation  
22 to apply for a credit card and who receives a completed

1 application in response to the offer or solicitation which  
2 lists an address that is not substantially the same as the  
3 address on the offer or solicitation may not issue a credit  
4 card based on that application until reasonable steps have been  
5 taken to verify the applicant's change of address.

6 (b) Any person who uses a consumer credit report in  
7 connection with the approval of credit based on the application  
8 for an extension of credit, and who has received notification  
9 of a police report filed with a consumer reporting agency that  
10 the applicant has been a victim of financial identity theft, as  
11 defined in Section 16-30 or 16G-15 of the Criminal Code of 1961  
12 or the Criminal Code of 2012, may not lend money or extend  
13 credit without taking reasonable steps to verify the consumer's  
14 identity and confirm that the application for an extension of  
15 credit is not the result of financial identity theft.

16 (c) A consumer may request that a security freeze be placed  
17 on his or her credit report by sending a request in writing by  
18 certified mail to a consumer reporting agency at an address  
19 designated by the consumer reporting agency to receive such  
20 requests.

21 The following persons may request that a security freeze be  
22 placed on the credit report of a disabled person:

23 (1) a guardian of the disabled person that is the  
24 subject of the request, appointed under Article XIa of the  
25 Probate Act of 1975; and

26 (2) an agent of the disabled person that is the subject

1 of the request, under a written durable power of attorney  
2 that complies with the Illinois Power of Attorney Act.

3 The following persons may request that a security freeze  
4 be placed on the credit report of a minor:

5 (1) a guardian of the minor that is the subject of the  
6 request, appointed under Article XI of the Probate Act of  
7 1975;

8 (2) a parent of the minor that is the subject of the  
9 request; and

10 (3) a guardian appointed under the Juvenile Court Act  
11 of 1987 for a minor under the age of 18 who is the subject  
12 of the request or, with a court order authorizing the  
13 guardian consent power, for a youth who is the subject of  
14 the request who has attained the age of 18, but who is  
15 under the age of 21.

16 This subsection (c) does not prevent a consumer reporting  
17 agency from advising a third party that a security freeze is in  
18 effect with respect to the consumer's credit report.

19 (d) A consumer reporting agency shall place a security  
20 freeze on a consumer's credit report no later than 5 business  
21 days after receiving a written request from the consumer:

22 (1) a written request described in subsection (c);

23 (2) proper identification; and

24 (3) payment of a fee, if applicable.

25 (e) Upon placing the security freeze on the consumer's  
26 credit report, the consumer reporting agency shall send to the

1 consumer within 10 business days a written confirmation of the  
2 placement of the security freeze and a unique personal  
3 identification number or password or similar device, other than  
4 the consumer's Social Security number, to be used by the  
5 consumer when providing authorization for the release of his or  
6 her credit report for a specific party or period of time.

7 (f) If the consumer wishes to allow his or her credit  
8 report to be accessed for a specific party or period of time  
9 while a freeze is in place, he or she shall contact the  
10 consumer reporting agency using a point of contact designated  
11 by the consumer reporting agency, request that the freeze be  
12 temporarily lifted, and provide the following:

13 (1) Proper identification;

14 (2) The unique personal identification number or  
15 password or similar device provided by the consumer  
16 reporting agency;

17 (3) The proper information regarding the third party or  
18 time period for which the report shall be available to  
19 users of the credit report; and

20 (4) A fee, if applicable.

21 A security freeze for a minor may not be temporarily  
22 lifted. This Section does not require a consumer reporting  
23 agency to provide to a minor or a parent or guardian of a minor  
24 on behalf of the minor a unique personal identification number,  
25 password, or similar device provided by the consumer reporting  
26 agency for the minor, or parent or guardian of the minor, to



1 use to authorize the consumer reporting agency to release  
2 information from a minor.

3 (g) A consumer reporting agency shall develop a contact  
4 method to receive and process a request from a consumer to  
5 temporarily lift a freeze on a credit report pursuant to  
6 subsection (f) in an expedited manner.

7 A contact method under this subsection shall include: (i) a  
8 postal address; and (ii) an electronic contact method chosen by  
9 the consumer reporting agency, which may include the use of  
10 telephone, fax, Internet, or other electronic means.

11 (h) A consumer reporting agency that receives a request  
12 from a consumer to temporarily lift a freeze on a credit report  
13 pursuant to subsection (f), shall comply with the request no  
14 later than 3 business days after receiving the request.

