

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER d: FORESTRY

PART 1535
TIMBER BUYER LICENSING AND HARVEST FEES

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22
23 AUTHORITY: Implementing and authorized by the Timber Buyers Licensing Act [225 ILCS
24 735].

25
26 SOURCE: Adopted and codified at 8 Ill. Reg. 4492, effective March 28, 1984; amended at 9 Ill.
27 Reg. 2942, effective February 26, 1985; amended at 12 Ill. Reg. 16018, effective September 27,
28 1988; amended at 13 Ill. Reg. 19954, effective December 12, 1989; amended at 15 Ill. Reg.
29 5219, effective March 28, 1991; amended at 16 Ill. Reg. 8499, effective May 26, 1992;
30 recodified by changing the agency name from Department of Conservation to Department of
31 Natural Resources at 20 Ill. Reg. 9389; amended at 27 Ill. Reg. 7761, effective April 21, 2003;
32 amended at 48 Ill. Reg. _____, effective _____.

33
34 **Section 1535.1** Definitions~~Timber Buyer's License~~

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36 "Act" means the Timber Buyers Licensing Act [225 ILCS 735].

37
38 "Agent" means any person acting on behalf of a timber buyer, employed by a
39 timber buyer, or under an agreement, whether oral or written, with a timber
40 buyer who buys timber, attempts to buy timber, procures contracts for the
41 purchase or cutting of timber, or attempts to procure contracts for the purchase of
42 cutting of timber. [225 ILCS 735/2]
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"Department" means the Illinois Department of Natural Resources.

"Fair market value" means the price that property would sell for on the open market. It is the price that would be agreed on between a willing buyer and a willing seller, with neither being required to act, and both having reasonable knowledge of the relevant facts.

"Good standing" means any person who is not:

currently serving a sentence of probation, or conditional discharge, for a violation of this Act or administrative rules adopted under this Act;

owes any amount of money pursuant to a civil judgment regarding the sale, cutting, or transportation of timber;

owes the Department any required fee, payment, or money required under this Act; or

is currently serving a suspension or revocation of any privilege that is granted under this Act. [225 ILCS 735/2]

"Harvest fee" means:

an amount of money equal to 4% of the purchase price for timber between a timber buyer and a timber grower;

4% of the minimum fair market stumpage value, as determined by administrative rule, when the purchase price of timber between a timber buyer and a timber grower cannot otherwise be determined; or

4% of the minimum fair market stumpage value as determined by administrative rule utilized by a timber grower that was produced on land the timber grower owns or operates for sawing into lumber, for processing, or for resale and such timber or lumber is not the personal use of the timber grower.

"Illinois Timber Prices Survey" means a survey published by the Illinois Department of Natural Resources that contains the lowest, highest and State average prices for stumpage and logs delivered to a mill.

"Liability insurance" means no less than \$500,000 in insurance covering a timber buyer's business and agents that shall insure against the liability of the insured for the death, injury, or disability of an employee or other person and insurance

87 against the liability of the insured for damage to or destruction of another
88 person's property [225 ILCS 735/2]

89
90 "Stumpage value" means the value of timber as it stands uncut in terms of an
91 amount per unit of volume expressed as dollar value per board foot for that
92 portion of a tree or timber deemed merchantable by Illinois forest products
93 markets. [740 ILCS 185/1]

94
95 "Timber" means trees, standing or felled, and parts thereof which can be used for
96 sawing or processing into lumber for building or structural purposes or for the
97 manufacture of any article. "Timber" does not include firewood, Christmas trees,
98 fruit or ornamental trees, or wood products not used or to be used for building,
99 structural, manufacturing, or processing purposes. [225 ILCS 735/2]

100
101 "Timber buyer" means any person licensed or unlicensed, who is engaged in the
102 business of buying timber from the timber growers thereof for sawing into lumber,
103 for processing or for resale, but does not include any person who occasionally
104 purchases timber for sawing or processing for the person's his own use and not
105 for resale. [225 ILCS 735/2]

106
107 "Timber grower" means the owner, tenant, or operator of land in this State who
108 has an interest in or is entitled to receive any part of the proceeds from the sale of
109 timber grown in this State and includes persons exercising authority to sell
110 timber. [225 ILCS 735/2]

111
112 "Utilized" means timber harvested on the land a timber grower owns or operates
113 for sawing into lumber, for processing, or for resale.

