**Section 2500.90 Fees and Charges**

a) The Director shall charge and collect the payment of fees and charges pursuant to Section 408(1) and 500-35(d) of the Code.

b) If any person, company or business entity issues a check or other draft to the Director as required by the Code, and that check or draft is not honored, the Director may charge a fee or other charges as authorized by Section 3-806 of the Uniform Commercial Code [810 ILCS 5].

1) The Department will send a written demand by certified mail, return receipt requested, to the last known address of the person, company or business entity having issued the dishonored check or other draft.

2) Within 14 days following payment of both the Code fee and the Not Sufficient Funds (NSF) check fee, the Director may issue to the named person, company or business entity a license or other authority or may take regulatory action.

3) Any person, company or business entity who fails to satisfy the written demand may be subject to regulatory action.

c) The Director may charge the expenses incurred in any performance examination authorized by law to be paid by the company or person being examined pursuant to Section 408(3) of the Code.

d) An annual financial regulation fee shall be charged and collected from every domestic company for examination and analysis of its financial condition pursuant to Section 408(6) and (8) of the Code.

1) Every affiliate group that intends to utilize the maximum aggregate annual financial regulation fee charged to its domestic companies pursuant to Section 408(6)(c) of the Code must notify the Department of its intention, in writing to the attention of the Tax and Fiscal Section, by April 1 of the following year and must designate one domestic member of the group to be billed by the Director for the entire domestic affiliated group's financial regulation fee.

2) Only domestic group members can be included in aggregating the annual financial regulation fee pursuant to Section 408(6)(c); foreign or alien group members cannot be included.

e) An annual financial regulation fee shall be charged and collected from every foreign or alien company, except fraternal benefit societies, for the examination and analysis of its financial condition pursuant to Section 408(7) of the Code.

1) Every affiliate foreign or alien group that intends to utilize the maximum aggregate annual financial regulation fee charged to foreign or alien companies pursuant to Section 408(7) of the Code must notify the Department of its intention, in writing to the attention of the Tax and Fiscal Section, by April 1 of the following year and must designate one foreign or alien member of the group to be billed by the Director for the entire affiliated group's financial regulation fee.

2) Only foreign and alien group members can be included in aggregating the annual financial regulation fee under Section 408(7); domestic group members cannot be included.

3) For purposes of calculating the retaliatory tax under Section 2500.110(a)(1)(C), the foreign or alien affiliated group's aggregate annual financial regulation fee shall be allocated to the included individual group members proportionately based on the percentage of Illinois direct premiums earned by each included individual group member compared to the total Illinois direct premiums of all included group members.

(Source: Added at 44 Ill. Reg. 3419, effective February 24, 2020)