15 (i) A consumer reporting agency shall remove or temporarily  
16 lift a freeze placed on a consumer's credit report only in the  
17 following cases:

18 (1) upon consumer request, pursuant to subsection (f)  
19 or subsection (1) of this Section; or

20 (2) if the consumer's credit report was frozen due to a  
21 material misrepresentation of fact by the consumer.

22 If a consumer reporting agency intends to remove a freeze  
23 upon a consumer's credit report pursuant to this subsection,  
24 the consumer reporting agency shall notify the consumer in  
25 writing prior to removing the freeze on the consumer's credit  
26 report.

1           (j) If a third party requests access to a credit report on  
2 which a security freeze is in effect, and this request is in  
3 connection with an application for credit or any other use, and  
4 the consumer does not allow his or her credit report to be  
5 accessed for that specific party or period of time, the third  
6 party may treat the application as incomplete.

7           (k) If a consumer requests a security freeze, the credit  
8 reporting agency shall disclose to the consumer the process of  
9 placing and temporarily lifting a security freeze, and the  
10 process for allowing access to information from the consumer's  
11 credit report for a specific party or period of time while the  
12 freeze is in place.

13           (l) A security freeze shall remain in place until the  
14 consumer or person authorized under subsection (c) to act on  
15 behalf of the minor or disabled person that is the subject of  
16 the security freeze requests, using a point of contact  
17 designated by the consumer reporting agency, that the security  
18 freeze be removed. A credit reporting agency shall remove a  
19 security freeze within 3 business days of receiving a request  
20 for removal from the consumer, who provides:

21               (1) Proper identification;

22               (2) The unique personal identification number or  
23 password or similar device provided by the consumer  
24 reporting agency; and

25               (3) A fee, if applicable.

26           (m) A consumer reporting agency shall require proper

1 identification of the person making a request to place or  
2 remove a security freeze and may require proper identification  
3 and proper authority from the person making the request to  
4 place or remove a freeze on behalf of the disabled person or  
5 minor.

6 (n) The provisions of subsections (c) through (m) of this  
7 Section do not apply to the use of a consumer credit report by  
8 any of the following:

9 (1) A person or entity, or a subsidiary, affiliate, or  
10 agent of that person or entity, or an assignee of a  
11 financial obligation owing by the consumer to that person  
12 or entity, or a prospective assignee of a financial  
13 obligation owing by the consumer to that person or entity  
14 in conjunction with the proposed purchase of the financial  
15 obligation, with which the consumer has or had prior to  
16 assignment an account or contract, including a demand  
17 deposit account, or to whom the consumer issued a  
18 negotiable instrument, for the purposes of reviewing the  
19 account or collecting the financial obligation owing for  
20 the account, contract, or negotiable instrument. For  
21 purposes of this subsection, "reviewing the account"  
22 includes activities related to account maintenance,  
23 monitoring, credit line increases, and account upgrades  
24 and enhancements.

25 (2) A subsidiary, affiliate, agent, assignee, or  
26 prospective assignee of a person to whom access has been

1 granted under subsection (f) of this Section for purposes  
2 of facilitating the extension of credit or other  
3 permissible use.

4 (3) Any state or local agency, law enforcement agency,  
5 trial court, or private collection agency acting pursuant  
6 to a court order, warrant, or subpoena.

7 (4) A child support agency acting pursuant to Title  
8 IV-D of the Social Security Act.

9 (5) The State or its agents or assigns acting to  
10 investigate fraud.

11 (6) The Department of Revenue or its agents or assigns  
12 acting to investigate or collect delinquent taxes or unpaid  
13 court orders or to fulfill any of its other statutory  
14 responsibilities.

15 (7) The use of credit information for the purposes of  
16 prescreening as provided for by the federal Fair Credit  
17 Reporting Act.

18 (8) Any person or entity administering a credit file  
19 monitoring subscription or similar service to which the  
20 consumer has subscribed.

21 (9) Any person or entity for the purpose of providing a  
22 consumer with a copy of his or her credit report or score  
23 upon the consumer's request.

24 (10) Any person using the information in connection  
25 with the underwriting of insurance.

26 (n-5) This Section does not prevent a consumer reporting

1 agency from charging a fee of no more than \$10 to a consumer  
2 for each freeze, removal, or temporary lift of the freeze,  
3 regarding access to a consumer credit report, except that a  
4 consumer reporting agency may not charge a fee to (i) a  
5 consumer 65 years of age or over for placement and removal of a  
6 freeze, or (ii) a victim of identity theft who has submitted to  
7 the consumer reporting agency a valid copy of a police report,  
8 investigative report, or complaint that the consumer has filed  
9 with a law enforcement agency about unlawful use of his or her  
10 personal information by another person.