114
115 "Yearly quarter" means and are as follows:

116
117 Quarter 1 – January 1 through March 31

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119 Quarter 2 – April 1 through June 30

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121 Quarter 3 – July 1 through September 30

122
123 Quarter 4 – October 1 through December 31

124
125 (Source: Section 1535.1 renumbered to Section 1535.3; new Section 1535.1 added at 48
126 Ill. Reg. _____, effective _____)

127
128 **Section 1535.3 Timber Buyer Application and Department Verification ~~Buyer's License~~**

129

- 130 a) All timber buyers, ~~as defined by the Illinois Timber Buyers Licensing Act [225~~
131 ~~ILCS 735/2]~~, shall obtain a license from the Department before engaging in the
132 business of timber buying. Application for such license shall be filed on forms
133 provided by the Department and shall contain the following minimum
134 information:
- 135 1) Name, date of birth and address of the applicant;
 - 136 2) Business name, if any, including if the business is a corporation,
137 partnership or limited liability company;
 - 138 ~~32)~~ 3) Principal officers if applicant is a corporation or the partners if applicant is
139 a partnership;
 - 140 4) Location of the principal office or place of business of the applicant;
 - 141 5) The counties in the State of Illinois which the applicant proposes to
142 engage in the business of timber buyer;
 - 143 6) Name, date of birth, ~~The names~~ and address of all agents of the
144 applicant~~addresses of any persons authorized to purchase timber in the~~
145 ~~name of the licensed buyer;~~
 - 146 7) A certificate of liability insurance issued by an insurance company or
147 surety company that is authorized to do business in the State of Illinois in
148 the principal amount of not less than \$500,000 and shall include the
149 expiration date of the policy~~Type and amount of bond~~; and
 - 150 8) Any other information as required by the Department in the application.
- 151 b) The Department shall approve the issuance of a timber buyer's license if all of the
152 following criteria are met:~~Only persons listed with the Department as authorized~~
153 ~~buyers may represent the licensee. Authorized buyers shall designate in all~~
154 ~~contractual arrangements that the licensee is the timber buyer. Failure to comply~~
155 ~~with this provision shall constitute "buying timber without a timber buyer's~~
156 ~~license". Authorized buyers may only be listed on one license. To be eligible to~~
157 ~~hold a timber buyer's license, the applicant must be at least 18 years of age.~~
- 158 1) The applicant has provided all documentation required in the application
159 to the Department's satisfaction.
 - 160 2) The applicant has paid the application fee pursuant to Section 8 of the Act.
161 The fee is:
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- A) \$125 for residents
- B) \$300 for non-residents
- 3) The applicant has provided proof of liability insurance as required by the Act and this Part.
- 4) The applicant and all agents listed in the application are in good standing with the Department.
- 5) The applicant and all agents listed in the application are 18 years of age or older.

(Source: Section renumbered from 1535.1 to Section 1535.3 and amended at 48 Ill. Reg. _____, effective _____)

Section 1535.4 License and Timber Buyer Identification Cards

- a) License. If a timber buyer's application is approved by the Department, then a license shall be issued by the Department and shall contain the following information:
 - 1) name of the licensee and license number;
 - 2) business name of the licensee, if any;
 - 3) address of the licensee;
 - 4) names of all agents listed in the licensee's application that are in good standing with the Department; and
 - 5) expiration date of the timber buyer license.
- b) Timber Buyer Identification Cards. All timber buyer identification cards shall be issued by the Department to all timber buyers and the timber buyer's agents that are in good standing with the Department. A timber buyer identification card shall contain the following information:
 - 1) name of the timber buyer or agent that the card is issued to;
 - 2) name and license number of the licensed timber buyer that the timber buyer identification card is being issued under;

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- 3) address and telephone number of the licensed timber buyer that the timber buyer identification card is being issued under; and
- 4) the expiration date of the timber buyer identification card.

(Source: Added at 48 Ill. Reg. _____, effective _____)

Section 1535.5 Records and Reporting

- a) Records of the Timber Buyer.
A timber buyer shall retain the books, accounts, records, proof of ownership, or other documentation required under this Act or administrative rule used in the conduct of the buyer's business for a period of 3 years after any purchase, cutting, or transportation of timber made by the timber buyer or buyer's employee. [225 ILCS 735/9]
- b) Harvest Fee – Reporting.
 - 1) *When a timber buyer buys timber in this State, the timber buyer shall file a report to the Department on a report form provided by the Department. [225 ILCS 735/9a(b)] Each timber purchase shall be fully reported by the timber buyer no later than 30 days from the end of each yearly quarter that the timber purchase occurred. Such report shall be on the Department provided reporting form and shall include ~~The books, accounts, records and papers used in the conduct of a timber buyer's business must contain, at a minimum,~~ the following information ~~regarding each timber purchase:~~*
 - Aa) date of purchase. For all purposes, except the payment of harvest fees, the date of purchase shall be the date the purchase agreement was made;
 - Bb) date of payments;
 - Ce) amount of payments;
 - Dd) amount of harvest fee;
 - Ee) date harvest fee sent to Illinois Department of Natural Resources; ~~and~~
 - Ff) name, address and telephone number of timber grower; and ~~seller.~~

259 G) quantity and species of the timber that is being reported; and

260
261 H) any other information as required by the Department.

262
263 2) Timber Grower Report of Utilization

264
265 A) *Every timber grower who utilizes timber produced on land the*
266 *timber grower owns or operates for sawing into lumber for*
267 *processing or for resale, shall report periodically, as required by*
268 *this Act or administrative rule of the Department, the quantity,*
269 *value, and species of timber produced and utilized by the owner or*
270 *operator during the reporting period. [225 ILCS 735/9a(d)]*

271
272 B) Each Timber Grower Report of Utilization shall be fully reported
273 by the timber grower no later than 30 days from the end of each
274 yearly quarter that the timber utilization occurred. Such report
275 shall be on the Department provided reporting form and shall
276 include the following information:

277
278 i) quantity, dollar value, and species of the timber produced
279 and utilized by the timber grower;

280
281 ii) the minimum fair market value of the timber that was
282 produced on the timber grower's land and utilized by the
283 timber grower;

284
285 iii) parcel identification number of where the timber was
286 grown;

287
288 iv) amount of harvest fee;

289
290 v) date harvest fee sent to Illinois Department of Natural
291 Resources;

292
293 vi) name, address and telephone number of timber grower; and

294
295 vii) any other information as required by the Department.

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297 3) Liability Insurance Changes or Cancellation

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299 A) Any licensed timber buyer that cancels or alters their liability
300 insurance shall inform the Department in writing within 14 days of
301 the cancellation or alteration of such policy.

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- B) Unless the timber buyer is cancelling or surrendering their license to the Department, a notification to the Department of a cancellation or alteration of liability insurance shall also include a new certificate of insurance showing the new or altered insurance policy that has been issued to the timber buyer. Such new or altered insurance policy must conform to all requirements of the Act and this Part.

- C) At any such time as a licensee fails to have the necessary liability insurance, as required herein, the Department may immediately, and without notice, suspend the privileges of such licensee. In the event of such suspension, the Department shall give immediate notice of the same to the licensee and shall further reinstate such license upon filing with the Department a certificate of liability insurance that conforms to the requirements of this Act. [225 ILCS 735/4]

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 1535.10 Payment of 4% Fee to Department

- a) All 4% harvest fees required to be paid to the Department by~~collected from~~ timber buyers pursuant to Section 9a(a) of the Act and timber growers pursuant to Section 9a(c) of the Act~~owners or values determined in barter transactions or in timber harvests by owners from their lands~~ shall be sent to the Department, along with the Department provided fee reporting form, no later than 30 days from the end of each yearly quarter~~of Natural Resources (Department or DNR) accompanied by a completed Form FPF-1 (Harvest Fee – Report of Purchase) as supplied by the Department.~~

- b) Any timber buyer purchasing timber from the federal government shall not be required to deduct the 4% harvest fee from the purchase price, report such purchases or make payment to the Department of an amount that equals 4% of the purchase price.