11 (o) If a security freeze is in place, a consumer reporting  
12 agency shall not change any of the following official  
13 information in a credit report without sending a written  
14 confirmation of the change to the consumer within 30 days of  
15 the change being posted to the consumer's file: (i) name, (ii)  
16 date of birth, (iii) Social Security number, and (iv) address.  
17 Written confirmation is not required for technical  
18 modifications of a consumer's official information, including  
19 name and street abbreviations, complete spellings, or  
20 transposition of numbers or letters. In the case of an address  
21 change, the written confirmation shall be sent to both the new  
22 address and to the former address.

23 (p) The following entities are not required to place a  
24 security freeze in a consumer report, however, pursuant to  
25 paragraph (3) of this subsection, a consumer reporting agency  
26 acting as a reseller shall honor any security freeze placed on

1 a consumer credit report by another consumer reporting agency:

2 (1) A check services or fraud prevention services  
3 company, which issues reports on incidents of fraud or  
4 authorizations for the purpose of approving or processing  
5 negotiable instruments, electronic funds transfers, or  
6 similar methods of payment.

7 (2) A deposit account information service company,  
8 which issues reports regarding account closures due to  
9 fraud, substantial overdrafts, ATM abuse, or similar  
10 negative information regarding a consumer to inquiring  
11 banks or other financial institutions for use only in  
12 reviewing a consumer request for a deposit account at the  
13 inquiring bank or financial institution.

14 (3) A consumer reporting agency that:

15 (A) acts only to resell credit information by  
16 assembling and merging information contained in a  
17 database of one or more consumer reporting agencies;  
18 and

19 (B) does not maintain a permanent database of  
20 credit information from which new credit reports are  
21 produced.

22 (q) For purposes of this Section:

23 "Credit report" has the same meaning as "consumer report",  
24 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

25 "Consumer reporting agency" has the meaning ascribed to it  
26 in 15 U.S.C. Sec. 1681a(f).

1 "Security freeze" means a notice placed in a consumer's  
2 credit report, at the request of the consumer and subject to  
3 certain exceptions, that prohibits the consumer reporting  
4 agency from releasing the consumer's credit report or score  
5 relating to an extension of credit, without the express  
6 authorization of the consumer.

7 "Extension of credit" does not include an increase in an  
8 existing open-end credit plan, as defined in Regulation Z of  
9 the Federal Reserve System (12 C.F.R. 226.2), or any change to  
10 or review of an existing credit account.

11 "Proper authority" means documentation that shows that a  
12 parent, guardian, or agent has authority to act on behalf of a  
13 minor or disabled person. "Proper authority" includes (1) an  
14 order issued by a court of law that shows that a guardian has  
15 authority to act on behalf of a minor or disabled person, (2) a  
16 written, notarized statement signed by a parent that expressly  
17 describes the authority of the parent to act on behalf of the  
18 minor, or (3) a durable power of attorney that complies with  
19 the Illinois Power of Attorney Act.

20 "Proper identification" means information generally deemed  
21 sufficient to identify a person. Only if the consumer is unable  
22 to reasonably identify himself or herself with the information  
23 described above, may a consumer reporting agency require  
24 additional information concerning the consumer's employment  
25 and personal or family history in order to verify his or her  
26 identity.

1 (r) Any person who violates this Section commits an  
2 unlawful practice within the meaning of this Act.

3 (Source: P.A. 97-597, eff. 1-1-12; 97-1150, eff. 1-25-13;  
4 98-486, eff. 1-1-14; revised 11-14-13.)

5 Section 820. The Dating Referral Services Act is amended by  
6 changing Sections 20 and 25 as follows:

7 (815 ILCS 615/20) (from Ch. 29, par. 1051-20)

8 Sec. 20. Cancellation and refund requirements.

9 (a) Every contract for dating referral services shall  
10 provide the following:

11 (1) That the contract may be cancelled by the customer  
12 within 3 business days after the first business day after  
13 the contract is signed by the customer, and that all monies  
14 paid under the contract shall be refunded to the customer.  
15 For the purposes of this Section, "business day" means any  
16 day on which the facility is open for business. A customer  
17 purchasing a plan at a facility that has not yet opened for  
18 business at the time the contract is signed, or who does  
19 not purchase a contract at an existing facility, shall have  
20 7 calendar days in which to cancel the contract and receive  
21 a full refund of all monies paid. The customer's rights to  
22 cancel described in this Section are in addition to any  
23 other contract rights or remedies provided by law.