- c) Payments are to be made payable to the Department of Natural Resources and must be in the exact amount shown due on the Department provided fee reporting form~~accompanying Form FPF-1~~. When any payment is returned to the Department by the Office of the State Treasurer as non-negotiable, the person issuing the check or order will be given written demand delivered by certified mail for payment equal to the original amount by certified instrument, such as a cashier's check or money order, to the person's last known address. ~~Failure to pay~~

345 ~~the original amount within 30 days after such delivery shall result in the bond~~
346 ~~being forfeited to the Department.~~

347
348 d) Payments to the Department may be made on an individual sales or quarterly
349 basis. ~~A quarterly and individual sales report cannot be filed for the same quarter.~~
350 ~~Quarters are established by the calendar year and shall be for the periods of:~~
351 ~~January March, April June, July September, October December.~~

352
353 e) All timber transactions for which monies are due to the Department shall be
354 submitted no later than 30 days from the end of the quarter in which the timber
355 transaction occurred ~~by the last day of the month following the end of each~~
356 ~~quarter.~~

357
358 (Source: Amended at 48 Ill. Reg. _____, effective _____)

359
360 **Section 1535.15 Bonding Definitions (Repealed)**

361
362 a) ~~Bond means surety bond or other security in lieu thereof described in 225 ILCS~~
363 ~~735/4.~~

364
365 b) ~~Surety bond means an indemnity agreement in a sum certain payable to the~~
366 ~~Department, executed by the timber buyer as principal and that is supported by~~
367 ~~the guarantee of a corporation authorized to transact business as a surety in~~
368 ~~Illinois.~~

369
370 e) ~~Other security means an indemnity agreement in a sum certain executed by the~~
371 ~~timber buyer as principal that is supported by the deposit with the Department of~~
372 ~~one or more of the following:~~

373
374 1) ~~An irrevocable letter of credit of any bank organized or authorized to~~
375 ~~transact business in Illinois, payable only to the Department upon~~
376 ~~presentation;~~

377
378 2) ~~Certificates of deposit, drawn on a federally insured bank, made payable~~
379 ~~or assigned to the Department and placed in its possession.~~

380
381 (Source: Repealed at 48 Ill. Reg. _____, effective _____)

382
383 **Section 1535.16 Bonding Requirements (Repealed)**

384
385 a) ~~Surety Bond Requirements~~

386
387 1) ~~Bonds shall be signed by the timber buyer as principal, and by a good and~~

- 388 ~~sufficient corporate surety, authorized to transact business as a surety in~~
389 ~~Illinois.~~
390
391 2) ~~Each surety bond shall provide that the bond shall not be cancelled by the~~
392 ~~surety except after not less than 60 days notice to the Department. The~~
393 ~~notice shall be served upon the Department in writing by registered or~~
394 ~~certified mail to the Department's Springfield offices.~~
395
396 3) ~~Prior to the expiration of the 60 days notice of cancellation, the timber~~
397 ~~buyer shall deliver to the Department a replacement bond. If the bond is~~
398 ~~not delivered, all activities covered by the permit and bond shall cease at~~
399 ~~the expiration of the 60 day period.~~
400
401 b) ~~Other Securities Requirements~~
402
403 1) ~~Letters of credit shall be subject to the following conditions:~~
404
405 A) ~~The letter may only be issued by a bank organized or authorized to~~
406 ~~do business in the United States (issuing bank). If the issuing bank~~
407 ~~does not have an office for collection in Illinois, there shall be~~
408 ~~either a confirming bank designated that is authorized to accept,~~
409 ~~negotiate and pay the letter upon presentment in Illinois, or an~~
410 ~~Illinois registered agent designated by the issuing bank.~~
411
412 B) ~~Letters of credit shall be irrevocable during their terms. A letter of~~
413 ~~credit shall be forfeited and shall be collected by the Department if~~
414 ~~not replaced by other suitable bond or letter of credit at least 30~~
415 ~~days before its expiration date.~~
416
417 C) ~~The letter of credit shall provide on its face that the Department, its~~
418 ~~lawful assigns, or the attorneys for the Department or its assigns,~~
419 ~~may sue, waive notice and process, appear on behalf of, and~~
420 ~~confess judgment against the issuing bank (and any confirming~~
421 ~~bank) in the event that the letter of credit is dishonored. The letter~~
422 ~~of credit shall be deemed to be made in Sangamon County, Illinois,~~
423 ~~for the purpose of enforcement and any actions thereon shall be~~
424 ~~enforceable in the Courts of Illinois, and shall be construed under~~
425 ~~Illinois law.~~
426
427 2) ~~Certificates of deposit shall be subject to the following conditions:~~
428
429 A) ~~The Department shall require that certificates of deposit be made~~
430 ~~payable to or assigned to the Department both in writing and upon~~

431 ~~the records of the bank issuing the certificates. If assigned, the~~
432 ~~Department shall require the banks issuing these certificates to~~
433 ~~waive all rights of setoff or liens against those certificates.~~

434
435 B) ~~Any interest accruing on a certificate of deposit shall be for the~~
436 ~~benefit of the timber buyer.~~

437
438 C) ~~The certificate of deposit, if a negotiable instrument, shall be~~
439 ~~placed in the Department's possession. If the certificate of deposit~~
440 ~~is not a negotiable instrument, a withdrawal receipt, endorsed by~~
441 ~~the timber buyer, shall be placed in the Department's possession.~~

442
443 (Source: Repealed at 48 Ill. Reg. _____, effective _____)
444

445 **Section 1535.20 4% Harvest Fee Value Determination**

446
447 a) When a timber buyer buys timber in this State, the timber buyer and timber
448 grower shall determine the amount to be paid for such timber, or the value of
449 items to be bartered for such timber, and the timber buyer shall deduct from the
450 payment to the timber grower an amount which equals 4% of the purchase price
451 or 4% of the minimum fair market value, as determined pursuant to
452 administrative rule, when purchase price cannot otherwise be determined and
453 shall forward such amount to the Department of Natural Resources. [225 ILCS
454 735/9a(a)]

455
456 ba) The value of timber purchased shall be the gross amount received by the timber
457 grower~~owner~~ and paid by the timber buyer for any interests involved in the timber
458 purchase.

459
460 cb) When timber is purchased in whole or in part by barter, the fair market value of
461 the bartered item or service used as payment for stumpage~~timber~~ or logs to the
462 timber grower~~owner~~ shall be used in determining the harvest fee due the
463 Department of Natural Resources. Any payment made from any source shall
464 require a 4% harvest fee payment to the Department. The following formula shall
465 be used: Aggregate Value of Timber x 0.04 = 4% fee to be paid to the
466 Department.

467
468 de) If timber is cut from an owner's land without establishing the amount to be paid or
469 the bartered value of the stumpage~~timber~~ or logs, such timber or logs shall be
470 valued at stumpage~~have the value set at the point in the marketing system where~~
471 ~~ownership changes at the mill or primary processing plant.~~

472
473 1) ~~When harvested logs (used for lumber, cooperage, piling or veneer) are~~

474 ~~piled and sold but not delivered to the primary plant site by the timber~~
 475 ~~owner, a deduction of \$100 per thousand board feet or 50% of the~~
 476 ~~purchase price, whichever is less, may be taken from the purchase price~~
 477 ~~paid by the timber buyer prior to determining the 4% harvest fee. This~~
 478 ~~deduction is not available to persons in the business of timber buying or~~
 479 ~~acting as a timber buyer.~~

481 2) ~~When logs (used for lumber, cooperage, piling or veneer) are sold and~~
 482 ~~delivered to the primary plant site by the timber owner, a deduction of~~
 483 ~~\$125 per thousand board feet or 50% of the purchase price, whichever is~~
 484 ~~less, may be taken from the purchase price paid by the timber buyer prior~~
 485 ~~to determining the 4% harvest fee. This deduction is not available to~~
 486 ~~persons in the business of timber buying or acting as a timber buyer.~~

488 3) ~~For pulpwood purchased by weight and delivered to the mill by the timber~~
 489 ~~owner, 50% of the purchase price may be deducted prior to determining~~
 490 ~~the 4% harvest fee.~~