24 (2) In the event of the relocation of a customer's



1 residence to a location that is more than 20 miles farther  
2 than the original distance from the customer's residence to  
3 the original enterprise, and upon the failure of the  
4 original enterprise to designate an ~~a~~ enterprise, with  
5 comparable facilities and services within 25 miles of the  
6 customer's new residence that agrees to accept the original  
7 enterprise's obligations under the contract, the customer  
8 may cancel the contract and shall be liable for only that  
9 portion of the charges allocable to the time before  
10 reasonable evidence of the relocation is presented to the  
11 enterprise, plus a reasonable fee if so provided in the  
12 contract, but the fee shall not exceed 10% of the unused  
13 balance, or \$50, whichever is less.

14 (3) If the customer dies during the term of the  
15 contract, the customer's estate shall be liable for only  
16 that portion of the charges allocable to the time before  
17 the customer's death. The enterprise shall have the right  
18 to require and verify reasonable evidence of the death.

19 (b) Every contract for dating referral services shall  
20 provide that notice of cancellation under subsection (a) of  
21 this Section shall be made in writing and delivered by  
22 certified or registered mail to the enterprise at the address  
23 specified in the contract. All refunds to which a customer or  
24 his or her estate is entitled shall be made within 30 days of  
25 receipt by the enterprise of the cancellation notice.

26 (Source: P.A. 87-450; revised 11-14-13.)

1 (815 ILCS 615/25) (from Ch. 29, par. 1051-25)

2 Sec. 25. Contract requirements for planned enterprises.  
3 Every contract for dating referral services at a planned dating  
4 referral enterprise or an ~~a~~ enterprise under construction shall  
5 further provide that, in the event that the facilities and  
6 services contracted for are not available within 6 months from  
7 the date the contract is entered into, or within 3 months of a  
8 date specified in the contract, whichever is earlier, the  
9 contract may be cancelled at the option of the customer, and  
10 all payments refunded within 30 days of receipt by the  
11 enterprise of the cancellation notice.

12 (Source: P.A. 87-450; revised 11-14-13.)

13 Section 825. The Prevailing Wage Act is amended by changing  
14 Sections 2 and 5 as follows:

15 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

16 Sec. 2. This Act applies to the wages of laborers,  
17 mechanics and other workers employed in any public works, as  
18 hereinafter defined, by any public body and to anyone under  
19 contracts for public works. This includes any maintenance,  
20 repair, assembly, or disassembly work performed on equipment  
21 whether owned, leased, or rented.

22 As used in this Act, unless the context indicates  
23 otherwise:

1 "Public works" means all fixed works constructed or  
2 demolished by any public body, or paid for wholly or in part  
3 out of public funds. "Public works" as defined herein includes  
4 all projects financed in whole or in part with bonds, grants,  
5 loans, or other funds made available by or through the State or  
6 any of its political subdivisions, including but not limited  
7 to: bonds issued under the Industrial Project Revenue Bond Act  
8 (Article 11, Division 74 of the Illinois Municipal Code), the  
9 Industrial Building Revenue Bond Act, the Illinois Finance  
10 Authority Act, the Illinois Sports Facilities Authority Act, or  
11 the Build Illinois Bond Act; loans or other funds made  
12 available pursuant to the Build Illinois Act; loans or other  
13 funds made available pursuant to the Riverfront Development  
14 Fund under Section 10-15 of the River Edge Redevelopment Zone  
15 Act; or funds from the Fund for Illinois' Future under Section  
16 6z-47 of the State Finance Act, funds for school construction  
17 under Section 5 of the General Obligation Bond Act, funds  
18 authorized under Section 3 of the School Construction Bond Act,  
19 funds for school infrastructure under Section 6z-45 of the  
20 State Finance Act, and funds for transportation purposes under  
21 Section 4 of the General Obligation Bond Act. "Public works"  
22 also includes (i) all projects financed in whole or in part  
23 with funds from the Department of Commerce and Economic  
24 Opportunity under the Illinois Renewable Fuels Development  
25 Program Act for which there is no project labor agreement; (ii)  
26 all work performed pursuant to a public private agreement under