491 d) ~~Value determination methods at the mill site, other than for logs for lumber,~~
 492 ~~cooperage, piling, veneer, or pulpwood, shall be determined by the Department~~
 493 ~~on request. All requests must state in detail the nature of the product and method~~
 494 ~~of determining mill site value.~~

497 e) For timber cut on lands owned by a timber ~~grower~~ buyer or mill and used by that
 498 timber ~~grower~~ buyer or mill in its production process, value will be the minimum
 499 fair market ~~determined as a stumpage~~ value. The Illinois Timber Prices Survey,
 500 for the quarter when the timber was harvested, may be used as a guide for
 501 determining value. ~~("Illinois Timber Prices" survey published by the Illinois~~
 502 ~~Agricultural Statistics Service and the Illinois Department of Natural Resources.)~~

504 (Source: Amended at 48 Ill. Reg. _____, effective _____)

506 **Section 1535.25 Aggregate Value Determinations of Timber**

508 a) Primary determination of the aggregate value of timber shall be the total dollar
 509 value paid at the first point of sale or change of ownership ~~to a processing facility.~~

511 b) Secondary determination of the aggregate value of timber shall be calculated
 512 using the Doyle Log Rule, as published in the Forestry Handbook Second Edition
 513 (1984) edited for the Society of American Foresters by Karl F. Wenger and
 514 published by John Wiley and Sons, to determine volume. The highest dollar
 515 amount of the commercial timber for tree species had it been offered for sale on
 516 the open market will be used for the price. The "Illinois Timber Prices Survey"

517 ~~report issued by the Illinois Agricultural Statistics Service and the Illinois~~
518 ~~Department of Natural Resources,~~ for the time frame of the timber harvest, shall
519 be used to determine the commercial timber value.

520
521 (Source: Amended at 48 Ill. Reg. _____, effective _____)
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523 **Section 1535.50 Information**

524
525 Anyone wishing additional information concerning this Part, or a supply of [Department](#)
526 [approved form Form FPF-1](#), may contact the Department of Natural Resources at the following
527 address:

528
529 Department of Natural Resources
530 [Division of Forestry](#)~~Office of Law Enforcement~~
531 One Natural Resources Way
532 Springfield, IL 62702-1271
533 DNR.timber@illinois.gov
534

535 (Source: Amended at 48 Ill. Reg. _____, effective _____)
536

537 **Section 1535.60 Suspension or Revocation of Timber Buyer's LicensePenalty**

538
539 a) Any person violating the provisions of this Part shall, upon finding of guilt by a
540 court of law, be subject ~~to statutory penalties as prescribed by the Timber Buyers~~
541 ~~Licensing Act [225 ILCS 735] and~~ to revocation of license and suspension of
542 privileges, ~~as set out in the Timber Buyers Licensing Act.~~ Any person found to
543 not be in good standing shall have their timber buyer license and any timber
544 identification card issued to that person shall be cancelled by the Department
545 pursuant to Section 7 of the Act. [225 ILCS 735/7] Any person's timber buyer's
546 license or timber identification card may appeal such decision of the Department.

547
548 b) Any such revocation, suspension, or appeal of cancellation procedures shall be
549 governed by the Timber Buyers Licensing Act and by Department Revocation
550 Procedures (17 Ill. Adm. Code 2530). Any conflict between this Part and 17 Ill.
551 Adm. Code 2530, this Part shall control.

552
553 c) Those persons convicted of a violation of the Act or this Part, or those found to
554 not be in good standing shall be suspended from obtaining or renewing a timber
555 buyers license and any such license that has been issued at the time of the
556 suspension shall be revoked by the Department. The suspension and revocation
557 timeframes shall be as set in 17 Ill. Adm. Code 2530 for those convicted of a
558 violation of the Act.
559

560 d) For purposes of the Department cancelling a timber buyer license or timber
561 identification card pursuant to Section 7 of the Act due to an individual that owes
562 any amount pursuant to a civil judgment regarding the sale, cutting, or
563 transportation of timber [225 ILCS 735/2], such determination by the Department
564 must include a final judgement by a Court of the State of Illinois regarding the
565 sale, cutting, or transportation of timber and that there is any amount of money
566 still owed to an Illinois timber grower.

567
568 (Source: Amended at 48 Ill. Reg. _____, effective _____)