1 the Public Private Agreements for the Illiana Expressway Act or  
2 the Public-Private Agreements for the South Suburban Airport  
3 Act; and (iii) all projects undertaken under a public-private  
4 agreement under the Public-Private Partnerships for  
5 Transportation Act. "Public works" also includes all projects  
6 at leased facility property used for airport purposes under  
7 Section 35 of the Local Government Facility Lease Act. "Public  
8 works" also includes the construction of a new wind power  
9 facility by a business designated as a High Impact Business  
10 under Section 5.5(a)(3)(E) of the Illinois Enterprise Zone Act.  
11 "Public works" does not include work done directly by any  
12 public utility company, whether or not done under public  
13 supervision or direction, or paid for wholly or in part out of  
14 public funds. "Public works" also includes any corrective  
15 action performed pursuant to Title XVI of the Environmental  
16 Protection Act for which payment from the Underground Storage  
17 Tank Fund is requested. "Public works" does not include  
18 projects undertaken by the owner at an owner-occupied  
19 single-family residence or at an owner-occupied unit of a  
20 multi-family residence.

21 "Construction" means all work on public works involving  
22 laborers, workers or mechanics. This includes any maintenance,  
23 repair, assembly, or disassembly work performed on equipment  
24 whether owned, leased, or rented.

25 "Locality" means the county where the physical work upon  
26 public works is performed, except (1) that if there is not

1 available in the county a sufficient number of competent  
2 skilled laborers, workers and mechanics to construct the public  
3 works efficiently and properly, "locality" includes any other  
4 county nearest the one in which the work or construction is to  
5 be performed and from which such persons may be obtained in  
6 sufficient numbers to perform the work and (2) that, with  
7 respect to contracts for highway work with the Department of  
8 Transportation of this State, "locality" may at the discretion  
9 of the Secretary of the Department of Transportation be  
10 construed to include two or more adjacent counties from which  
11 workers may be accessible for work on such construction.

12 "Public body" means the State or any officer, board or  
13 commission of the State or any political subdivision or  
14 department thereof, or any institution supported in whole or in  
15 part by public funds, and includes every county, city, town,  
16 village, township, school district, irrigation, utility,  
17 reclamation improvement or other district and every other  
18 political subdivision, district or municipality of the state  
19 whether such political subdivision, municipality or district  
20 operates under a special charter or not.

21 The terms "general prevailing rate of hourly wages",  
22 "general prevailing rate of wages" or "prevailing rate of  
23 wages" when used in this Act mean the hourly cash wages plus  
24 annualized fringe benefits for training and apprenticeship  
25 programs approved by the U.S. Department of Labor, Bureau of  
26 Apprenticeship and Training, health and welfare, insurance,

1 vacations and pensions paid generally, in the locality in which  
2 the work is being performed, to employees engaged in work of a  
3 similar character on public works.

4 (Source: P.A. 97-502, eff. 8-23-11; 98-109, eff. 7-25-13;  
5 98-482, eff. 1-1-14; revised 9-24-13.)

6 (820 ILCS 130/5) (from Ch. 48, par. 39s-5)

7 Sec. 5. Certified payroll.

8 (a) Any contractor and each subcontractor who participates  
9 in public works shall:

10 (1) make and keep, for a period of not less than 3  
11 years from the date of the last payment made before January  
12 1, 2014 (the effective date of Public Act 98-328) ~~the~~  
13 ~~effective date of this amendatory Act of the 98th General~~  
14 ~~Assembly~~ and for a period of 5 years from the date of the  
15 last payment made on or after January 1, 2014 (the  
16 effective date of Public Act 98-328) ~~the effective date of~~  
17 ~~this amendatory Act of the 98th General Assembly~~ on a  
18 contract or subcontract for public works, records of all  
19 laborers, mechanics, and other workers employed by them on  
20 the project; the records shall include (i) the worker's  
21 name, (ii) the worker's address, (iii) the worker's  
22 telephone number when available, (iv) the worker's social  
23 security number, (v) the worker's classification or  
24 classifications, (vi) the worker's gross and net wages paid  
25 in each pay period, (vii) the worker's number of hours

1 worked each day, (viii) the worker's starting and ending  
2 times of work each day, (ix) the worker's hourly wage rate,  
3 (x) the worker's hourly overtime wage rate, (xi) the  
4 worker's hourly fringe benefit rates, (xii) the name and  
5 address of each fringe benefit fund, (xiii) the plan  
6 sponsor of each fringe benefit, if applicable, and (xiv)  
7 the plan administrator of each fringe benefit, if  
8 applicable; and

9 (2) no later than the 15th day of each calendar month  
10 file a certified payroll for the immediately preceding  
11 month with the public body in charge of the project. A  
12 certified payroll must be filed for only those calendar  
13 months during which construction on a public works project  
14 has occurred. The certified payroll shall consist of a  
15 complete copy of the records identified in paragraph (1) of  
16 this subsection (a), but may exclude the starting and  
17 ending times of work each day. The certified payroll shall  
18 be accompanied by a statement signed by the contractor or  
19 subcontractor or an officer, employee, or agent of the  
20 contractor or subcontractor which avers that: (i) he or she  
21 has examined the certified payroll records required to be  
22 submitted by the Act and such records are true and  
23 accurate; (ii) the hourly rate paid to each worker is not  
24 less than the general prevailing rate of hourly wages  
25 required by this Act; and (iii) the contractor or  
26 subcontractor is aware that filing a certified payroll that

1 he or she knows to be false is a Class A misdemeanor. A  
2 general contractor is not prohibited from relying on the  
3 certification of a lower tier subcontractor, provided the  
4 general contractor does not knowingly rely upon a  
5 subcontractor's false certification. Any contractor or  
6 subcontractor subject to this Act and any officer,  
7 employee, or agent of such contractor or subcontractor  
8 whose duty as such officer, employee, or agent it is to  
9 file such certified payroll who willfully fails to file  
10 such a certified payroll on or before the date such  
11 certified payroll is required by this paragraph to be filed  
12 and any person who willfully files a false certified  
13 payroll that is false as to any material fact is in  
14 violation of this Act and guilty of a Class A misdemeanor.  
15 The public body in charge of the project shall keep the  
16 records submitted in accordance with this paragraph (2) of  
17 subsection (a) before January 1, 2014 (the effective date  
18 of Public Act 98-328) ~~the effective date of this amendatory~~  
19 ~~Act of the 98th General Assembly~~ for a period of not less  
20 than 3 years, and the records submitted in accordance with  
21 this paragraph (2) of subsection (a) on or after January 1,  
22 2014 (the effective date of Public Act 98-328) ~~the~~  
23 ~~effective date of this amendatory Act of the 98th General~~  
24 ~~Assembly~~ for a period of 5 years, from the date of the last  
25 payment for work on a contract or subcontract for public  
26 works. The records submitted in accordance with this



1 paragraph (2) of subsection (a) shall be considered public  
2 records, except an employee's address, telephone number,  
3 and social security number, and made available in  
4 accordance with the Freedom of Information Act. The public  
5 body shall accept any reasonable submissions by the  
6 contractor that meet the requirements of this Section.

7 A contractor, subcontractor, or public body may retain  
8 records required under this Section in paper or electronic  
9 format.

10 (b) Upon 7 business days' notice, the contractor and each  
11 subcontractor shall make available for inspection and copying  
12 at a location within this State during reasonable hours, the  
13 records identified in paragraph (1) of subsection (a) of this  
14 Section to the public body in charge of the project, its  
15 officers and agents, the Director of Labor and his deputies and  
16 agents, and to federal, State, or local law enforcement  
17 agencies and prosecutors.

18 (c) A contractor or subcontractor who remits contributions  
19 to fringe benefit funds that are jointly maintained and jointly  
20 governed by one or more employers and one or more labor  
21 organizations in accordance with the federal Labor Management  
22 Relations Act shall make and keep certified payroll records  
23 that include the information required under items (i) through  
24 (viii) of paragraph (1) of subsection (a) only. However, the  
25 information required under items (ix) through (xiv) of  
26 paragraph (1) of subsection (a) shall be required for any

1 contractor or subcontractor who remits contributions to a  
2 fringe benefit fund that is not jointly maintained and jointly  
3 governed by one or more employers and one or more labor  
4 organizations in accordance with the federal Labor Management  
5 Relations Act.

6 (Source: P.A. 97-571, eff. 1-1-12; 98-328, eff. 1-1-14; 98-482,  
7 eff. 1-1-14; revised 9-24-13.)

8 Section 995. No acceleration or delay. Where this Act makes  
9 changes in a statute that is represented in this Act by text  
10 that is not yet or no longer in effect (for example, a Section  
11 represented by multiple versions), the use of that text does  
12 not accelerate or delay the taking effect of (i) the changes  
13 made by this Act or (ii) provisions derived from any other  
14 Public Act.

15 Section 996. No revival or extension. This Act does not  
16 revive or extend any Section or Act otherwise repealed.

17 Section 999. Effective date. This Act takes effect upon  
18 becoming law.